

# ***CORPORATIZATION AND PRIVATIZATION OF THE GOVERNMENT***





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It's An Illusion, John Harris

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Rev. 17:3-6.....	225
Rev. 18:4-8.....	43, 226
Rev. 19:19 .....	42, 51, 92, 226, 317
Romans 13:9-10 .....	220

"It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon."  
[*Boyd v. United States*, 116 U.S. 616, 635, 29 L.Ed. 746, (1886)]

"The idea prevails with some, indeed it has found expression in arguments at the bar, that we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to.. I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.. It will be an evil day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution."  
[*Downes v. Bidwell*, 182 U.S. 244 (1901)]

## 1 Introduction

Since 1909, there has been a concerted, systematic effort by members of the legal profession to transform what started out as a constitutional government into essentially a for-profit private corporate monopoly. That transformation is largely complete and has occurred in small steps that have largely been ignored and overlooked by the average American. The methods of transformation are not taught in any of the history books or even in law school curricular. The implications of this transformation are vast and far-reaching and affect every aspect of life as we know it today here in America. In fact, we allege that:

1. What most people call "government" is now nothing but a giant private corporate monopoly which violates the Sherman Antitrust Act.
  - 1.1. We call this corporate monopoly "CorpGov" within this document.
  - 1.2. All of its activities are perpetuated through "adhesion contracts" forced upon the populace by:
    - 1.2.1. Privatized enforcement agents in the private sector.
    - 1.2.2. A virtual monopoly in the services it offers
2. The original republican government which was created by the Constitution:
  - 2.1. Went bankrupt in 1933 when lawful money was outlawed.
  - 2.2. Is now effectively disestablished for all intents and purposes.
  - 2.3. Has been replaced with a legislative socialist democracy which is a political, corporate, and not geographic entity functioning entirely and only through your right to contract.
3. States of the Union mentioned in the Constitution have become private, for-profit federal corporations.
  - 3.1. This corporation is a "virtual state" within a geographical state and a political and legal body but not a territorial body.
  - 3.2. This corporation is founded on the constitutions enacted by states of the Union after the Civil War, in which the boundaries of the states were omitted.
  - 3.3. This corporation is called the "State of \_\_\_\_\_" rather than simply the name of the state.
  - 3.4. Those who are "citizens" or "residents" of this state are actually de facto officers of the corporation.
  - 3.5. The term "residence" really means a position of employment within this corporation, and not physical presence within a geographic entity. All "residents" are federal contractors rather than members of a body politic.
  - 3.6. The term "State" in most state law has been redefined to mean federal territory within the exterior borders of the state:

California Revenue and Taxation Code

6017. "In this State" or "in the State" means within the exterior [outside] limits of the [Sovereign] state of California and includes [only] all territory within these limits owned by or ceded to the United States

17018. "State" includes the District of Columbia, and the possessions of the United States.

4. All the services offered by the original government have been systematically replaced with STATUTORY “franchises”, all of which require a mandatory fee paid either directly or indirectly.
- 4.1. Only those who become “employees” or “officers” of the corporation can partake of any of the “benefits” of these franchises.
- 4.2. The definition of “employee” found in 5 U.S.C. §2105 confirms that all “employees” under 5 U.S.C. are in fact “public officers”.
5. What used to be CONSTITUTIONAL “citizens” and “residents” and “inhabitants” are all now synonymous with:
- 5.1. STATUTORY “employees” or “officers” of the “United States” federal corporation.
- 5.2. “customers” of the private, legislatively foreign, for-profit federal corporation.
- 5.3. Statutory artificial “persons” domiciled on federal territory not protected by the Constitution.
6. PRIVATE Human beings have been replaced with a PUBLIC “straw man”:
- 6.1. The “straw man” is a public office in the government.
- 6.2. The human being is a public officer and surety for the actions of the office he occupies, which is a government franchise.
- 6.3. The application for the benefit or franchise established a partnership between the U.S. Inc. federal corporation, which is a public office, and the human being filling the office. The only human beings subject to governmental civil law are those who consent to exercise agency on behalf of the government. Those people are mentioned in 26 U.S.C. §6671(b) and 26 U.S.C. §7343.
- 6.4. “Sui juris” status has been replaced with “pro per” and “pro se” because the human being has to “represent” the straw man and the public office that is his statutory interface to CorpGov.

*“Sui juris. Of his own right; **possessing full social and civil rights; not under any legal disability**, or the power of another, or guardianship. Having capacity to manage one’s own affairs; not under legal disability to act for one’s self.”*  
[Black’s Law Dictionary, Sixth Edition, p. 1434]

The existence of the “straw man” is exhaustively proven in:

[Proof That There Is a “Straw Man”, Form #05.042](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

7. Private rights, private property, and personal responsibility have been effectively outlawed, for all intents and purposes because:
- 7.1. All options for selecting one’s status on government forms include only statutory public entities and not private human beings. There are no nontaxpayer or private human being options on government forms, for instance.
- 7.2. De facto government FRAUD and propaganda cause financial institutions and private employers to unlawfully and criminally compel the use of government identifying numbers. All such numbers may only lawfully be used in connection with a public office in the U.S. government, and hence, everyone is compelled to occupy a public office and to surrender their private status.
- 7.3. All remedies for the protection of private rights and private property have been carefully hidden and/or eliminated entirely. For instance:
- 7.3.1. Common law remedies for the protection of private rights are actively interfered with and penalized by de facto franchise judges.
- 7.3.2. Constitutional courts have been replaced with legislative franchise courts.
- 7.3.3. Members of the legal profession are no longer taught about common law remedies, eliminating the ability of anyone to hire an attorney to implement them.
- 7.4. The filing of knowingly false information returns connecting otherwise private property and private rights to a public office in the U.S. government are encouraged by FRAUD and protected by de facto officers of the de facto government.
- 7.5. There is no method to have a government identifying number as a nontaxpayer or “non-resident non-person”. All numbers offered are only for “taxpayers”, which is why they are called “Taxpayer Identification Numbers”. IRS refuses to allow people to change the number to that of a nontaxpayer.
- 7.6. Enforcement penalties that may only lawfully be imposed upon statutory public officer franchisees called “taxpayers” are unlawfully applied to “nontaxpayers” who are private persons not subject to federal jurisdiction, making it impossible to survive as or be recognized as a private human being. See Form #05.010.

For a complete description of the illegal methods of destroying the PRIVATE and eliminating the separation between PUBLIC and PRIVATE, see:

[Separation Between Public and Private, Form #12.025](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

8. Those who refuse to become STATUTORY government “employees” or “officers” of the CorpGov or refuse to participate in government franchises:
- 8.1. Have no legal existence and no protection for any of their rights in any of CorpGov’s “franchise courts”.
  - 8.2. Become the illegal target of enforcement actions and are unlawfully terrorized and penalized by the high cost of litigation for insisting that their rights be protected and respected.
  - 8.3. Are unlawfully compelled to participate in the franchise by third party FALSE information returns connecting them to a public office in the corporation. See:  

*Correcting Erroneous Information Returns*, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>
  - 8.4. Are unlawfully compelled to participate in franchises by third party FALSE Currency Transaction Reports (CTRs) connecting them to a public office in the corporation. See:  

*Demand for Verified Evidence of “Trade or Business” Activity: Currency Transaction Report*, Form #04.008  
<http://sedm.org/Forms/FormIndex.htm>
  - 8.5. Are effectively punished by being deprived of a legal remedy in courts of justice. Most courts have security checkpoints that require government ID that connects you to franchises and Social Security Numbers in order to even enter the court building.
  - 8.6. Are effectively punished by being deprived of a means to conduct commerce where they live, because the government refuses to issue ID to either nonresidents or those without government identifying numbers. Financial institutions will not open accounts for those who don’t have government ID. See:  

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002, Section 13  
<http://sedm.org/Litigation/LitIndex.htm>
9. The court system has been replaced with “franchise courts” and what started out as Constitutional judges have now become franchise administrators serving in the Executive Branch of the government:
- 9.1. Judges are no longer impartial, because they participate in the franchises that they officiate over. This is a CRIME in violation of 18 U.S.C. §208 and a conflict of interest in violation of 28 U.S.C. §§144, and 455.
  - 9.2. Franchise administrators called “judges” routinely commit “judicial verbicide” to perpetuate the sham “public trust” they administer by abusing “words of art” and deliberate vagueness in their rulings. See the following tool which you can attach to your pleadings to prevent this sort of abuse:  

*Rules of Presumption and Statutory Interpretation*, Litigation Tool #01.006  
<http://sedm.org/Litigation/LitIndex.htm>
  - 9.3. The separation of powers between the judicial branch and other branches has been completely destroyed because constitutional judges are no longer necessary in a community comprised exclusively of “franchisees” in receipt of government privileges.
- For further details on the above, see:  

*What Happened to Justice?*, Form #06.012  
<http://sedm.org/Forms/FormIndex.htm>
10. What used to be called “money” is now just a corporate bond or promissory note backed by nothing and which can only be paid to or used by “officers of the corporation” called “public officers”. A “public officer” in law is, after all, someone who manages the property of the public and the corporate bond is considered property. See:  

*The Money Scam*, Form #05.041  
<http://sedm.org/Forms/FormIndex.htm>
11. The income tax system has become a compelled franchise:
- 11.1. Its main goal is to redistribute wealth according to public policy and political whim and to regulate the supply of fiat currency.
  - 11.2. It doesn’t pay for government services, but rather subsidizes political favors which benefit only those who patronize and subsidize CorpGov.
  - 11.3. It is implemented as a “public officer kickback program” in which officers of the corporation rebate a portion of their pay back to the mother corporation. See *Great IRS Hoax*, Form #11.302, Section 5.6.10.
  - 11.4. False information returns and government propaganda are used to compel people to participate in this franchise.
12. Banks, financial institutions, and private employers have become the main method to recruit people into public office within the mother de facto “state of” federal corporation:
- 12.1. This is called “privatized enforcement”. Others call it “corporate fascism”.
  - 12.2. The method of recruitment is the compelled use of Social Security Number and Taxpayer Identification Number in order to work, engage in commerce, or open an account. See:  

*About SSNs and TINs on Government Forms and Correspondence*, Form #05.012  
<http://sedm.org/Forms/FormIndex.htm>



12.3. These institutions refuse to recognize that businesses and individuals either are or can be statutory “non-resident non-persons” not engaged in the “trade or business” franchise who have no need for a number and no tax liability even though the law allows for it. See:

*Non-Resident Non-Person Position, Form #05.020*  
<http://sedm.org/Forms/FormIndex.htm>

12.4. The federal government has become a big “Kelley Girl” to sell your labor as an officer of Uncle to private employers. Everyone who signs an IRS Form W-4 works for the government instead of their private employer.

12.5. “Selective enforcement” by the IRS and Department of Justice is the main mechanism that keeps these institutions in fear and which causes them to continue to act as compelled employment (public officer) recruiters for the federal government. The failure and absolute refusal of the Department of Justice and the IRS to prosecute private employers or financial institutions who file false information returns or compel use of identifying numbers is what causes them to continue being compelled employment recruiters for the government as a method of risk avoidance.

13. The notion of equal protection which is the foundation of the United States Constitution has now been rendered largely irrelevant, because:

13.1. Equal protection does not constrain the administration of any franchise. By that we mean PRIVATE, non-resident, non-franchisees aren’t recognized or protected AT ALL.

13.2. All slaves on the federal plantation are, in fact “equal”, but they are still slaves of the government.

13.3. The government they allegedly “created” as “We the People” is no longer one of delegated powers, but a “parens patriae” and a pagan deity that is far more “equal” than any of the people it derives its alleged authority from.

For details, see:

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

14. The term “general welfare” found in the Constitution has been redefined by the U.S. Supreme Court in the 1930’s to imply the ability of the national government to offer and enforce national franchises and “benefits” within CONSTITUTIONAL states of the Union.

14.1. These cases are called the “switch in time” cases. See:

14.1.1. United States v. Butler, 297 U.S. 1, 56 S.Ct. 312 (1936).

14.1.2. Helvering v. Davis, 301 U.S. 619, 57 S.Ct. 904.

14.1.3. Chas. C. Steward Mach. Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883 (1937).

14.1.4. Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 (1936).

14.2. The franchise statutes (e.g. Social Security, etc) STILL reflect that such franchises can only be offered on federal territory to those DOMICILED on federal territory.

14.3. The geographical limitations of these statutes are being ILLEGALLY circumvented through the following methods:

14.3.1. Equivocation and deception, federal territory and constitutional states are made to appear equivalent by corrupt courts and judges with a criminal financial conflict of interest.

14.3.2. Financial coercion, people who sign up for these “benefits” in a constitutional state, are PRESUMED to consent and switch their effective domicile and choice of law to federal territory. This is IN SPITE of the fact that the Declaration of Independence says their rights are “INALIENABLE”, meaning INCAPABLE of being bargained away. The Declaration of Independence is ORGANIC law appearing in the first official act of Congress, and it is routinely being violated every time franchises are offered or enforced in a CONSTITUTIONAL state.

See the following document that proves these assertions:

*U.S.A. v. U.S.*, Richard Dwight Kegley, TJ Henderson, Edward Wahler, HKW Publishers  
<http://usofavus.com>

15. The legal profession has been turned into a franchise and become a subsidiary of CorpGov through licensing to practice law.

15.1. Attorney licensing is only intended to regulate attorneys who manage or protect PUBLIC property, but it is being abused to regulate the management of ALL property.

15.2. Attorneys with a law license have a financial conflict of interest in the case of anyone seeking to protect PRIVATE rights because their first allegiance is to the GOVERNMENT and not their CLIENT.

15.3. This ability to regulate the legal profession has become the main method by which attorneys who discover the truths documented herein are effectively “gagged” and discredited by pulling their license and rendering them poor and unable to practice law.

16. The distinction between the DE FACTO corporate government and the DE JURE CONSTITUTIONAL governments are being carefully concealed using the following techniques of deception:

16.1. Equivocation, in which the DE FACTO and DE JURE state are made indistinguishable.

1 16.2. Abuse of the words “includes” and “including” to extend the jurisdiction of the DE FACTO corporation into the  
2 DE JURE constitutional territory.

3 16.3. Confusion of geographical and citizenship terms to make the DE FACTO and DE JURE appear indistinguishable.

4 16.4. Hiding or removing definitions in the statutes that would clarify the distinction.

5 The above techniques are exhaustively described in:

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

6 Welcome to the matrix, Neo! That matrix is described in the following FASCINATING video:

*It's An Illusion*, John Harris  
<https://youtu.be/spf4d6pG7ek>

7 If you would like to see graphically how the above occurred, read the following succinct article:

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

8 Understanding how these transformations occurred is important to the historian and also provides a valuable tool  
9 for the freedom fighter in defending his or her PRIVATE rights in court. We will provide all the evidence we  
10 have found here in order to help those who want to effectively use these materials in court.

## 11 **2 Corporation Franchises are the main method of transforming a Free Society into a Collectivist** 12 **Society**

13 The heart of every kind of corrupt, fascist, or totalitarian governmental system is collectivism. Here is the definition of  
14 collectivism:

15 *“Collectivism: a political or economic theory advocating collective control [e.g. OWNERSHIP] esp. over*  
16 *production and distribution or a system marked by such control.”*  
17 *[Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 259]*  
18

19 *“Collectivism is any philosophic, political, religious, economic, or social outlook that emphasizes the*  
20 *interdependence of every human. Collectivism is a basic cultural element that exists as the reverse of*  
21 *individualism in human nature (in the same way high context culture exists as the reverse of low context culture).*  
22 *Collectivist orientations stress the importance of cohesion within social groups (such as an “in-group”, in what*  
23 *specific context it is defined) and in some cases, the priority of group goals over individual goals. Collectivists*  
24 *often focus on community, society, nation or country. It has been used as an element in many different and diverse*  
25 *types of government and political, economic and educational philosophies throughout history and most human*  
26 *societies in practice contain elements of both individualism and collectivism. Some examples of collectivist*  
27 *cultures include Pakistan, India and Japan.*

28 *Collectivism can be divided into horizontal (or egalitarian) collectivism and vertical (or hierarchical)*  
29 *collectivism. Horizontal collectivism stresses collective decision-making among equal individuals, and is thus*  
30 *usually based on decentralization and egalitarianism. Vertical collectivism is based on hierarchical structures of*  
31 *power and on moral and cultural conformity, and is therefore based on centralization and hierarchy. A*  
32 *cooperative enterprise would be an example of horizontal collectivism, whereas a military hierarchy would be*  
33 *an example of vertical collectivism.<sup>[1]</sup>*  
34 *[Wikipedia: Collectivism, Downloaded 8/21/2014; SOURCE: <http://en.wikipedia.org/wiki/Collectivism>]*

35 Communism, socialism, and fascism are merely types of collectivist governments. This is powerfully illustrated  
36 in the following video:

*Fatima: The Path To Peace Conference - The Financial Enslavement of the West*, G. Edward Griffin  
<https://www.youtube.com/watch?v=Q-uCUjurKOW>

37 All collectivist governments presume that:

1. All property is either owned or at least controlled by the state. Control is synonymous with ownership, because the essence of ownership is the right to exclude. That right to exclude BEGINS with the right to exclude GOVERNMENT from using or benefitting from the use of the property.

*Property. That which is peculiar or proper to any person; that which **belongs exclusively to one**. In the strict legal sense, **an aggregate of rights which are guaranteed and protected by the government**. *Fulton Light, Heat & Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone else from interfering with it. [Black's Law Dictionary, Fifth Edition, p. 1095]*

2. There is no PRIVATE property. PRIVATE property is property whose ownership is ABSOLUTE rather than QUALIFIED, and which is not shared with any government.

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

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

Ownership of property is either absolute or qualified. The ownership of property is absolute when a single person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general laws. The ownership is qualified when it is shared with one or more persons, when the time of enjoyment is deferred or limited, or when the use is restricted. Calif. Civil Code, §§678-680.  
[Black's Law Dictionary, Sixth Edition, p. 1106]

3. People are NOT INDEPENDENT in their control over their rights or property. Instead, they are DEPENDENT. The above definition of collectivism is deceptive because rather than INTERDEPENDENT, they really mean GOVERNMENT DEPENDENT. That dependence or interdependence is created by connecting the title or ownership of said property with a public office in the government. All such offices are created through the abuse of franchises, as you will learn later. The change in title to ownership is done through the abuse of government identifying numbers such as SSNs, TINs, and EINs, which are government property that transmute ownership of otherwise PRIVATE property to PUBLIC property.

"Collectivism is any philosophic, political, religious, economic, or social outlook that emphasizes the interdependence of every human. Collectivism is a basic cultural element that exists as the reverse of individualism in human nature (in the same way high context culture exists as the reverse of low context culture)."  
[Wikipedia: Collectivism, Downloaded 8/21/2014; SOURCE: <http://en.wikipedia.org/wiki/Collectivism>]

The foundation of freedom is INDIVIDUALISM and EQUALITY between the governed and the governors. COLLECTIVISM destroys freedom by destroying EQUALITY and making the government SUPERIOR to and an OWNER of those governed. All COLLECTIVIST systems are implemented by destroying EQUALITY and converting all PRIVATE property into PUBLIC property whose ownership and use depends on the EXPRESS CONSENT or PERMISSION of the government. We prove this in:

Foundations of Freedom, Video 1: Introduction, Form #12.021  
<http://sedm.org/Forms/FormIndex.htm>

The method of implementing collectivism in an otherwise free society is therefore to:

1. Make government into corporation franchises. Franchises are the main method of introducing DEPENDENCE into an otherwise free society. For details on franchises, see:

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

The original American Colonists, in fact, broke away from England in part because the English King was abusing franchises to license Pastors to preach, and thus to stifle their biblical opposition to the King. Those who refused to get "licenses" to preach had their churches burned down!

Pastor Garret Lear at the Boston Tea Party, 2008

<https://www.youtube.com/watch?v=mTjIEouy86I>

2. Confuse CONSTITUTIONAL citizens with STATUTORY citizens by:

2.1. Presuming that CONSTITUTIONAL and STATUTORY citizens and residents are equivalent, even though they are not.

2.2. Presuming that "United States" in the Constitution and "United States" in statutes are equivalent, even though they are not.

2.3. Presuming that NATIONALITY and DOMICILE are equivalent, even though they are not.

For details on how this is done, see:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006

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

3. Convert all PRIVATE property to PUBLIC property and undermine the protection of PRIVATE property by:

3.1. Eliminating constitutional courts and replacing them with franchise courts.

3.2. Creating criminal financial conflicts of interest in court decision makers so they will always benefit the government at the expense of the citizen.

3.3. Illegally compelling the use of government identifying numbers in connection with all property transactions. This causes all property to transmute from PRIVATE to PUBLIC and clouds the title to the property so that it appears to be held by a public officer instead of a private human. See:

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

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

3.4. Offering or enforcing NATIONAL franchises within states of the Union or outside of the federal territory and federal domiciliaries that they are limited to. This results in a destruction of the [separation of powers](#).

3.5. Enforcing franchises, such as a "[trade or business](#)" without requiring explicit written consent in some form, such as the issuance and voluntary signing of an application for a license.

3.6. [Forcing non-franchisees into franchise courts against their consent](#). This is a violation of the Fifth Amendment takings clause and the prohibition against eminent domain.

3.7. Refusing to satisfy the burden of proof upon government opponents in a franchise court that the owner of the property subject to the dispute VOLUNTARILY donated it to a public use, public purpose, and public office. In other words, that all property is PRIVATE until it is **proven on the record with evidence** that the owner EXPRESSLY AND VOLUNTARILY DONATED it to PUBLIC use and thereby made it subject to government jurisdiction.

3.8. Abusing sovereign immunity to protect franchise administrators such as the IRS from [illegal enforcement of the franchise against non-franchisees](#). All franchises are PRIVATE rather than GOVERNMENTAL in nature and governments who offer them drop down to the level of ordinary persons when they offer them.

3.9. Refusing to provide a way to quit franchises or hiding forms for doing so.

3.10. PRESUMING or pretending like there is no such thing as a non-franchisee or non-taxpayer or that EVERYONE is a statutory "taxpayer". This compels people to contract with the government and interferes with their First Amendment right to legally and politically associate. See [Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008](#).

3.11. Attorney licensing, which destroys the integrity of the legal profession in its role as a check and balance when the government or especially the judiciary becomes corrupt as it is now.

3.12. Abuse of the federal income tax system, which is a franchise and an excise, to bribe states of the Union to give up their sovereignty, act like federal "States" and territories, and accept what amounts to federal bribes to disrespect the rights or those under their care and protection.

State Income Taxes, Form #05.031

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

3.13. Refusing to recognize or protect PRIVATE property or PRIVATE rights, the essence of which is the RIGHT TO EXCLUDE anyone and everyone from using or benefitting from the use of the property.

3.14. PRESUMING that "a government OF THE PEOPLE, BY THE PEOPLE, and FOR THE PEOPLE" is a government in which everyone is a [public officer](#).

3.15. Refusing to recognize or allow constitutional remedies and instead substituting STATUTORY remedies available only to [public officers](#).

3.16. Interfering with introduction of evidence that the court or forum is ONLY allowed to hear disputes involving [public officers in the government](#).

3.17. PRESUMING or ASSUMING that the ownership of the property subject to dispute is QUALIFIED rather than ABSOLUTE and that the party the ownership is shared with is the government.

- 3.18. Allowing government "benefit" recipients to be decision makers in cases involving PRIVATE rights. This is a denial of a republican form of government, which is founded on impartial decision makers. See [Sinking Fund Cases, 99 U.S. 700 \(1878\)](#).
- 3.19. Interfering with or sanctioning litigants who insist on discussing the laws that have been violated in the courtroom or prohibiting jurists from reading the laws in question or accessing the law library in the courthouse while serving as jurists. This transforms a society of law into a society of men and allows the judge to substitute HIS will in place of what the law expressly requires.
- 3.20. Interfering with ways to change or correct your citizenship or statutory status in government records. That "status" is the "res" to which all franchise rights attach, usually ILLEGALLY.
- 3.21. Illegally and unconstitutionally invoking the Declaratory Judgments Act or the Anti-Injunction Act as an excuse to NOT protect PRIVATE rights from government interference in the case of EXCLUSIVELY PRIVATE [people who are NOT statutory "taxpayers"](#). See [Flawed Tax Arguments to Avoid, Form #08.004, Sections 6.10 and 6.11](#).
- 3.22. Convert a commodity-based money system such as gold or silver into a fiat paper currency system. Inflate the money supply to drive up prices so high that the average citizen has to do deep into debt and use a government identifying number to qualify for the debt.
- 3.23. Make banks and financial institutions essentially into government employment recruiters by forcing new applicants for accounts or services to provide or use government identifying numbers and be subject to reporting to the government.
4. Make all CONSTITUTIONAL "citizens" and "residents" into STATUTORY "citizens" and "residents" into public offices in the national government. Those public offices, in turn, are "officers of a corporation" because the government itself is a corporation. This is done usually by judicial fiat in courtrooms across America and it is a form of CRIMINAL IDENTITY THEFT. The U.S. Supreme Court said this was illegal:

*"But if the plain dictates of our senses be relied on, what state of facts have we exhibited here? 898\*898 **Making a person, makes a case**; and thus, a government which cannot exercise jurisdiction unless an alien or citizen of another State be a party, makes a party which is neither alien nor citizen, and then claims jurisdiction because it has made a case. **If this be true, why not make every citizen a corporation sole, and thus bring them all into the Courts of the United States quo minus? Nay, it is still worse, for there is not only an evasion of the constitution implied in this doctrine, but a positive power to violate it. Suppose every individual of this corporation were citizens of Ohio, or, as applicable to the other case, were citizens of Georgia, the United States could not give any one of them, individually, the right to sue a citizen of the same State in the Courts of the United States; then, on what principle could that right be communicated to them in a body? But the question is equally unanswerable, if any single member of the corporation is of the same State with the defendant, as has been repeatedly adjudged.**"*  
[Osborn v. Bank of U.S. , 22 U.S. 738 (1824); SOURCE: <http://scholar.google...760256043512250>]

It may also interest the reader to note that the infamous "Babylon the Great Harlot" found in the Bible book of Revelation specifically defines this HARLOT essentially as a corporation:

*"Come, I will show you the judgment of the great harlot who sits on many waters, with whom the kings of the earth committed fornication, and the inhabitants of the earth were made drunk with the wine of her fornication."*  
[Rev. 17:1-2, Bible, NKJV]

*"The waters which you saw, where the harlot sits, are peoples, multitudes, nations, and tongues."*  
[Rev. 17:15, Bible, NKJV]

These people are "fornicating" with the "beast". The "beast" is defined as the government or civil rulers and "fornication" is legally defined as "commerce". The commerce is government franchises!

*"And I saw **the beast, the kings of the earth**, and their armies, gathered together to make war against Him who sat on the horse and against His army."*  
[Rev. 19:19, Bible, NKJV]

*"**Commerce**. ...**Intercourse** by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it is carried on..."*  
[Black's Law Dictionary, Sixth Edition, p. 269]

The above group of people is further described in the following scripture:



1           *"My son, if sinners [socialists, in this case] entice you,*  
2           *Do not consent [do not abuse your power of choice]*  
3           *If they say, "Come with us,*  
4           *Let us lie in wait to shed blood [of innocent "nontaxpayers"];*  
5           *Let us lurk secretly for the innocent without cause;*  
6           *Let us swallow them alive like Sheol,*  
7           *And whole, like those who go down to the Pit:*  
8           *We shall fill our houses with spoil [plunder];*  
9           *Cast in your lot among us,*  
10           *Let us all have one purse [share the stolen LOOT]"--*

11           *My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government*  
12           *FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a*  
13           *"U.S. citizen".*  
14           *Keep your foot from their path;*  
15           *For their feet run to evil,*  
16           *And they make haste to shed blood.*  
17           *Surely, in vain the net is spread*  
18           *In the sight of any bird;*  
19           *But they lie in wait for their own blood.*  
20           *They lurk secretly for their own lives.*  
21           *So are the ways of everyone who is greedy for gain [or unearned government benefits];*  
22           *It takes away the life of its owners."*  
23           *[Proverbs 1:10-19, Bible, NKJV]*

24       The Bible also says Christians must come out of Babylon, meaning break every tie, contract, and commercial  
25       relationship with any and every government.

26           *"And I heard another voice from heaven saying, "Come out of her, my people, lest you share in her sins, and*  
27           *lest you receive of her plagues. For her sins have reached to heaven, and God has remembered her*  
28           *iniquities.* *Render to her just as she rendered to you, and repay her double according to her works; in the cup*  
29           *which she has mixed, mix double for her. In the measure that she glorified herself and lived luxuriously, in the*  
30           *same measure give her torment and sorrow; for she says in her heart, 'I sit as queen, and am no widow, and will*  
31           *not see sorrow.' Therefore her plagues will come in one day—death and mourning and famine. And she will be*  
32           *utterly burned with fire, for strong is the Lord God who judges her."*  
33           *[Rev. 18:4-8, Bible, NKJV]*

34       The phrase above "Render to her just as she rendered to you, and repay her double according to her works" means  
35       Christians should:

- 36       1. Use the corrupt de facto government's own words and laws against them.  
37       2. Use franchises to create and enforce your superiority over them instead of the other way around. See Form #05.030 on  
38       how to do this.  
39       3. Use anti-franchises to fight their franchises. See Form #06.027 as an example of how to do this.

40       The above is exactly what this ministry does, which is why what we do counts as a "religious practice". The  
41       phrase "repay her double" refers back to Exodus 22:7, which says that when a thief is found and convicted, which  
42       in this case is the collectivist government, they shall pay DOUBLE what they STOLE in restitution:

43           *"If a man delivers to his neighbor money or articles to keep, and it is stolen out of the man's house, if the thief is*  
44           *found, he shall pay double."*  
45           *[Exodus 22:7, Bible, NKJV]*

46       God also said indirectly that leaving Babylon and the collectivist governments that implement it was His main  
47       mission and should be the main mission of Christians. This mission and how to do it is the basis for the story of  
48       Moses and the Israelites, leaving Egypt/Babylon in fact:

49           *"Is this not the fast [act of faith, worship, and OBEDIENCE] that I [God] have chosen [for believers]:*  
50           *To loose the [legal] bonds of wickedness,*  
51           *To undo the heavy burdens,*  
52           *To let the oppressed go free,*  
53           *And that you break every yoke [franchise, contract, tie, dependency, or "benefit" with the government]?"*  
54           *[Isaiah 58:6, Bible, NKJV]*

"The Spirit of the Lord God is upon Me,  
Because the Lord has anointed Me  
To preach good tidings to the poor;  
He has sent Me to heal the brokenhearted,  
To proclaim liberty to the [government] captives  
And the opening of the prison to those who are bound;  
To proclaim the acceptable year of the Lord,  
And the day of vengeance of our God;"  
[Isaiah 61:1-2, Bible, NKJV]

An important purpose of this ministry is to restore PRIVATE property and INDIVIDUALISM and FREEDOM to America by opposing all the above. Opposing the above, in fact, is within our SEDM Mission Statement on the [SEDM About Us Page](#), Section 2 of our website. This document primarily describes the techniques in items 3 and 4 above. For more details on collectivism, see:

1. Collectivism and How to Resist It, Form #12.024  
<http://sedm.org/Forms/FormIndex.htm>
2. Individualism and Collectivism Playlist, SEDM  
<https://www.youtube.com/playlist?list=PLin1scINPTOv7LqXZcynfvZezBZEKnryc>
3. Communism and Socialism Topic, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Communism/Communism.htm>

### **3 Corporate Feudalism has replaced the English Monarchy We Fought a War to Abandon<sup>1</sup>**

"Commercial Feudalism" describes the evil predicament we find ourselves in now. It's very simple. We have allowed corporations to act as kings, and they are now doing what kings do to subjects. They are doing this in the name of profits instead of bloodlines, but it is the same system and has the same results as it did in the Dark Ages.

#### **Think:**

Under the auspices of the United Nations, National leaders get together and make more agreements for us. A new treaty or trade agreement---or so they call it. Every time I hear about this, a grim and evil wave of sarcasm washes over me: as if we hadn't had more than enough treaties already? . . .As if any of them were ever honored?

The words of crooks are never worth the paper they are printed on, not two hundred years ago, not now, not ever. It's all deceit:

<p><u>Legal Deception, Propaganda, and Fraud</u>, Form #05.014 <a href="https://sedm.org/Forms/FormIndex.htm">https://sedm.org/Forms/FormIndex.htm</a></p>
--

And calling it a "treaty" doesn't make it one. In case you forgot, actual sovereign governments make treaties. Corporations do not.

Now ask yourselves what does "national leader" mean?

It turns out that all these "national leaders" are representing corporations--- not nations of people and not countries. They are deciding the future of CANADA (INC.) and CHINA (INC.), for example, not Canada and China--- but they sanctimoniously and willingly pretend that they have been granted delegated authority to make decisions for the people and the sovereign governments---when in fact they do not. In fact, it is a universal law of contract that you must expressly consent to join a group and delegate authority to its leader to contract on your behalf before any such agreement can be binding on you personally. On this basis alone, the Constitution doesn't bind anyone, as freedom attorney and founder of libertarianism Lysander Spooner proves in the following:

<sup>1</sup> Adapted from: Commercial Feudalism, Anna Von Reitz; SOURCE: <http://www.paulstramer.net/2017/12/commercial-feudalism.html>.

No Treason: The Constitution of No Authority, Lysander Spooner  
<https://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NoTreason.htm>

Picture the situation: you have a committee of Robber Barons all getting together with the Pirate King and foisting off their activities as the lawful process of actual sovereign governments --- and the victims are too dumbed down and complacent to realize that they are being cheated out of everything by these corporate suits and charlatans. Here's a description of this Pirate King:

Pirates and Emperors  
<http://famguardian1.org/Mirror/SEDM/LibertyU/PiratesAndEmperors.mp4>

The UNITED STATES (INC.) is not our government, and neither is the USA (INC.) and neither is THE UNITED STATES OF AMERICA (INC.) and neither is THE UNITED STATES GOVERNMENT (INC.) and so on and on. Look these fictitious corporations up in Dunn and Bradstreet yourself! Our actual government is not and has never been and can never be incorporated. Period. See section 5 later.

So how can this be happening?

Pretend that you are an alien from outer space and you are confused. You look around and you see all these huge American corporations so you assume that they represent America, right? Kinda like the alien fellow in the video below:

Government Explained, Larken Rose  
<https://youtu.be/EUS1m5MSt9k>

In a sense, they do, but in the sense of being our rightful government, they do not. Therein lies the rub. Every real "government" is a combination of a body politic and a body corporate, and the body politic and body corporate cannot overlap and must be separate.

*Both before and after the time when the Dictionary Act and § 1983 were passed, the phrase "bodies politic and corporate" was understood to include the [governments of the] States. See, e.g., J. Bouvier, 1 A Law Dictionary Adapted to the Constitution and Laws of the United States of America 185 (11th ed. 1866); W. Shumaker & G. Longsdorf, Cyclopedic Dictionary of Law 104 (1901); Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 447, 1 L.Ed. 440 (1793) (Iredell, J.); id., at 468 (Cushing, J.); Cotton v. United States, 52 U.S. (11 How.) 229, 231, 13 L.Ed. 675 (1851) ("Every sovereign State is of necessity a body politic, or artificial person"); Poindexter v. Greenhow, 114 U.S. 270, 288, 5 S.Ct. 903, 29 L.Ed. 185 (1885); McPherson v. Blacker, 146 U.S. 1, 24, 13 S.Ct. 3, 6, 36 L.Ed. 869 (1892); Heim v. McCall, 239 U.S. 175, 188, 36 S.Ct. 78, 82, 60 L.Ed. 206 (1915). See also United States v. Maurice, 2 Brock. 96, 109, 26 F.Cas. 1211 (CC Va.1823) (Marshall, C.J.) ("The United States is a government, and, consequently, a body politic and corporate"); Van Brocklin v. Tennessee, 117 U.S. 151, 154, 6 S.Ct. 670, 672, 29 L.Ed. 845 (1886) (same). Indeed, the very legislators who passed § 1 referred to States in these terms. See, e.g., Cong. Globe, 42d Cong., 1st Sess., 661-662 (1871) (Sen. Vickers) ("What is a State? Is \*79 it not a body politic and corporate?"); id., at 696 (Sen. Edmunds) ("A State is a corporation").*

[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

The foundation of the separation between the body corporate and the body politic is, in fact, the separation between public and private described in the presentation below. If there is no private property, there can be no separation, in which case there is no TRUE de jure government:

Separation Between Public and Private, Form #12.025  
<https://sedm.org/Forms/FormIndex.htm>

Today's feudal corporate fiefdoms are only body corporates because the body politic has been assimilated into the body corporate. Everyone is on the government payroll FULL TIME receiving public "benefits" as corporate officers who must obey their "employment agreement", which is the civil statutory code as described in:

In a REAL “government” there is absolute separation between the body corporate and the body politic, and that separation only overlaps when citizens serve as jurists and voters and at NO OTHER TIME. If it overlaps more than this, such as by employing franchises such as public offices, then such jurists and voters must recuse themselves because they will have a criminal conflict of interest in violation of 18 U.S.C. §208 and they will violate due process if they rule as a juror in that capacity because of such conflict of interest. Here’s the proof:

*UNITED STATES v. GRIFFITH et al.*, 55 App.D.C. 123, 2 F.2d. 925 (1924)  
(Court of Appeals of District of Columbia.  
Submitted October 9, 1924.  
Decided December 1, 1924.)  
No. 4114.

***1. Grand jury —Employee to whom government is paying disability compensation held “employee” of government, disqualified as juror.***

*Government employee, to whom government is paying disability compensation under Act Sept. 7, 1916 (Comp. St. §§ S932a—S932uu), held “employee” of the government, within rule disqualifying such employees from acting as jurors.*

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Employé.]

***2. Grand jury—United States government employee not qualified to serve as member of grand jury in District of Columbia.***

*An employee of United States is not qualified to serve as member of grand jury in District of Columbia, notwithstanding Code, §§ 215, 217.*

***3. Criminal law —Disqualification of grand juror may be raised by plea in abatement.***

*An accused may present objections to member of grand jury, who was disqualified as employee of United States government, by plea in abatement.*

*Appeal from Supreme Court of District of Columbia.*

*Ward W. Griffith and others were indicted for conspiracy. From a judgment sustaining a plea in abatement and quashing indictment, the United States appeals. Affirmed.*

*Peyton Gordon, of Washington, D. C., for appellant.*

*Leon Tobriner, B. U. Graham, and J. L. Smith, all of Washington, D. C., for appellees.*

*Before MARTIN, Chief Justice, ROBB, Associate Justice, and SMITH, Judge of the United States Court of Customs Appeals.*

*MARTIN, Chief Justice. In this case the United States appeals from a judgment of the Supreme Court of the District of Columbia, sustaining a plea in abatement and quashing an indictment, upon the ground that one of the members of the grand jury which returned the indictment was disqualified by law.*

*The indictment in question was returned on March 9, 1921. It charged the defendants therein, now the appellees, with a conspiracy in restraint of trade and commerce in coal in the District of Columbia. On May 16, 1921, the defendants filed a plea in abatement, alleging and contending that one George H. Van Kirk had served as a member of the grand jury in the finding of the indictment, whereas at that time he was a paid employee of the United States, and consequently was not competent or qualified to act as a grand juror in the case. The defendants averred that they had not learned of these facts until four days before the filing of the plea, and that they thereupon presented it as speedily as could be. The government filed a replication denying these allegations, and issue was joined, whereupon the court sustained the plea, quashed the indictment, and discharged the defendants. From that order the government has appealed.*

*It appears without dispute that for some years prior to July 28, 1920, the grand juror in question was a resident of the District of Columbia, and was employed at an annual salary as a stenographer, typist, and clerk in the War Department of the United States; that on the day named, because of disabilities, he filed with the United States*

Employees' Compensation Commission an application for disability compensation, under the act of Congress entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916 (39 Statutes at Large, 742, c. 458 [Comp. St. §§ 8932a - 8932uu]); that on October 22, 1920, the commission awarded him disability compensation at the rate of \$66.67 per month, being a rate based upon the salary which he was receiving at the time of his disability; and that he was carried at that rate upon the United States employees' disability rolls at and during the time of his service as grand juror in this case.

[1.] The act aforesaid provides that the United States shall pay compensation for the disability of an employee resulting from a personal injury sustained while in the performance of duty; that the amount thereof shall be adjusted by the commission according to the monthly pay of the employee; that the commission may, from time to time, require a partially disabled employee to report the wages he is then receiving, and if he refuses to seek suitable work, or refuses or neglects to work after suitable work is offered to him, he shall not be entitled to any compensation; that the commission may determine whether the wage-earning capacity of the disabled employee has decreased on account of old age, irrespective of the injury, and may reduce his disability compensation accordingly; and that at any time, upon its own motion or on an application the commission may review the award, and in accordance with the facts found by it, may end, diminish, or increase the compensation previously awarded.

It thus appears that at the time in question the government was paying the juror a monthly stipend as employee's compensation, reserving the authority to control his conduct in certain particulars, and with power to increase, diminish, or terminate the compensation at discretion. In our opinion that relationship, whatever be the technical name which may most narrowly describe it, did in effect constitute the juror an employee of the United States within the sense in which that term is here used.

[2] The next question is whether an employee of the government is disqualified under the law to serve as a juror in the District of Columbia. The following sections of the District Code relate to this question, to wit:

"Sec. 215. Qualifications. - No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, over twenty-one and under sixty-five years of age, able to read and write and to understand the English language, and a good and lawful man, who has never been convicted of a felony or a misdemeanor involving moral turpitude."

"Sec. 217. All executive and judicial officers, salaried officers of the government of the United States and of the District of Columbia and those connected with the police or fire departments, counselors and attorneys at law in actual practice, ministers of the gospel and clergymen of every denomination, practicing physicians and surgeons, keepers of hospitals, asylums, alms-houses, or other charitable institutions created by or under the laws relating to the District, captains and masters and other persons employed on vessels navigating the waters of the District shall be exempt from jury duty, and their names shall not be placed on the jury lists."

In *Crawford v. United States*, 212 U.S. 183, 195, 29 S.Ct. 260, 267 (53 L.Ed. 465, 15 Ann.Cas. 392) an accused had been convicted of a crime in the District of Columbia by a petit jury one member of which was at the time a United States postal employee. The accused had challenged the juror for that cause, but the challenge was overruled upon the ground that sections 215 and 217, *supra*, did not include such relationship within the list of disqualifications. The Supreme Court however held that under the common law of the District independently of those enactments, "one is not a competent juror on a case if he is master, servant, steward, counsellor or attorney of either party." Accordingly the conviction was reversed. The following extract is taken from the opinion in that case, written by Mr. Justice Peckham:

"We do not think that section 215 of the Code of the District includes the whole subject of the qualifications of jurors in that District. If that section, together with section 217, were alone to be considered, it might be that the juror was qualified. But, by the common law, a further qualification exists. If that law remains in force in this regard in this District a different decision is called for from that made in this case. The common law in force in Maryland, February 27, 1801, remains in force here, except as the same may be inconsistent with or replaced by some provision of the Code for the District, Code, § 1, c. 1, p. 5. It has not been contended that the common law upon the subject of jurors was not in force in Maryland at the above-named date, or that it did not remain in force here, at least up to the time of the passage of the Code. Jurors must at least have the qualifications mentioned in section 215, but that section does not, in our opinion, so far alter the common law upon the subject as to exclude its rule that one is not a competent juror in a case if he is master, servant, steward, counsellor or attorney of either party. In such case a juror may be challenged for principal cause as an absolute disqualification of the juror. 3 Blackstone (Cooley's 4th Ed.) p. 363; Block v. State, 100 Indiana, 357, 362. \* \* \* This rule applies as well to criminal as to civil cases."

The foregoing decision is authority for the conclusion that a United States employee is not qualified to serve as a member of the petit jury in the trial of a criminal case in the District of Columbia, and that a challenge seasonably made by the accused upon that ground should be sustained. See also, *Miller v. United States*, 38 App. D.C. 36.



[3] The question next arises whether such an employee is likewise disqualified from serving as a grand juror in the District, and whether an accused may present his objections to such a juror by a plea in abatement. In answer to this we may say that in general the term "juror" is held to include alike both petit and grand jurors, and that objections to the qualifications of grand jurors, under circumstances such as these may be made by a plea in abatement. *Spencer v. United States*, 169 F. 562 565, 95 C. C. A. 60; *Williams v. United States* (C. C. A.), 275 F. 129, 131; *Clawson v. United States*, 114 U.S. 477, 483, 5 S.Ct. 919, 29 L.Ed. 179; *Agnew v. United States*, 165 U.S. 35, 44, 17 S.Ct. 235, 41 L.Ed. 624; *Crowley v. United States*, 194 U.S. 461, 24 S.Ct. 731, 48 L.Ed. 1075.

In *Clawson v. United States*, *supra*, a case arising in the then territory of Utah, the Supreme Court considered section 5 of the Act of Congress of March 22, 1882, 22 Stat. 30 (Comp. St. § 1265), which provides "that in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman, \* \* \* that he believes it right for a man to have more than one living and undivorced wife at the same time." It was held that the terms "juryman or talesman" included both grand and petit jurors. The following extract is taken from the opinion by Mr. Justice Blatchford in that case:

"It is also urged that § 5 does not apply to grand jurors. The language is, 'any person drawn or summoned as a juryman or talesman'—'any person appearing or offered as a juror or talesman.' In view of the fact that by section 4 of the Act of June 23, 1874, both grand jurors and petit jurors are to be drawn from the box containing the two hundred names, and are to be summoned under venire, and are to constitute the regular grand and petit juries for the term, and of the further fact that the persons to be challenged and excluded are persons not likely to find indictments for the offenses named in section 5, we cannot doubt that the words 'juryman' and 'juror' include a grand juror as well as a petit juror. There is as much ground for holding that it includes the former alone, as the latter alone, if it is to include but one. It must, include one at least, and we think it includes both. The purpose and reason of the section include the grand juror; and there is nothing in the language repugnant to such view. The use of the words 'drawn or summoned as a juryman or talesman,' and of the words 'appearing or offered as a juror or talesman,' does not have the effect of confining the meaning of 'juror' to 'petit juror,' on the view that the ordinary meaning of 'talesman' refers to a petit juror. A grand juror is a juryman and a juror, and is drawn and summoned, and it might well have been thought wisest to mention a 'tales-man' specifically, lest the words 'juryman' and 'juror' might be supposed not to include him."

It may be noted that sections 198, 199, 203, 204, 215, 216, and 217 of the District Code, providing for the drawing and selection of "jurors" all apply alike to grand and petit jurors. In *Crowley v. United States*, *supra*, it was held by the Supreme Court that an objection by plea in abatement, before the arraignment of the accused, to an indictment on the ground that some of the grand jurors were disqualified by law, was in due time, and was made in a proper way, and also that the disqualification of a grand juror prescribed by statute is a matter of substance, which cannot be regarded as a mere defect or imperfection, within the meaning of section 1025, Rev. Stat. (Comp. St. § 1691). The latter statement likewise applies to a disqualification like this under the common law.

In our opinion, therefore, the trial court rightly sustained the plea in abatement, and its judgment is affirmed.

[*United States v. Griffith et al.*, 55 App.D.C. 123, 2 F.2d. 925 (1924)]

In a feudal system there is a King who extracts labor and money from his subjects to run the kingdom. In the realm of commercial or corporate feudalism, the parent corporation extracts money and labor from its franchisees to run the operation and pay all the taxes needed to subsidize Uncle's perks. There is no practical difference.

Corporations force their workers to become the MAIN source of income tax revenue by forcing them to fill out a W-4. They have turned the right to support yourself into a government privilege so they could deflect their portion of the "fair share" that supports all the subsidies and perks they receive from the government. They essentially forced all their workers to become "Kelly Girl" temps leased out from Uncle Sam using the W-4 so they don't have to manage or fund their retirement directly. At that point, they become merely farm animals leased from Uncle's plantation called "human resources". What's wrong with calling them merely "men or women" or PEOPLE? That's too dignified for farm animals.

The various Presidents and CEOs are elected instead of inheriting their office, but so what? Once in office they act as kings and queens: name their nobles as senior vice-presidents, secretaries of this and that, district managers, and partners, establish corporate "policies" as laws, form alliances with some companies, declare "war" on others, and most importantly for this discussion --- tax, traffic, obligate, and parasitize their employees to gain their objectives.

This may somewhat be condoned as it applies to actual employees, as the actual employees have knowingly and voluntarily agreed to exchange their rights for benefits and have sold their time on Earth for a price---but what

1 about the serfs? ---people who don't get a paycheck from the corporation and who are simply bullied into giving  
2 time and money to the corporation as a result of racketeering and extortion by bands of paid thugs? They are  
3 "employees" and officers of the public corporation without even knowing it, in most cases. The SSN and the TIN  
4 is their franchise license number and "employee" number, in fact. The Federal Trade Commission calls these a  
5 "franchise mark":

6 *"A franchise entails the right to operate a business that is "identified or associated with the franchisor's*  
7 *trademark, or to offer, sell, or distribute goods, services, or commodities that are identified or associated with*  
8 *the franchisor's trademark." The term "trademark" is intended to be read broadly to cover not only trademarks,*  
9 *but any service mark, trade name, or other advertising or commercial symbol. This is generally referred to as the*  
10 *"trademark" or "mark" element.*

11 *The franchisor [the government] need not own the mark itself, but at the very least must have the right to*  
12 *license the use of the mark to others. Indeed, the right to use the franchisor's mark in the operation of the*  
13 *business - either by selling goods or performing services identified with the mark or by using the mark, in*  
14 *whole or in part, in the business' name - is an integral part of franchising. In fact, a supplier can avoid Rule*  
15 *coverage of a particular distribution arrangement by expressly prohibiting the distributor from using its mark."*  
16 *[FTC Franchise Rule Compliance Guide, May 2008;*  
17 *SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]*

18 IRS Agents or Inquisitors. Flip a coin. It's the same system. It functions in exactly the same way.

19 The same unbridled, lawless, uncontrolled lusts for power and money that drove the feudal European Monarchies  
20 have been carried forward globally by corporations today, to create their own form of feudalism.

21 And we, the people and actual governments that allegedly charter these organizations as our delegated agents are  
22 being enslaved, just as the serfs were enslaved--- only worse. The servant has become the master and taken over  
23 the house and sent its master out to live in the barn with the animals.

24 The most abused serfs in Europe during the Middle Ages gave up 25% of the value of their labor and time to the  
25 King. Today, it is not uncommon for people to be taxed over 60% of their labor and time to support various levels  
26 and layers of incorporated government--- and the perpetrators who benefit from this system tell us that this is  
27 "voluntary" while they put their boots to our throats, press-gang us into military service, steal our identities and  
28 traffic our children as industrial products of sweat labor contracts. Here's an example of the deceitful hype they  
29 use to sell such as system:

*The Jones Plantation*, Larken Rose  
<http://youtu.be/vb8Rj5xkDPk>

30 They have even gone so far as to proclaim that we have no private rights at all. And no ability to absolutely own  
31 private property. And that we are incompetent. In effect, all constitutional rights have been replaced by statutory  
32 privileges incident to franchises where the choice of law has been shifted to federal territory to take you away  
33 from the protections of the Constitution. This is just as the U.S. Supreme Court predicted:

34 *"I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this*  
35 *court, a radical and mischievous change in our system of government will result. We will, in that event, pass*  
36 *from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative*  
37 *absolutism..*

38 [..]

39 *"The idea prevails with some, indeed it has found expression in arguments at the bar, that **we have in this country***  
40 *substantially two national governments; one to be maintained under the Constitution, with all of its*  
41 *restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising*  
42 *such powers [of absolutism] as other nations of the earth are accustomed to..*

43 [..]

1 *It will be an evil day for American liberty if the theory of a government outside the supreme law of the land*  
2 *finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full*  
3 *authority to prevent all violation of the principles of the Constitution.*  
4 [Downes v. Bidwell, 182 U.S. 244 (1901), Justice Harlan, Dissenting]

5 Behind our backs, they call us “livestock” and treat us as such--- all while taking their sustenance from our pockets  
6 and reducing the quality of our lives for their own enrichment.

*How to Leave the Government Farm*, Form #12.020  
<https://www.youtube.com/watch?v=Mp1gJ3iF2Ik>

7 By any rational standard, these people are criminals. Al Capone would blush.

8 But hey, if you are content to be a mindless serf in a feudal system, the modern corporations are well on their way  
9 to creating a seamless program of indoctrination and “life-cycle harvesting” ---their exact words--- designed to  
10 make false commercial claims against you and your natural assets from the moment of your conception.

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

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

18 *Then, at the first sign of resistance or word of complaint, one is repressed, fined, despised, vexed, pursued,*  
19 *hustled, beaten up, garroted, imprisoned, shot, machine-gunned, judged, sentenced, deported, sacrificed, sold,*  
20 *betrayed, and to cap it all, ridiculed, mocked, outraged, and dishonored. That is government, that is its justice*  
21 *and its morality! . . . O human personality! How can it be that you have cowered in such subjection for sixty*  
22 *centuries?”*  
23 [Pierre-Joseph Proudhon (born A. D. 1809 - died A. D. 1865)]

24 Let’s give you just one simple and old (circa 1700) example of this organized criminality and the reason they want  
25 to kill billions of people now.

26 Once they have glommed onto your Given Name and created a franchise and public office for themselves named  
27 after you, they issue bonds based on the estimated value of your lifetime labor and estate. They deposit these  
28 bonds with the Depository Trust Corporation which then issues the credit to the perpetrators. At the same time,  
29 they take out million dollar life insurance policies on their new chattel. They in effect have created as “straw  
30 man” public office using compelled W-4 withholding and have made it and the human behind it into involuntary  
31 surety for it and all public debt. If you aren’t smart enough to know the W-4 form is the WRONG withholding  
32 form for a PRIVATE man or woman and that most information returns such as the W-2 are FALSE then a cage  
33 is reserved for you on the government plantation. Lower life forms must live in government cages because they  
34 are incapable of functioning on their own or governing their own lives. The cage is a legal one called a franchise.

35 This whole government farm scheme using corporate feudalism to recruit the farm animals is criminal “human  
36 trafficking”. In Supreme Court parlance, this it is called “peonage” and it’s a CRIME under 18 U.S.C. §1581 and  
37 42 U.S.C. §1994:

38 *“The constitutionality and scope of sections 1990 and 5526 present the first questions for our consideration.*  
39 *They prohibit peonage. What is peonage? It may be defined as a state or condition of compulsory service,*  
40 *based upon the indebtedness of the peon to the master. The basal fact is indebtedness. As said by Judge*  
41 *Benedict, delivering the opinion in Jaremillo v. Romero, 1 N.Mex. 190, 194: ‘One fact existed universally; all*  
42 *were indebted to their masters. This was the cord by which they seemed bound to their masters’ service.’ Upon*  
43 *this is based a condition of compulsory service. Peonage is sometimes classified as voluntary or involuntary,*  
44 *but this implies simply a difference in the mode of origin, but not in the character of the servitude. The one*  
45 *exists where the debtor voluntarily contracts to enter the service of his creditor. The other is forced upon the*  
46 *debtor by some provision of law. But peonage, however created, is compulsory service, involuntary servitude.*  
47 *The peon can release himself therefrom, it is true, by the payment of the debt, but otherwise the service is*

1 *enforced. A clear distinction exists between peonage and the voluntary performance of labor or rendering of*  
2 *services in payment of a debt. In the latter case the debtor, though contracting to pay his indebtedness by labor*  
3 *or service, and subject like any other contractor to an action for damages for breach of that contract, can elect*  
4 *at any time to break it, and no law or force compels performance or continuance of the service.”*  
5 *[Clyatt v. U.S., 197 U.S. 207 (1905)]*

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

16 See the schtick now? They just pledged your lifetime earnings and the value of whatever assets you might own to  
17 investors ---and got paid for selling an interest in “YOU”--- and then they turned around and set up a life insurance  
18 policy on “YOU”. See:

*The Money that is Sold Abroad is You*, Stefan Molyneux  
<http://www.youtube.com/watch?v=Cd-SLRyuRq0>

19 Talk about a safe bet, no? When you die, they are guaranteed to make back the bond amount plus a tidy profit.  
20 And if you die sooner, they turn their profit sooner. That’s why the emphasis on infanticide and baby killing.

21 Not only that, if they kill their Priority Creditors they don’t have to pay back what they already owe to them, get  
22 to claim all the “abandoned” assets left behind by the victims of whatever economic Holocaust they unleash, and,  
23 they get to charge all their expenses off onto the survivors – as payment owed for the service of killing everyone.  
24 In political terms, this is called “socializing the risk and privatizing the reward”.

25 Of course, according to them, there is always some noble purpose involved in this filthy business, and just as  
26 predictably, there never is. Instead, they are at war with the God and His law, just as the book of Revelation  
27 describes them:

28 *“And I saw **the beast, the kings of the earth**, and their armies, gathered together to make war against Him who*  
29 *sat on the horse and against His army.”*  
30 *[Rev. 19:19, Bible, NKJV]*

31 Now the criminals responsible for these vile practices and evil circumstances are throwing fits and making threats,  
32 as their plans have failed and all their aims have gone astray. They are going to destroy the world, they brag, as  
33 if this were something notable and good---or even anything different from all that they’ve ever done. They have  
34 created a dastardly Matrix to entrap everyone, which is described below:

*The REAL Matrix*, Stefan Molyneux, Form #12.017  
<http://www.youtube.com/watch?v=P772Eb63qIY&>

35 The U.S. Supreme Court calls this Matrix a “springe” in Green v. Brennan, 136 S.Ct. 1769 (2016). The Bible  
36 predicted this Matrix as follows:

37 *‘For among My [God’s] people are found wicked [covetous public servant] men; **They lie in wait as one who***  
38 ***sets snares; They set a trap; They catch men.** As a cage is full of birds, **So their houses are full of deceit.***  
39 *Therefore they have become great and grown rich. They have grown fat, they are sleek; Yes, they surpass the*  
40 *deeds of the wicked; They do not plead the cause, The cause of the fatherless [or the innocent, widows, **or the***  
41 ***nontaxpayer**]; Yet they prosper, And the right of the needy they do not defend. **Shall I not punish them for these***  
42 ***things?’ says the Lord. ‘Shall I not avenge Myself on such a nation as this?’***

1 *"An astonishing and horrible thing Has been committed in the land: The prophets prophesy falsely, And the*  
2 *priests [judges in franchise courts that worship government as a pagan deity] rule by their own power; And*  
3 *My people love to have it so. But what will you do in the end?"*  
4 *[Jer. 5:26-31, Bible, NKJV]*

5 No matter what they say, the horrors of Corporate Feudalism will not be allowed: the Lion of Judah stands in their  
6 way and the Kingdom of Heaven has come, so they must flee like empty shadows and soon they will be gone.  
7 The emissaries of Jesus are here to flip over the tables of the money changers set up in civic temple is Washington,  
8 D.C., just as their boss did 2,000 years ago. The "D.C." in "Washington, D.C." has become what Mark Twain  
9 called "the District of Criminals".

10 As long as the animals on the government plantation are kept legally ignorant and distracted with sin, gadgets,  
11 video games, pornography, television, sports, and what the Romans called "the bread and circus", then they will  
12 never be able to rattle or leave their cage.

Look Up

<https://www.youtube.com/watch?v=Z7dLU6fk9QY>

13 The barbarians and cannibals running the government caused Rome to fall and burn while the natives were  
14 preoccupied with "their daily bread and circus". See:

The Fall of Rome and Modern Parallels (OFFSITE LINK)- Lawrence Reed, Foundation for Economic Education

- [FEE version](#)  
<https://www.youtube.com/watch?v=FPFIH6eGqsg>
- [Article](#)  
[http://www.fee.org/the\\_freeman/detail/the-fall-of-rome-and-modern-parallels/](http://www.fee.org/the_freeman/detail/the-fall-of-rome-and-modern-parallels/)
- [Stefan Molyneux version](#)  
<https://www.youtube.com/watch?v=K0zacaIard0>
- [The Truth About the Fall of Rome](#)  
[https://www.youtube.com/watch?v=qh7rdCYCQ\\_U](https://www.youtube.com/watch?v=qh7rdCYCQ_U)

15 The ONLY way off the plantation and out of the Matrix is personal responsibility, education, discipline, to repent  
16 and abandon sin, and to LEARN THE LAW! Are you up to the task? There is no better place to take up that task  
17 than on our website.

18 *The Narrow Way*

19 *"Enter by the narrow gate; for wide is the gate and broad is the way that leads to destruction, and there are many*  
20 *who go in by it. Because narrow is the gate and difficult is the way which leads to life, and there are few who*  
21 *find it."*  
22 *[Matt. 7:13-14, Bible, NKJV]*

#### 23 **4 Being a federal corporation is the ONLY way provided in federal statutes to transition from** 24 **being legislatively "foreign" to "domestic"**

25 The definitions found within the Internal Revenue Code and the rules of statutory construction betray the fact that  
26 the only way to be "domestic" in relation to the national government is to be national corporation registered in the  
27 District of Columbia.

28 *26 U.S. Code § 7701 - Definitions*

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

31 *(3) Corporation*



The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) Domestic

The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

(5) Foreign

The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

The rules of statutory construction forbid extending the statutory term defined above to include anything OTHER than that defined above, including PRIVATE human beings. Therefore, the ONLY thing "domestic" are national corporations. All human beings are therefore FOREIGN for legislative purposes.

**"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)]

**"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]

Everything that is either NOT a corporation or NOT registered in the District of Columbia as a national corporation is therefore legislatively "foreign" for the purpose of the Internal Revenue Code. This is also consistent with the fact that "income" is defined in the Internal Revenue Code and by the U.S. Supreme Court as profit in connection with a federal corporation or business trust.

"The Sixteenth Amendment declares that Congress shall have power to levy and collect taxes on income, 'from [271 U.S. 174] whatever source derived,' without apportionment among the several states and without regard to any census or enumeration. It was not the purpose or effect of that amendment to bring any new subject within the taxing power. Congress already had power to tax all incomes. But taxes on incomes from some sources had been held to be 'direct taxes' within the meaning of the constitutional requirement as to apportionment. Art. I, § 2, cl. 3, § 9, cl. 4; *Pollock v. Farmers' Loan & Trust Co.*, 158 U.S. 601. The Amendment relieved from that requirement, and obliterated the distinction in that respect between taxes on income that are direct taxes and those that are not, and so put on the same basis all incomes 'from whatever source derived.' *Brushaber v. Union P. R. Co.*, 240 U.S. 1, 17. **"Income" has been taken to mean the same thing as used in the Corporation Excise Tax Act of 1909, in the Sixteenth Amendment, and in the various revenue acts subsequently passed. *Southern Pacific Co. v. Lowe*, 247 U.S. 330, 335; *Merchants' L. & T. Co. v. Smietanka*, 255 U.S. 509, 219. After full consideration, this Court declared that income may be defined as gain derived from capital, from labor, or from both combined, including profit gained through sale or conversion of capital. *Stratton's Independence v. Howbert*, 231 U.S. 399, 415; *Doyle v. Mitchell Brothers Co.*, 247 U.S. 179, 185; *Eisner v. Macomber*, 252 U.S. 189, 207. And that definition has been adhered to and applied repeatedly. See, e.g., *Merchants' L. & T. Co. v. Smietanka*, supra; 518; *Goodrich v. Edwards*, 255 U.S. 527, 535; *United States v. Phellis*, 257 U.S. 156, 169; *Miles v. Safe Deposit Co.*, 259 U.S. 247, 252-253; *United States v. Supplee-Biddle Co.*, 265 U.S. 189, 194; *Irwin v. Gavitt*, 268 U.S. 161, 167; *Edwards v. Cuba Railroad*, 268 U.S. 628, 633. In determining what constitutes income, substance rather than form is to be given controlling weight. *Eisner v. Macomber*, supra, 206. [271 U.S. 175]" [*Bowers v. Kerbaugh-Empire Co.*, 271 U.S. 170, 174, (1926)]**

1                   § 643. Definitions applicable to subparts A, B, C, and D

2                   (b) **Income**

3                   For purposes of this subpart and subparts B, C, and D, **the term “income”, when not preceded by the words**  
4                   **“taxable”, “distributable net”, “undistributed net”, or “gross”, means the amount of income of the estate or**  
5                   **trust for the taxable year determined under the terms of the governing instrument and applicable local law.**  
6                   Items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting  
7                   in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable  
8                   local law shall not be considered income.

9                   That “trust” described above in turn is ONLY a PUBLIC trust, meaning the “United States corporation”. The  
10                  definition of “person” within the Internal Revenue Code confirm this:

11                  TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671  
12                  § 6671. Rules for application of assessable penalties

13                  (b) Person defined

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

17  
18                  TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > Sec. 7343.  
19                  Sec. 7343. - Definition of term “person”

20                  The term “**person**” as used in this chapter [Chapter 75] includes an officer or employee of a corporation [U.S.  
21                  Inc.], or a member or employee of a partnership, who as such officer, employee, or member is under a duty to  
22                  perform the act in respect of which the violation occurs

23                  The PRIVILEGE of exercising the “functions of a public office” is the PRIVILEGE being taxed. That “privilege”  
24                  is legally defined in 26 U.S.C. §7701(a)(26) as a “trade or business”:

25                  “As repeatedly pointed out by this court, the Corporation Tax Law of 1909..imposed an excise or privilege tax,  
26                  and not in any sense, a tax upon property or upon income merely as income. It was enacted in view of the  
27                  decision of Pollock v. Farmer’s Loan & T. Co., 157 U.S. 429, 29 L.Ed. 759, 15 Sup.St.Rep. 673, 158 U.S. 601, 39  
28                  L.Ed. 1108, 15 Sup.Ct.Rep. 912, which held the income tax provisions of a previous law to be unconstitutional  
29                  because amounting in effect to a direct tax upon property within the meaning of the Constitution, and because  
30                  not apportioned in the manner required by that instrument.”  
31                  [U.S. v. Whiteridge, 231 U.S. 144, 34 S.Sup. Ct. 24 (1913)]

32                  Congress can only tax or regulate what it creates, and it didn’t create you. Corporations and offices within the  
33                  government in fact are the only legal “persons” they can lawfully create and therefore tax. This is explained in:

34                  Hierarchy of Sovereignty: The Power to Create Is The Power To Tax, Family Guardian Fellowship  
35                  <http://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

36                  Everything the government DIDN’T create is therefore PRIVATE and legislatively FOREIGN. The U.S.  
37                  Supreme Court confirmed that the tax is upon AGENCY as a PUBLIC OFFICE in the national government when  
38                  they held that the tax can lawfully extend ONLY where the government itself extends, but no further.

39                  “Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original  
40                  record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a  
41                  direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. It was insisted that Congress could  
42                  act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature  
43                  for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might  
44                  be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could  
45                  not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and  
46                  excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the  
47                  United States [described in the Constitution]. It was held that the grant of this power was a general one without  
48                  limitation as to place, and consequently extended to all places over which the government extends; and that it

1 extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2, declares  
2 that 'representatives and direct taxes shall be apportioned among the several states . . . according to their  
3 respective numbers' furnished a standard by which taxes were apportioned, but not to exempt any part of the  
4 country from their operation. 'The words used do not mean that direct taxes shall be imposed on states only which  
5 are represented, or shall be apportioned to representatives; but that direct taxation, in its application to states,  
6 shall be apportioned to numbers.' That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the  
7 census, was applicable to the District of Columbia, 'and will enable Congress to apportion on it its just and equal  
8 share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is  
9 within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was  
10 further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when  
11 resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to  
12 all the states. They therefore may, without violence, be understood to give a rule when the territories shall be  
13 taxed, without imposing the necessity of taxing them.'"  
14 [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

15 The phrase "extended to all places over which the government extends" means where the OFFICES and therefore  
16 STATUTORY "persons" of the government extend. Those offices, as indicated above, can be exercised  
17 ANYWHERE, but Congress MUST EXPRESSLY authorize their exercise in a SPECIFIC geographic place and  
18 cause those exercising it to take an oath, as required by 4 U.S.C. §72 and 5 U.S.C. §3331 respectively. Those  
19 offices, in turn, are "officers of a corporation" because the government itself is a corporation as held by the U.S.  
20 Supreme Court:

21 "*Corporations are also of all grades, and made for varied objects; all governments are corporations, created by*  
22 *usage and common consent, or grants and charters which create a body politic for prescribed purposes; but*  
23 *whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of*  
24 *power, they are all governed by the same rules of law, as to the construction and the obligation of the*  
25 *instrument by which the incorporation is made. One universal rule of law protects persons and property.* It is  
26 a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all  
27 persons,' ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2 Inst.  
28 4), and is incorporated into our institutions. The persons of corporations are on the same footing  
29 of protection as other persons, and their corporate property secured by the same laws which protect that of  
30 individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law, is a  
31 principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal  
32 government, by the amendments to the constitution."  
33 [Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, [36 U.S. 420](#) (1837)]  
34

35 TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
36 [PART VI - PARTICULAR PROCEEDINGS](#)  
37 [CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)  
38 [SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)  
39 [Sec. 3002. Definitions](#)

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

## 44 **5 The Founding Fathers rejected the idea of a government that is a corporate franchise<sup>2</sup>**

45 As already explained, the Framers enumerated the power "To coin Money" among the "legislative" powers of  
46 Congress because that power originally had been part of the English King's "executive" prerogative.<sup>3</sup> So, too,  
47 had been the power of incorporation. As Blackstone wrote, because "[t]he king \* \* \* the fountain of honour, of  
48 office, and of privilege", "the king has \* \* \* the prerogative of conferring privileges on private persons", including  
49 "the prerogative of erecting corporations; whereby a number of private persons are united and knit together, and  
50 enjoy many liberties, powers, and immunities in their political capacity which they were utterly incapable of in  
51 their natural".<sup>4</sup> Further, "the king's consent is absolutely necessary to the erection of any corporation, either  
52 impliedly or expressly given".

<sup>2</sup> Adapted from Pieces of Eight, by Edwin Viera, Second Edition, Copyright 2002, Sheridan Books, Inc., Fredericksburg, Virginia, pp. 261 through 265.

<sup>3</sup> See ante, at 118.

<sup>4</sup> 1 W. Blackstone, Commentaries, ante note 172, at 271, 272-73.

1           *The methods by which the king's consent is expressly given, are either by act of parliament or charter. By act of*  
2           *parliament, of which the royal assent is a necessary ingredient, corporations may undoubtedly be created: but it*  
3           *is observable, that most of these statutes, which are usually cited as having created corporations, do either*  
4           *confirm such as have been created by the king \* \* \* or, they permit the king to erect a corporation in future \* \**  
5           *\* as is the case of the bank of England \* \* \*. So the immediate creative act is usually performed by the king*  
6           *alone, in virtue of his royal prerogative.*<sup>5</sup>

7       Blackstone noted that “[t]he parliament \* \* \* by its absolute and transcendent authority, may perform this [i.e., an  
8       act of incorporation] \* \* \* and actually did perform it to a great extent” in the cases of “hospitals and houses of  
9       correction founded by charitable persons” and “in other cases of charitable foundations. But otherwise it has not  
10      formerly been usual thus to entrench upon the prerogative of the crown, and the king may prevent it when he  
11      pleases.”<sup>6</sup> Thus, the power to incorporate under English law was not, or at least not exclusively, “legislative”  
12      power. For, even when a corporate charter found its genesis in an actual Act of Parliament, as with any other  
13      statute it nevertheless needed the “royal assent [as] a necessary ingredient”.<sup>7</sup>

14      Therefore, had the Framers desired to include a power to incorporate among the “legislative” powers of Congress  
15      under Article I of the Constitution, they would have had to exclude that power by implication from the “executive”  
16      powers of the President in Article II by explicitly enumerating it in Article I, just as they did with the power “To  
17      coin Money”. Moreover, they would also have had explicitly to prohibit any exercise of that power by the  
18      President—because, under the historic English law, even if a corporation received its charter by Act of Parliament,  
19      “the king may prevent it when he pleases”. That is, if Congress received the power to incorporate only by an  
20      implied grant under the Necessary and Proper Clause,<sup>8</sup> as the Supreme Court later held in *McCulloch v.*  
21      *Maryland*,<sup>9</sup> then arguably the President retained an implied negative power over legislative incorporations in his  
22      general “executive Power”<sup>10</sup>—a power of disallowance going beyond his normal power to veto other kinds of  
23      legislation.

24      After Colonies’ Declaration of Independence from Britain, no power of incorporation appeared in the Articles of  
25      Confederation. Notwithstanding that, Congress incorporated the Bank of North America. In *McCulloch*,  
26      however, Chief Justice Marshall recognized that, “[u]nder the confederation, Congress, justifying the measure by  
27      its necessity, transcended perhaps its powers to obtain the advantage of a bank”.<sup>11</sup> In the States, the power was  
28      apparently often deemed “legislative”, rather than “executive” (although on what ground, given the antecedent  
29      English law, is unclear).<sup>12</sup> But, even had the power somehow been transformed into a purely “legislative” one  
30      there, it had not automatically and sub silentio pass to Congress on ratification of the Constitution, because Article  
31      I states that only “[a]ll legislative Powers herein granted shall be vested in \* \* \* Congress”,<sup>13</sup> not all conceivable  
32      “legislative Powers”. And the power to incorporate nowhere appears in *haec verba* in the Constitution.

33      Conceivably, the absence of an enumerated Congressional power to incorporate stemmed from the notion that,  
34      because the power of incorporation as exercised by the King had been a power of dispensing with the common  
35      law in favor of corporators, and because an implied “dispensing” power in the “executive Power” was inconsistent  
36      with the President’s duty to “take Care that the Laws be faithfully executed”,<sup>14</sup> the power to incorporate need not

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<sup>5</sup> Id. At 472, 473 (footnotes omitted).

<sup>6</sup> Id. At 474.

<sup>7</sup> See id. At 184-185.

<sup>8</sup> U.S. Const. art. I, §8, cl. 18.

<sup>9</sup> 17 U.S. 94 (Wheat.) 316 (1819), discussed post, at 339-51, 375-76.

<sup>10</sup> U.S. Const. art II, §1, cl. 1.

<sup>11</sup> 7 U.S. (4 Wheat.) at 423 (dictum).

<sup>12</sup> See 1 W. Crosskey, *Politics and the Constitution*, ante note 96, at 436-37.

<sup>13</sup> U.S. Const. art. I, §1 (emphasis supplied).

<sup>14</sup> U.S. Const. art. II, §3.

1 have been enumerated.<sup>15</sup> This argument, however, is doubly defective. First, at most of it contends only (but does  
2 not, of course, prove) that the President's implied "executive Power" to incorporate was negated. It does not even  
3 assert, however, that the President's implied "executive Power" to prevent incorporation was extinguished. For  
4 the power to prevent incorporation could in some cases be seen as a power "faithfully [to] executive] ]" the  
5 "Laws"- for instance, where Congress attempted to create a corporation with monopoly powers, in violation of  
6 the Constitution's limitation on grants and monopolies.

7 Second, this argument overlooks how, in the Federal Convention, the Framers actually considered, but rejected, a  
8 Congressional power of incorporation. The power was proposed in two forms: "To grant charters of incorporation  
9 in cases where the public good may require them, and the authority of a single State may be incompetent", and  
10 simply "To grant charters of incorporation",<sup>16</sup> Working on the Committee of Style's proposed draft of the  
11 Constitution, which included no such power:

12 *Doc. Franklin moved to add after the words "post roads" Art. I, Section 8. "a power to provide for cutting canals*  
13 *where deemed necessary"*

14 *Mr Wilson [seconded] the motion.*

15 *Mr Sherman objected. The expence in such cases will fall on the U. States, and the benefit accrue to the places*  
16 *where the canals may be cut.*

17 *Mr Wilson. Instead of being an expence to the U.S. they may be made a source of revenue.*

18 *Mr Madison suggested an enlargement of the motion into a power "to grant charters of incorporation where the*  
19 *interest of the U.S. might require & the legislative provisions of individual States may be incompetent." His*  
20 *primary object was however to secure an easy communication between the States which the free intercourse now*  
21 *to be opened, seemed to call for. The political obstacles being removed, a removal of the natural ones as far as*  
22 *possible ought to follow. Mr Randolph [seconded] the proposition.*

23 *Mr King thought the power unnecessary.*

24 *Mr. Wilson. It is necessary to prevent a State from obstructing the general welfare.*

25 *Mr. King. The States will be prejudiced and divided into parties by it. In Philad[elphia] & New York, It will be*  
26 *referred to the establishment of a Bank, which has been a subject of contention in those Cities. In other places,*  
27 *it will be referred to mercantile monopolies.*

28 *Mr. Wilson mentioned the importance of facilitating by canals, the communication with the Western Settlements.*  
29 *As to Banks he did not think with Mr. King that the Power in that point of view would excite the prejudices &*  
30 *parties apprehended. As to mercantile monopolies they are already included in the power to regulate trade.*

31 *Col: Mason was for limiting the power to the single case of Canals. He was afraid of monopolies of every sort,*  
32 *which he did not think were by any means already implied by the Constitution as supposed by Mr. Wilson.*

33 *The motions being so modified as to admit a distinct question specifying & limited to the case of canals, N[ew]*  
34 *H[ampshire] no. Mas[sachusetts] no. C[onnecticut] no. N[ew] J[ersey] no. P[ennsylvania] ay. Del[aware]*  
35 *no. M[aryland] no. V[irginia] ay. N[orth] C[arolina] no. S[outh] C[arolina] no. Geo[rgia] ay.*

36 *The other part fell of course, as including the power rejected.<sup>17</sup>*

37 Interestingly in this debate, neither James Wilson (a proponent of a Congressional power of incorporation) nor  
38 anyone else said that a general power of incorporation, or a specific power to incorporate a bank, was already  
39 included, explicitly or by implication, in some other power the Constitution granted. Quite the contrary: Rufus  
40 King opposed adding a power of incorporation precisely because "[i]t will be referred to the establishment of a

<sup>15</sup> See 1 W. Crosskey, Politics and the Constitution, ante note 96, at 437.

<sup>16</sup> See 2 The Records of the Federal Convention, ante note 128, at 321, 322, 325.

<sup>17</sup> Documents illustrative, ante note 191, at 724-25. See Debates on the Adoption of the Federal Convention, ante note 191, at 543-44; 2 The records of the Federal Convention, ante note 128, at 515-16.



Bank” and to “mercantile monopolies”. Wilson replied that “the power in that point of view”—that is, the power granted under James Madison’s motion as applied specifically to banks—“would excite the prejudices & parties apprehended”. So, Wilson apparently believed that a new power, not already included in the Constitution, was necessary for incorporation “in that point of view”. George Mason denied that the power to create “mercantile monopolies” other than banks was implied, as Wilson argued, in the power “to regulate trade”. And even Wilson’s position was equivocal. For he supported Benjamin Franklin’s and James Madison’s motions with an eye towards the creation of canals, thereby evidencing his disbelief that, without the powers one of those motions proposed, Congress would be unable to create canals. Yet, obviously, a canal in any particular place would almost certainly be, in a practical if not a strictly legal sense, a “mercantile monopol[y]”—which, according to Wilson Congress supposedly could authorize under the power “to regulate trade”.

The short of it all was that several proposals to empower Congress to incorporate were put forward—and the Framers disapproved every one. That the proposals were advanced at all evidences their proponent’s belief, correct in light of the standing Anglo-American law, that they were necessary, either to incorporate canals or banks, or to incorporate a “mercantile monopol[y]”. And that the proposals were voted down proves that the Constitution contains no authority, express or implied, for Congress to incorporate in general, or specifically to incorporate banks. These conclusions are confirmed by the U.S. Supreme Court in the Legal Tender Cases as follows:

*“And after the first clause of the tenth section of the first article had been reported in the form in which it now stands, forbidding the states to make anything but gold or silver coin a tender in payment of debts, or to pass \*444 any law impairing the obligation of contracts, when Mr. Gerry, as reported by Mr. Madison, ‘entered into observations inculcating the importance of public faith, and the propriety of the restraint put on the states from impairing the obligation of contracts; alleging that congress ought to be laid under the like prohibitions;’ and made a motion to \*\*128 that effect; he was not seconded. Id. 546. As an illustration of the danger of giving too much weight, upon such a question, to the debates and the votes in the convention, it may also be observed that propositions to authorize congress to grant charters of incorporation for national objects were strongly opposed, especially as regarded banks, and defeated. Id. 440, 543, 544.”*  
[Legal Tender Cases, 110 U.S. 421, 443-444, 4 S.Ct. 122 (1884)]

The most complete treatment of the power of the government to create corporations is found in the U.S. Supreme Court case of *M’Culloch v. State*, 17 U.S. 316, 1819 WL 2135 (U.S., 1819). In that case, the following about the authority of Congress to establish corporations:

1. The power to create corporations is nowhere expressly conferred within the United States Constitution.
2. The power is implied within the “necessary and proper” clauses of the constitution.
3. The power is regularly exercised by the state governments both before and after the Constitution was ratified and also is not mentioned in the state constitutions ratified before the federal constitution was ratified either.

Below is a concise excerpt from the above case explaining why the court believed that the U.S. government had the right to create corporations:

*It is objected, that this act creates a corporation; which, being an exercise of a fundamental power of sovereignty, can only be claimed by congress, under their grant of specific powers. But to have enumerated the power of establishing corporations, among the specific powers of congress, would have been to change the whole plan of the constitution; to destroy its simplicity, and load it with all the complex details of a code of private jurisprudence.* The power of establishing corporations is not one of the ends of government; it is only a class of means for accomplishing its ends. An enumeration \*358 of this particular class of means, omitting all others, would have been a useless anomaly in the constitution. It is admitted, that this is an act to sovereignty, and so is any other law; if the authority of establishing corporations be a sovereign power, the United States are sovereign, as to all the powers specifically given to their government, and as to all others necessary and proper to carry into effect those specified. If the power of chartering a corporation be necessary and proper for this purpose, congress has it to an extent as ample as any other sovereign legislature. Any government of limited sovereignty can create corporations only with reference to the limited powers that government possesses. The inquiry then reverts, whether the power of incorporating a banking company, be a necessary and proper means of executing the specific powers of the national government. The immense powers incontestably given, show that there was a disposition, on the part of the people, to give ample means to carry those powers into effect. *A state can create a corporation, in virtue of its sovereignty, without any specific authority for that purpose, conferred in the state constitutions. The United States are sovereign as to certain specific objects, and may, therefore, erect a corporation for the purpose of effecting those objects. If the incorporating power had been expressly*

granted as an end, it would have conferred a power not intended; if granted as a means, it would have conferred nothing more than was before given by necessary implication.

Nor does the rule of interpretation we contend for, sanction any usurpation, on the part of the national government; since, if the argument be, that the \*359 implied powers of the constitution may be assumed and exercised, for purposes not really connected with the powers specifically granted, under color of some imaginary relation between them, the answer is, that this is nothing more than arguing from the abuse of constitutional powers, which would equally apply against the use of those that are confessedly granted to the national government; that the danger of the abuse will be checked by the judicial department, which, by comparing the means with the proposed end, will decide, whether the connection is real, or assumed as the pretext for the usurpation of powers not belonging to the government; and that, whatever may be the magnitude of the danger from this quarter, it is not equal to that of annihilating the powers of the government, to which the opposite doctrine would inevitably tend.

[. . .]

The state powers are much less in point of magnitude, though greater in number; yet it is supposed, the states possess the authority of establishing corporations, whilst it is denied to the general government. It is conceded to the state legislatures, though not specifically granted, because it is said to be an incident of state sovereignty; but it \*383 is refused to congress, because it is not specifically granted, though it may be necessary and proper to execute the powers which are specifically granted. But the authority of legislation in the state government is not unlimited; there are several limitations to their legislative authority. First, from the nature of all government, especially, of republican government, in which the residuary powers of sovereignty, not granted specifically, by inevitable implication, are reserved to the people. Secondly, from the express limitations contained in the state constitutions. And thirdly, from the express prohibitions to the states contained in the United States constitution. The power of erecting corporations is nowhere expressly granted to the legislatures of the states in their constitutions; it is taken by necessary implication: but it cannot be exercised to accomplish any of the ends which are beyond the sphere of their constitutional authority. The power of erecting corporations is not an end of any government; it is a necessary means of accomplishing the ends of all governments. It is an authority inherent in, and incident to, all sovereignty.

**\*\*23** The history of corporations will illustrate this position. They were transplanted from the Roman law into the common law of England, and all the municipal codes of modern Europe. From England, they were derived to this country. But in the civil law, a corporation could be created by a mere voluntary association of individuals. 1 Bl. Com. 471. And in England, the authority of parliament \*384 is not necessary to create a corporate body. The king may do it, and may communicate his power to a subject (1 Bl. Com. 474), so little is this regarded as a transcendent power of sovereignty, in the British constitution. So also, in our constitution, it ought to be regarded as but a subordinate power to carry into effect the great objects of government. The state governments cannot establish corporations to carry into effect the national powers given to congress, nor can congress create corporations to execute the peculiar duties of the state governments. But so much of the power or faculty of incorporation as concerns national objects has passed away from the state legislatures, and is vested in the national government. An act of incorporation is but a law, and laws are but means to promote the legitimate end of all government-the felicity of the people. All powers are given to the national government, as the people will. The reservation in the 10th amendment to the constitution, of 'powers not delegated to the United States,' is not confined to powers not expressly delegated. Such an amendment was indeed proposed; but it was perceived, that it would strip the government of some of its most essential powers, and it was rejected. Unless a specific means be expressly prohibited to the general government, it has it, within the sphere of its specified powers. Many particular means are, of course, involved in the general means necessary to carry into effect the powers expressly granted, and in that case, the general means become \*385 the end, and the smaller objects the means.

It was impossible for the framers of the constitution to specify, prospectively, all these means, both because it would have involved an immense variety of details, and because it would have been impossible for them to foresee the infinite variety of circumstances, in such an unexampled state of political society as ours, for ever changing and forever improving. How unwise would it have been, to legislate immutably for exigencies which had not then occurred, and which must have been foreseen but dimly and imperfectly! The security against abuse is to be found in the constitution and nature of the government, in its popular character and structure. The statute book of the United States is filled with powers derived from implication. The power to lay and collect taxes will not execute itself. Congress must designate in detail all the means of collection. So also, the power of establishing post-offices and post-roads, involves that of punishing the offence of robbing the mail. But there is no more necessary connection between the punishment of mail-robbers, and the power to establish post-roads, than there is between the institution of a bank, and the collection of the revenue and payment of the public debts and expenses. So, light-houses, beacons, buoys and public piers, have all been established, under the general power to regulate commerce. But they are not indispensably necessary to commerce. It might linger on, without these aids, though exposed to more perils and losses. So, congress has authority to coin money, and to guard the purity of the circulating medium, by providing for the punishment \*386 of counterfeiting the current coin; but laws are also made for punishing the offence of uttering and passing the coin thus counterfeited. It is the duty of the court to construe the constitutional powers of the national government liberally, and to mould them so as to effectuate its great objects. Whence is derived the power to punish smuggling? It does not collect the impost, but it is a

means more effectually to prevent the collection from being diminished in amount, by frauds upon the revenue laws. Powers, as means, may then be implied in many cases. And if so, why not in this case as well as any other?

**\*\*24 The power of making all needful rules and regulations respecting the territory of the United States, is one of the specified powers of congress. Under this power, it has never been doubted, that congress had authority to establish corporations in the territorial governments. But this power is derived entirely from implication.** It is assumed, as an incident to the principal power. If it may be assumed, in that case, upon the ground, that it is a necessary means of carrying into effect the power expressly granted, why may it not be assumed, in the present case, upon a similar ground? It is readily admitted, there must be a relation, in the nature and fitness of things between the means used and the end to be accomplished. But the question is, whether the necessity which will justify a resort to a certain means, must be an absolute, indispensable, inevitable necessity? The power of passing all laws necessary and proper to carry into effect the other powers specifically granted, is a political power; it **\*387** is a matter of legislative discretion, and those who exercise it, have a wide range of choice in selecting means. In its exercise, the mind must compare means with each other. But absolute necessity excludes all choice; and therefore, it cannot be this species of necessity which is required. Congress alone has the fit means of inquiry and decision. The more or less of necessity never can enter as an ingredient into judicial decision. Even absolute necessity cannot be judged of here; still less, can practical necessity be determined in a judicial forum. The judiciary may, indeed, and must, see that what has been done is not a mere evasive pretext, under which the national legislature travels out of the prescribed bounds of its authority, and encroaches upon state sovereignty, or the rights of the people. For this purpose, it must inquire, whether the means assumed have a connection, in the nature and fitness of things, with the end to be accomplished. The vast variety of possible means, excludes the practicability of judicial determination as to the fitness of a particular means. It is sufficient, that it does not appear to be violently and unnaturally forced into the service, or fraudulently assumed, in order to usurp a new substantive power of sovereignty. A philological analysis of the terms 'necessary and proper' will illustrate the argument. Compare these terms as they are used in that part of the constitution now in question, with the qualified manner in which they are used in the 10th section of the same article. In the latter, it is provided that 'no state shall, without the consent of congress, lay any imposts or duties on imports **\*388** or exports, except what may be absolutely necessary for executing its inspection laws.' In the clause in question, congress is invested with the power 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers,' &c. There is here then, no qualification of the necessity; it need not be absolute; it may be taken in its ordinary grammatical sense. The word necessary, standing by itself, has no inflexible meaning; it is used in a sense more or less strict, according to the subject. This, like many other words, has a primitive sense, and another figurative and more relaxed; it may be qualified by the addition of adverbs of diminution or enlargement, such as very, indispensably, more, less, or absolutely necessary; which last is the sense in which it is used in the 10th section of this article of the constitution. But that it is not always used in this strict and rigorous sense, may be proved, by tracing its definition, and etymology in every human language.

[...]

**Among the enumerated powers, we do not find that of establishing a bank or creating a corporation. But there is no phrase in the instrument which, like the articles of confederation, excludes incidental or implied powers; and which requires that everything granted shall be expressly and minutely described. Even the 10th amendment, which was framed for the purpose of quieting the excessive jealousies which had been excited, omits the word 'expressly,' and declares only, that the powers 'not delegated to the United States, nor prohibited to the states, are reserved to the states or to the people;' thus leaving the question, whether the particular power which may become the subject of contest, has been delegated to the one government, or prohibited to the other, to depend on a fair construction of the whole instrument. The men who drew and adopted this amendment had experienced the embarrassments resulting from the insertion of this word in the articles **\*407** of confederation, and probably omitted it, to avoid those embarrassments.** A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would, probably, never be understood by the public. Its nature, therefore, requires, that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects, be deduced from the nature of the objects themselves. That this idea was entertained by the framers of the American constitution, is not only to be inferred from the nature of the instrument, but from the language. Why else were some of the limitations, found in the 9th section of the 1st article, introduced? It is also, in some degree, warranted, by their having omitted to use any restrictive term which might prevent its receiving a fair and just interpretation. In considering this question, then, we must never forget that it is a constitution we are expounding."

[M'Culloch v. State, 17 U.S. 316, 1819 WL 2135 (U.S.,1819)]

## **6 Three Main Corporate Entities: "State", "United States", and "United States of America"**

The U.S. Supreme Court has recognized that all governments are corporations when it ruled the following:

**"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)]

Not only are all governments corporations, but they are also “bodies politic”. If you remove the “body politic” characteristic of a government, the only thing you have left is simply a private corporation no different from FedEx, Enron, or any other private corporation:

Both before and after the time when the Dictionary Act and § 1983 were passed, the phrase “bodies politic and corporate” was understood to include the [governments of the] States. See, e.g., J. Bouvier, 1 A Law Dictionary Adapted to the Constitution and Laws of the United States of America 185 (11th ed. 1866); W. Shumaker & G. Longsdorf, Cyclopedic Dictionary of Law 104 (1901); Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 447, 1 L.Ed. 440 (1793) (Iredell, J.); id., at 468 (Cushing, J.); Cotton v. United States, 52 U.S. (11 How.) 229, 231, 13 L.Ed. 675 (1851) (“Every sovereign State is of necessity a body politic, or artificial person”); Poindexter v. Greenhow, 114 U.S. 270, 288, 5 S.Ct. 903, 29 L.Ed. 185 (1885); McPherson v. Blacker, 146 U.S. 1, 24, 13 S.Ct. 3, 6, 36 L.Ed. 869 (1892); Heim v. McCall, 239 U.S. 175, 188, 36 S.Ct. 78, 82, 60 L.Ed. 206 (1915). See also United States v. Maurice, 2 Brock. 96, 109, 26 F.Cas. 1211 (CC Va.1823) (Marshall, C.J.) (“The United States is a government, and, consequently, a body politic and corporate”); Van Brocklin v. Tennessee, 117 U.S. 151, 154, 6 S.Ct. 670, 672, 29 L.Ed. 845 (1886) (same). Indeed, the very legislators who passed § 1 referred to States in these terms. See, e.g., Cong. Globe, 42d Cong., 1st Sess., 661-662 (1871) (Sen. Vickers) (“What is a State? Is \*79 it not a body politic and corporate?”); id., at 696 (Sen. Edmunds) (“A State is a corporation”).

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

While it is certainly true that the phrase “bodies politic and corporate” referred to private and public corporations, see ante, at 2311, and n. 9, this fact does not draw into question the conclusion that this phrase also applied to the States. Phrases may, of course, have multiple referents. Indeed, each and every dictionary cited by the Court accords a broader realm-one \*\*2317 that comfortably, and in most cases explicitly, includes the sovereign-to this phrase than the Court gives it today. See 1B. Abbott, Dictionary of Terms and Phrases Used in American or English Jurisprudence 155 (1879) (“[T]he term body politic is often used in a general way, as meaning the state or the sovereign power, or the city government, without implying any distinct express incorporation”); W. Anderson, A Dictionary of Law 127 (1893) (“[B]ody politic”: “The governmental, sovereign power: a city or a State”); Black’s Law Dictionary 143 (1891) (“[B]ody politic”: “It is often used, in a rather loose way, to designate the state or nation or sovereign power, or the government of a county or municipality, without distinctly connoting any express and individual corporate charter”); 1A. Burrill, A Law Dictionary and Glossary 212 (2d ed. 1871) (“[B]ody politic”: “A body to take in succession, framed by policy”; “[p]articularly\*80 applied, in the old books, to a Corporation sole”); id., at 383 (“Corporation sole” includes the sovereign in England).  
[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

Our system of republican government is comprised of three main types of government corporations, listed below in the order they were created:

1. “States”: States of the Union, which existed before the Articles of Confederation and the United States Constitution.
2. “United States of America”: The states of the Union in their *corporate or consolidated capacity*.
3. “United States”: The political entity created by the “United States of America” which was delegated exclusive authority over all matters *external* to the states of the Union and foreign in respect to them.

The U.S. Supreme Court eloquently explained the relationship between these three corporate entities in the case of United States v. Curtiss-Wright Export Corporation, 299 U.S. 304 (1936):

“It will contribute to the elucidation of the question if we first consider the differences between the powers of the federal government in respect of foreign or external affairs and those in respect of domestic or internal affairs. That there are differences between them, and that these differences are fundamental, may not be doubted.



The two classes of powers are different, both in respect of their origin and their nature. **The broad statement that the federal government can exercise no powers except [299 U.S. 304, 316] those specifically enumerated in the Constitution, and such implied powers are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. In that field, the primary purpose of the Constitution was to carve from the general mass of legislative powers then possessed by the states such portions as it was thought desirable to vest in the federal government, leaving those not included in the enumeration still in the states.** *Carter v. Carter Coal Co.*, [298 U.S. 238, 294](#), 56 S.Ct. 855, 865. That this doctrine applies only to powers which the states had is self-evident. And since the states severally never possessed international powers, such powers could not have been carved from the mass of state powers but obviously were transmitted to the United States from some other source. During the Colonial period, those powers were possessed exclusively by and were entirely under the control of the Crown. By the Declaration of Independence, 'the Representatives of the United States of America' declared the United (not the several) Colonies to be free and independent states, and as such to have 'full Power to levy War, conclude Peace, contract Alliances, establish Commerce and to do all other Acts and Things which Independent States may of right do.'

**As a result of the separation from Great Britain by the colonies, acting as a unit, the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the colonies were a unit in foreign affairs, acting through a common agency-namely, the Continental Congress, composed of delegates from the thirteen colonies.** That agency exercised the powers of war and peace, raised an army, created a navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of government change; but sovereignty survives. A political society cannot endure [\[299 U.S. 304, 317\]](#) without a supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect of the colonies ceased, it immediately passed to the Union. See *Penhallow v. Doane*, 3 Dall. 54, 80, 81, Fed.Cas. No. 10925. That fact was given practical application almost at once. The treaty of peace, made on September 3, 1783, was concluded between his Britannic Majesty and the 'United States of America.' 8 Stat., European Treaties, 80.

The Union existed before the Constitution, which was ordained and established among other things to form 'a more perfect Union.' Prior to that event, it is clear that **the Union, declared by the Articles of Confederation to be 'perpetual,' was the sole possessor of external sovereignty, and in the Union it remained without change save in so far as the Constitution in express terms qualified its exercise. The Framers' Convention was called and exerted its powers upon the irrefutable postulate that though the states were several their people in respect of foreign affairs were one.** Compare *The Chinese Exclusion Case*, [130 U.S. 581, 604](#), 606 S., 9 S.Ct. 623. In that convention, the entire absence of state power to deal with those affairs was thus forcefully stated by Rufus King:

'The states were not 'sovereigns' in the sense contended for by some. They did not possess the peculiar features of [external] sovereignty,-they could not make war, nor peace, nor alliances, nor treaties. Considering them as political beings, they were dumb, for they could not speak to any foreign sovereign whatever. They were deaf, for they could not hear any propositions from such sovereign. They had not even the organs or faculties of defence or offence, for they could not of themselves raise troops, or equip vessels, for war.' 5 Elliot's Debates, 212.1 [\[299 U.S. 304, 318\]](#) It results that the investment of the federal government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution. The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have vested in the federal government as necessary concomitants of nationality. Neither the Constitution nor the laws passed in pursuance of it have any force in foreign territory unless in respect of our own citizens (see *American Banana Co. v. United Fruit Co.*, [213 U.S. 347, 356](#), 29 S.Ct. 511, 16 Ann.Cas. 1047); and operations of the nation in such territory must be governed by treaties, international understandings and compacts, and the principles of international law. As a member of the family of nations, the right and power of the United States in that field are equal to the right and power of the other members of the international family. Otherwise, the United States is not completely sovereign. The power to acquire territory by discovery and occupation (*Jones v. United States*, [137 U.S. 202, 212](#), 11 S.Ct. 80), the power to expel undesirable aliens (*Fong Yue Ting v. United States*, [149 U.S. 698](#), 705 et seq., 13 S.Ct. 1016), the power to make such international agreements as do not constitute treaties in the constitutional sense (*Altman & Co. v. United States*, [224 U.S. 583, 600](#), 601 S., 32 S.Ct. 593; *Crandall, Treaties, Their Making and Enforcement* (2d Ed.) p. 102 and note 1), none of which is expressly affirmed by the Constitution, nevertheless exist as inherently inseparable from the conception of nationality. This the court recognized, and in each of the cases cited found the warrant for its conclusions not in the provisions of the Constitution, but in the law of nations.

In *Burnet v. Brooks*, [288 U.S. 378, 396](#), 53 S.Ct. 457, 461, 86 A.L.R. 747, we said, 'As a nation with all the attributes of sovereignty, the United States is vested with all the powers of government necessary to maintain an effective control of international relations.' Cf. *Carter v. Carter Coal Co.*, supra, [298 U.S. 238](#), at page 295, 56 S.Ct. 855, 865. [\[299 U.S. 304, 319\]](#) **Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes**



1 *treaties with the advice and consent of the Senate; but he alone negotiates.* Into the field of negotiation the  
2 Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of  
3 March 7, 1800, in the House of Representatives, **'The President is the sole organ of the nation in its external**  
4 **relations, and its sole representative with foreign nations.'** *Annals, 6th Cong., col. 613.* The Senate Committee  
5 on Foreign Relations at a very early day in our history ( February 15, 1816), reported to the Senate, among other  
6 things, as follows:

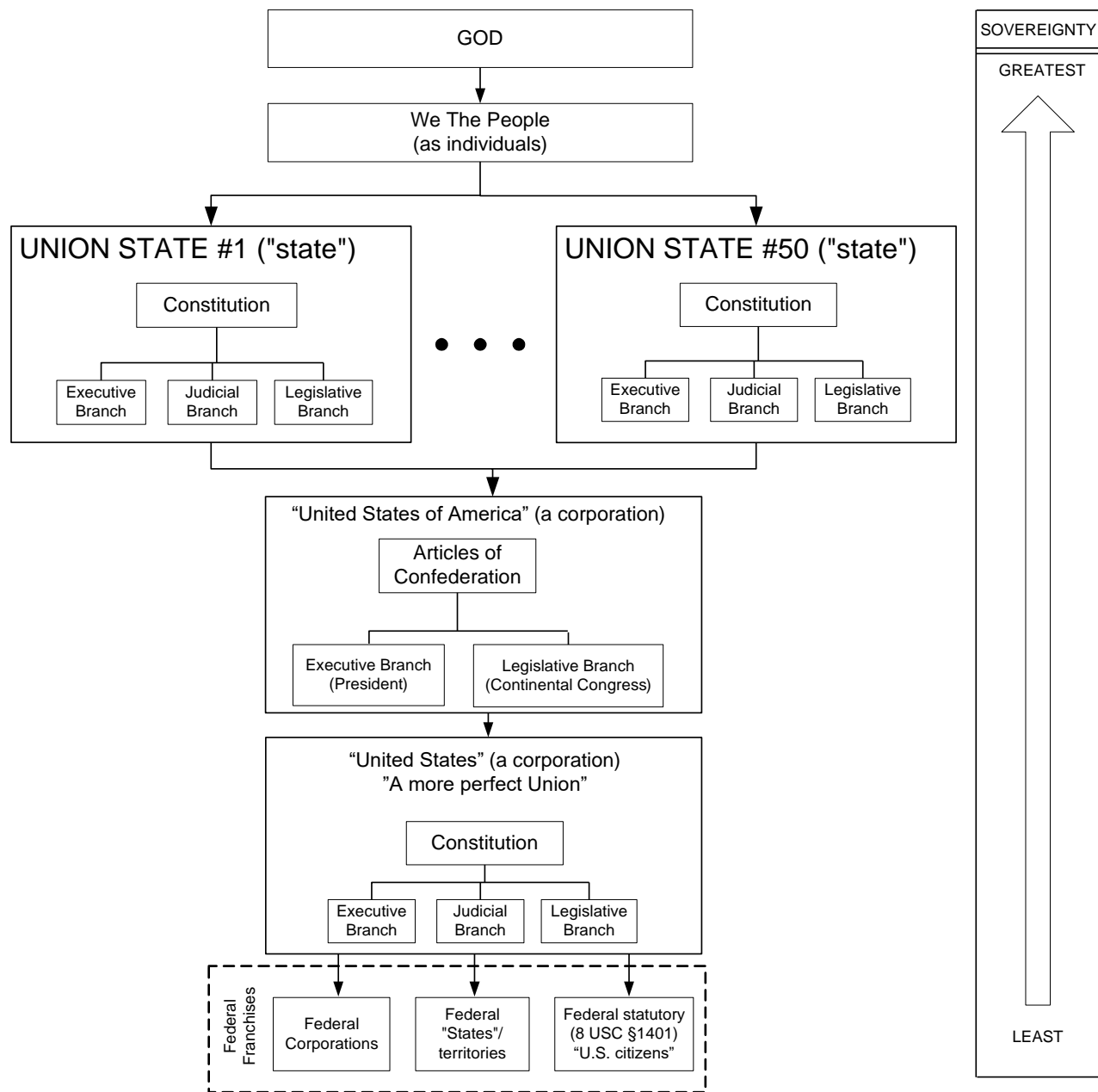
7 **'The President is the constitutional representative of the United States with regard to foreign**  
8 **nations. He manages our concerns with foreign nations and must necessarily be most**  
9 **competent to determine when, how, and upon what subjects negotiation may be urged with the**  
10 **greatest prospect of success. For his conduct he is responsible to the Constitution.** The  
11 committee considers this responsibility the surest pledge for the faithful discharge of his duty.  
12 They think the interference of the Senate in the direction of foreign negotiations calculated to  
13 diminish that responsibility and thereby to impair the best security for the national safety. The  
14 nature of transactions with foreign nations, moreover, requires caution and unity of design, and  
15 their success frequently depends on secrecy and dispatch.' 8 U.S.Sen.Reports Comm. on Foreign  
16 Relations, p. 24.

17 It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an  
18 [299 U.S. 304, 320] exertion of legislative power, but with such an authority plus the very delicate, plenary and  
19 exclusive power of the President as the sole organ of the federal government in the field of international relations-  
20 a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every  
21 other governmental power, must be exercised in subordination to the applicable provisions of the Constitution. It  
22 is quite apparent that if, in the maintenance of our international relations, embarrassment-perhaps serious  
23 embarrassment-is to be avoided and success for our aims achieved, congressional legislation which is to be made  
24 effective through negotiation and inquiry within the international field must often accord to the President a degree  
25 of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone  
26 involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in  
27 foreign countries, and especially is this true in time of war. He has his confidential sources of information. He  
28 has his agents in the form of diplomatic, consular and other officials. Secrecy in respect of information gathered  
29 by them may be highly necessary, and the premature disclosure of it productive of harmful results. Indeed, so  
30 clearly is this true that the first President refused to accede to a request to lay before the House of Representatives  
31 the instructions, correspondence and documents relating to the negotiation of the Jay Treaty-a refusal the wisdom  
32 of which was recognized by the House itself and has never since been doubted. In his reply to the request,  
33 President Washington said:

34 'The nature of foreign negotiations requires caution, and their success must often depend on  
35 secrecy; and even when brought to a conclusion a full disclosure of all the measures, demands,  
36 or eventual concessions which may have been proposed or contemplated would be extremely  
37 [299 U.S. 304, 321] impolitic; for this might have a pernicious influence on future negotiations,  
38 or produce immediate inconveniences, perhaps danger and mischief, in relation to other powers.  
39 The necessity of such caution and secrecy was one cogent reason for vesting the power of making  
40 treaties in the President, with the advice and consent of the Senate, the principle on which that  
41 body was formed confining it to a small number of members. To admit, then, a right in the House  
42 of Representatives to demand and to have as a matter of course all the papers respecting a  
43 negotiation with a foreign power would be to establish a dangerous precedent.' 1 Messages and  
44 Papers of the Presidents, p. 194.

45 **The marked difference between foreign affairs and domestic affairs in this respect is recognized by both houses**  
46 **of Congress in the very form of their requisitions for information from the executive departments.** In the case  
47 of every department except the Department of State, the resolution directs the official to furnish the information.  
48 In the case of the State Department, dealing with foreign affairs, the President is requested to furnish the  
49 information 'if not incompatible with the public interest.' A statement that to furnish the information is not  
50 compatible with the public interest rarely, if ever, is questioned. "  
51 [United States v. Curtiss-Wright Export Corporation, 299 U.S. 304 (1936)]

52 A diagram of the hierarchical relationship between these corporate entities may be helpful to solidify what we  
53 have learned in this section:



Some people question the validity of showing the Articles of Confederation in the above diagram because they assume that the Constitution repealed these Articles. It is a fact that:

1. The Articles of Confederation identify themselves as “perpetual” in the preamble.
2. The Articles of Confederation are published in the Statutes at Large in the very first enactment of Congress, and therefore are “law”.
3. The Articles of Confederation to this day are published on most legal reference sites. Why would this be if they are repealed?
4. The Articles of Confederation were *never* expressly repealed and therefore remain in full force.
5. The Articles of Confederation are the only origin of the use of the phrase “United States of America” that we know of.

## 7 Public v. Private

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

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

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

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

If we do enforce the law as a private nonresident human, we are criminally impersonating a public officer in violation of 18 U.S.C. §912. Other U.S. Supreme Court cites also confirm why this must be:

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

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

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

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

*"A defendant sued as a wrong-doer, who seeks to substitute the state in his place, or to justify by the authority of the state, or to defend on the ground that the state has adopted his act and exonerated him, cannot rest on the bare assertion of his defense. He is bound to establish it. The state is a political corporate body, can act only*

1 *through agents, and can command only by laws. It is necessary, therefore, for such a defendant, in order to*  
2 *complete his defense, to produce a law of the state which constitutes his commission as its agent, and a warrant*  
3 *for his act.”*  
4 *[Poindexter v. Greenhow, 114 U.S. 270 (1885)]*

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

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

11 *“The government thus lays a tax, through the [GOVERNMENT] instrumentality [PUBLIC OFFICE] of the*  
12 *company [a FEDERAL and not STATE corporation], upon the income of a non-resident alien over whom it*  
13 *cannot justly exercise any control, nor upon whom it can justly lay any burden.”*  
14 *[United States v. Erie R. Co., 106 U.S. 327 (1882)]*

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

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

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

<i>Why Statutory Civil Law is Law for Government and Not Private Persons</i> , Form #05.037 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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- 24 4. Those who enforce any civil statutory duties against you are PRESUMING that you occupy a public office.
- 25 5. You cannot unilaterally “elect” yourself into a public office in the government by filling out a government form, even  
26 if you consent to volunteer.
- 27 6. Even if you ARE a public officer, you can only execute the office in a place EXPRESSLY authorized by Congress per  
4 U.S.C. §72, which means ONLY the District of Columbia and “not elsewhere”.

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

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

- 32 7. If you are “construing, administering, or executing” the laws, then you are doing so as a public officer and:  
33 7.1. You are bound and constrained in all your actions by the constitution like every OTHER public officer while on  
34 official business interacting with PRIVATE humans.
- 35 7.2. The Public Records exception to the Hearsay Exceptions Rule, Federal Rule of Evidence 803(8) applies.  
36 EVERYTHING you produce in the process of “construing, administering, or executing” the laws is instantly  
37 admissible and cannot be excluded from the record by any judge. If a judge interferes with the admission of such  
38 evidence, he is:  
39 7.2.1. Interfering with the duties of a coordinate branch of the government in violation of the Separation of  
40 Powers.  
41 7.2.2. Criminally obstructing justice.

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

- 44 1. *Private v. Public Property/Rights and Protection Playlist*, SEDM Youtube Channel  
45 <https://www.youtube.com/playlist?list=PLin1scINPTOtYewMRT66TXYn6AUF0KTu>

2. Enumeration of Inalienable Rights, Form #10.002 – list of your PRIVATE rights and the authorities that prove that they exist
3. Separation Between Public and Private, Form #12.025  
<http://sedm.org/Forms/FormIndex.htm>
4. Legal Remedies for the Protection of Private Rights Course, Form #12.019  
<http://sedm.org/Forms/FormIndex.htm>
5. Property and Privacy Protection Topic, Family Guardian Fellowship  
<http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
6. Sovereignty and Freedom Topic, Section 6: Private and Natural Rights, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>

## 7.1 Introduction

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

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

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

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

[. . .]

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

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

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

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

*“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*



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

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

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

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

1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.
2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real, de jure government, even WITH their consent.
3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and which is therefore NOT protected by official, judicial, or sovereign immunity.

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

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

7. That the terms "person", "persons", "individual", "individuals" as used within the civil statutory law by default imply PUBLIC "persons" and therefore public offices within the government and not PRIVATE human beings. All such offices are creations and franchises of the government and therefore property of the government subject to its exclusive control.
8. That if the government wants to call you a statutory "person" or "individual" under the civil law, then:
- 8.1. You must volunteer or consent at some point to occupy a public office in the government while situated physically in a place not protected by the USA Constitution and the Bill of Rights....namely, federal territory. In some cases, that public office is also called a "citizen" or "resident".
  - 8.2. If you don't volunteer, they are essentially exercising unconstitutional "eminent domain" over your PRIVATE property. Keep in mind that rights protected by the Constitution are PRIVATE PROPERTY.
9. That there are VERY SPECIFIC and well defined rules for converting PRIVATE property into PUBLIC PROPERTY and OFFICES, and that all such rules require your express consent except when a crime is involved.
10. That if a corrupted judge or public servant imposes upon you any civil statutory status, including that of "person" or "individual" without your consent, they are:
- 10.1. Violating due process of law.
  - 10.2. Imposing involuntary servitude.
  - 10.3. STEALING property from you. We call this "theft by presumption".
  - 10.4. Kidnapping your identity and moving it to federal territory.
  - 10.5. Instituting eminent domain over EXCLUSIVELY PRIVATE property.
11. That within the common law, the main mechanism for PREVENTING the conversion of PRIVATE property to PUBLIC property through government franchises are the following maxims of law. These maxims of law MANDATE that all governments must protect your right NOT to participate in franchises or be held accountable for the consequences of receiving a "benefit" you did not consent to receive and/or regarded as an INJURY rather than a "benefit":

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

1 *Quilibet potest renunciare juri pro se inducto.*  
2 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*  
3 *Inst. n. 83.*  
4 *[Bouvier's Maxims of Law, 1856,*  
5 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

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

<p>8 <i>Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes</i>, Form #05.008 9 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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10 As an example of why an understanding of this subject is EXTREMELY important, consider the following dialog  
11 at an IRS audit in which the FIRST question out of the mouth of the agent is ALWAYS “What is YOUR Social  
Security Number?”:

12 **IRS AGENT QUESTION:**

13 What is YOUR Social Security Number?

14 **YOUR ANSWER:**

15 20 C.F.R. §422.103(d) says the “Social Security Number Card” but NOT the STATUTORY SSN belongs to the  
16 government. Since you didn’t ask me for the card but the number, then you aren’t asking me for government  
17 property you can place conditions on the use of. The only way the SSN could therefore be MY number as you  
18 call it is if I am the ABSOLUTE and PRIVATE owner of the number and the associated franchise it connects to  
19 and am appearing here today as a Merchant offering billable services to you under MY franchise contract. Thank  
20 you for inviting me here today to do business with you as a Merchant who makes all the rules and conditions  
21 under which I render services to you as the absolute owner and seller of myself and all of my property.

22 On the other hand, if you are going to use the SSN to connect me to YOUR Social Security franchise contract in  
23 Title 42 that only you own and control, then I don’t HAVE THAT account number and there is no such thing,  
24 because:

25 My participation is clearly illegal, and an illegal act is not an official act you or I can lawfully participate in or use  
26 for profit.

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

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

33 **IRS AGENT QUESTION:**

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

36 **YOUR ANSWER:**

37 Well then you are asking me to consent to participate in something that is clearly illegal and which I also have no  
38 delegated authority to do from My God as His full-time trustee. In which case, I don’t HAVE a STATUTORY

1 Social Security Number since participation is clearly ILLEGAL. Please destroy any records that I am eligible and  
2 stop using it for PUBLIC purposes or civil enforcement purposes outside the government. This is clearly criminal  
3 identity theft, which I have already notified you of on IRS Form 14039. [See our Form #14.020]. Further, I as a  
4 “nonresident alien” not engaged in a “trade or business” who consents to NOTHING you offer me and elects  
5 NOTHING am excluded by law from the requirement to furnish a Social Security Number per 26 C.F.R.  
6 §301.6109-1(b). So why do you even need such a number under the circumstances?

7 **IRS AGENT QUESTION:**

8 That’s ridiculous. Everyone HAS a STATUTORY SSN. How else are we going to manage our relationship with  
9 you without one?

10 **YOUR ANSWER:**

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

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

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

22 **IRS AGENT QUESTION:**

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

24 **YOUR ANSWER:**

25 Well good. Then if it’s MY number and MY property, then I have EXCLUSIVE control and use over it and may  
26 LICENSE its use to you. That is what the word “property” implies. That means I, and not you, am the only one  
27 who may control or regulate its use under the following franchise:

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

28 If it’s MY property as you indicate, then your job as an alleged “government” is to protect me from abuses of MY  
29 property. If you don’t want to do that job, you’re not really a government, but a de facto government. If you can  
30 control and penalize me for misusing YOUR procedures and forms, which are YOUR property, then I am  
31 EQUALLY entitled to penalize you for misusing MY property. I can’t be free unless I’m at least equal to you,  
32 according to Supreme Court:

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

1 Are you willing to sign an agreement in writing to pay for the beneficial use of what you call MY property such  
2 as the NON-STATUTORY SSN, because if you aren't, you are depriving me of exclusive use and control over  
3 MY property and depriving me of the equal right to prevent abuses of my property, my identity, and my life??

4 **IRS AGENT QUESTION:**

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

6 **YOUR ANSWER:**

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

10 If the STATUTORY SSN is PUBLIC or GOVERNMENT property, then you can't allow me to use it as a private  
11 person, which is what I am appearing here today as. You can't lawfully issue public property such as an SSN to  
12 a private person or allow them to use it for a private purpose. That's criminal embezzlement. Therefore, the only  
13 way that PUBLIC property such as what you allege is a STATUTORY SSN could have been assigned to me is if  
14 I'm acting as a "public officer" or federal employee at this moment, and I am NOT. I am here as a private person  
15 and not a public employee who retains ONLY constitutional and not STATUTORY protections. Therefore, it  
16 couldn't have been lawfully issued to me.

17 Keep this up, and I'm going to file a criminal complaint with the U.S. Attorney for embezzlement in violation of  
18 [18 U.S.C. §641](#) and impersonating a public officer in violation of [18 U.S.C. §912](#). I'm not here as a public officer  
19 and you are asking me to act like one without compensation that only I can determine and without demonstrated  
20 legal authority. Where is the compensation that I demand to act as a fiduciary and trustee over your STINKING  
21 number, which you claim is public property without proof? I remind you that the very purpose why governments  
22 are created is to PROTECT and maintain the separation between "public property" and "private property" in order  
23 to preserve my inalienable constitutional rights that you took an oath to support and defend. Why do you continue  
24 to insist on co-mingling and confusing them in order to STEAL my labor, property, and money without  
25 compensation in violation of the Fifth Amendment takings clause?

26 **IRS AGENT QUESTION:**

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

30 **YOUR ANSWER:**

31 Third party information returns are classified by the courts as "lay legal opinions". That means none of the  
32 LABELS on the form can have any actionable effect and are therefore not necessarily statutory terms. 26 U.S.C.  
33 §6041(a) connects the FILER of the information return to a "trade or business" and a public office under 26 U.S.C.  
34 §7701(a)(26), and NOT the TARGET of the report. These reports also do NOT authorize the FILER to convert  
35 PRIVATE property to PUBLIC property and a PUBLIC office without the consent of the ABSOLUTE owner,  
36 which is me. Further, even the FILER is not lawfully engaged in a "trade or business" and public office as  
37 someone who was never lawfully appointed or elected to a public office and is not serving in the District of  
38 Columbia as required by 4 U.S.C. §72. So these reports are hereby declared to be false and also possibly  
39 FRAUDULENT under penalty of perjury. See:

<p><i>Correcting Erroneous Information Returns</i>, Form #04.001 <a href="https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf">https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf</a></p>
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The 1040NR return acknowledges that these information return reports do NOT necessarily connect me to such a public office by calling the earnings on the return “EFFECTIVELY connected” rather than merely “ACTUALLY connected”. If I enter the amounts reported on these false information returns onto the 1040NR return, I am “in effect” and “effectively” donating the PRIVATE property they describe to a PUBLIC use, a PUBLIC purpose, and a PUBLIC office and thus subjecting them to income taxation and governmental control. I DO NOT consent to do that because all my earnings are EXCLUDED rather than EXEMPT from taxation as a nonresident alien not engaged in a “trade or business”/public office and whose earnings do not originate from the statutory geographical “United States” under 26 U.S.C. §871. See:

Excluded Earnings and People, Form #14.019

<https://sedm.org/Forms/14-PropProtection/ExcludedEarningsAndPeople.pdf>

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

1. Earnings originate from outside:
  - 1.1. The STATUTORY "United States\*\*" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) (federal zone) and
  - 1.2. The U.S. government federal corporation as a privileged legal fiction.Thus, their earnings are expressly EXCLUDED rather than EXEMPTED from "gross income" under 26 U.S.C. §871 and are a "foreign estate" under 26 U.S.C. §7701(a)(31). See 26 U.S.C. §872 and 26 C.F.R. §1.872-2(f) and 26 C.F.R. §1.871-7(a)(4) and 26 U.S.C. §861(a)(3)(C)(i) for proof.
2. Earnings are expressly EXCLUDED rather than EXEMPTED from STATUTORY "wages" as defined in 26 U.S.C. §3401(a) because all services performed outside the STATUTORY "United States\*\*" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) (federal zone) and the CORPORATION "United States" as a legal fiction. Therefore, not subject to "wage" withholding of any kind for such services per:
  - 2.1. 26 C.F.R. §31.3401(a)(6)-1(b) in the case of income tax.
  - 2.2. 26 C.F.R. §31.3121(b)-3(c)(1) in the case of Social Security.
3. Expressly EXCLUDED rather than EXEMPTED from income tax reporting under:
  - 3.1. 26 C.F.R. §1.1441-1(b)(5)(i).
  - 3.2. 26 C.F.R. §1.1441-1(e)(1)(ii)(A)(1).
  - 3.3. 26 C.F.R. §1.6041-4(a)(1).
4. Expressly EXCLUDED rather than EXEMPTED from backup withholding because earnings are not reportable by 26 U.S.C. §3406 and 26 C.F.R. §31.3406(g)-1(e). Only "reportable payments" are subject to such withholding.

My earnings are excluded, by the way, because they are PRIVATE and the owner who is me never consented to convert them to PUBLIC. Stop engaging in sophistry to rope me into your servitude and pay money I don’t owe. This is despicable!

#### **IRS AGENT QUESTION:**

Even if your participation in Social Security is illegal, everyone still uses Social Security Numbers at least for financial, banking, or lending purposes. If your participation is illegal, then how can you bank or get a loan?

#### **YOUR ANSWER:**

Your question presupposes that my activities in getting a loan or opening a financial account are PUBLIC activities using PUBLIC property and that I am therefore subject to taxation and regulation in doing so. I and not you get to decide when I am acting in a PRIVATE or PUBLIC capacity and to define the meaning of all terms that affect the enjoyment of my ABSOLUTELY OWNED PRIVATE PROPERTY and LABOR. YOU have NO AUTHORITY to write definitions affecting property that you have no ownership interest in, because doing so would be an interference with the absolute control over said property and therefore for a THEFT of property. I use ownership and control synonymously here. You even admit in IRM 4.10.7.2.8 that no one should trust any of your forms, which means no one should trust the WORDS or LABELS on the forms either, including but not limited to “Social Security Number”, “Taxpayer”, etc. If the forms and the labels on the forms are not



1 ACTIONABLE or even factual, then my writing on the form even under penalty of perjury doesn't make them  
2 actionable either or connect them to a civil statutory context unless I expressly do so myself, which I DO NOT.

3 We have already established that the NUMBER is NOT public property under 20 C.F.R. §422.103(d), and that  
4 only the CARD is PUBLIC property. You have also essentially admitted that the NUMBER is MY absolutely  
5 owned property and therefore not YOURS or the GOVERNMENT'S or PUBLIC property by calling it "YOUR  
6 Social Security Number". And if it is "MY ABSOLUTELY OWNED PROPERTY" as you call it, then I have  
7 the right as the only lawful owner to control ANY and ALL commercial uses of it by ANYONE and EVERYONE,  
8 including banks or lenders and even YOU and every government. I exercise that control by specifying all the  
9 definitions affecting its use and the CONTEXT of those definitions: PUBLIC or PRIVATE. If I don't have a  
10 right to control my identity, my reputation, and the commercial use of information about me that might damage  
11 me through no act of my own, then you can turn the SSN into a vehicle for criminal identity theft. That appears  
12 to be what you are doing here and now. I remind you that you appear to be using this proceeding to IN FACT  
13 engage in criminal identity theft, and that you are trying to get my permission to allow you to abuse aspects of my  
14 identity and reputation for an unauthorized commercial use and for ILLEGAL tax enforcement purposes. By  
15 "illegal" I mean NON-CONSENSUAL purposes.

16 Calling myself a CIVIL STATUTORY "taxpayer", "person", "citizen", or "resident" are methods of manifesting  
17 consent to privileges and taxation, but I don't claim the "benefit" of ANY connection to ANY CIVIL statutory  
18 status within any government law or franchise, or a connection to any aspect of my identity to the CIVIL statutory  
19 protection of any government. The authority to do this is my First Amendment right to NOT civilly or legally  
20 associate and my right to NOT contract with you. Thus, I am exclusively PRIVATE in the context of this  
21 interaction, and you must leave me alone in the interests of JUSTICE, which is legally defined as "the right to be  
22 left alone". Since it costs you NOTHING to simply LEAVE ME ALONE, then you can't claim I owe you anything  
23 for it or that it is a privilege that I have to pay for in the form of "taxes". YES, a "taxpayer" is someone subject  
24 to a tax, but the decision to BECOME a "taxpayer" is voluntary. This is proven by:

- 25 1. *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002;  
26 <https://sedm.org/Forms/05-MemLaw/Domicile.pdf>.  
27 2. *How State Nationals Volunteer to Pay Income Tax*, Form #08.024  
28 <https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

29 Either I own my life and am in charge of it and everything that affects it through my own actions, or I'm a slave  
30 and a peon and you are a tyrant. It can't be both. Welcome to The Matrix, Neo.

31 **IRS AGENT QUESTION:**

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

34 **YOUR ANSWER:**

35 Absolutely not! My God forbids me to act as a Buyer or user of government property or services of any kind.  
36 Violating that edict constitutes treason and comes the most heinous curse in the Holy Bible in Deuteronomy 28:43-  
37 51. If you really are a legitimate government, you will do your ONLY real job of protecting private property,  
38 leaving it and me alone. The government's only job according to the Declaration of Independence is to protect  
39 PRIVATE property. The first step in delivering that PRIVATE property protection is to keep the property from  
40 being converted from PRIVATE to PUBLIC property or governmental control without the consent of the owner.  
41 It is your MAIN JOB to keep PUBLIC and PRIVATE separate at all times. See: *Separation Between Public and*  
42 *Private Course*, Form #12.025; <https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf> . If you won't do YOUR  
43 ONLY job of maintaining that separation, then why the HELL would I want to hire you as a security guard to  
44 protect my PRIVATE property from anyone ELSE's theft? I remind you that income taxation is the  
45 institutionalized process of converting PRIVATE to PUBLIC in order to fund the government. That conversion

MUST be consensual or we are all SLAVES and PEONS in violation of the Thirteenth Amendment. It is an oxymoron to implement tax SLAVERY to pay for FREEDOM from slavery. Are you crazy? What have you been smoking?

I don't want your CIVIL statutory protection and I have the right to reject its benefits in favor of the common law or private contracts. At the same time, I'm NOT saying you don't deserve to be paid for the protection you provide in the form of the criminal law, the common law, or the military. It would be irresponsible of me to object to NOT paying for that. A workman is always worthy of his hire, according to the Bible. HOWEVER, I must have the discretion to decide WHAT I want to hire you to protect at least in a CIVIL statutory context. If I don't have that degree of discretion and autonomy, then I'm a slave and government chattel. The scenario where I do have that protection I identify as "natural law". For a definition of "natural law", see:

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

Usually, after the above interchange, the IRS agent will realize he is digging a DEEP hole for himself and will abruptly end that sort of inquiry, and many times will also end his collection efforts. When you get him to admit on the record that he is committing crimes, he no longer has a plausible deniability defense if he ends up in front of a jury.

## 7.2 What is "Property"?

Property is legally defined as follows:

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

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

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

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

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

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

Keep in mind the following critical facts about “property” as legally defined:

1. The essence of the “property” right, also called “ownership”, is the RIGHT TO EXCLUDE others from using or benefitting from the use of the property.

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

*“In this case, we hold that the ‘right to exclude,’ so universally held to be a fundamental element of the property right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without compensation.”*  
[*Kaiser Aetna v. United States*, 444 U.S. 164 (1979)]

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

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

### 7.3 “Public” v. “Private” property ownership

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

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

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

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

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

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

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

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



1

2

**Table 1: Public v. Private Property**

#	Characteristic	Public	Private
1	Authority for ownership comes from	Grantor/ creator of franchise	God/natural law
2	Type of ownership	Qualified	Absolute
3	Law protecting ownership	Statutory franchises	Bill of Rights (First Ten Amendments to the U.S. Constitution)
4	Owner is	The public as LEGAL owner and the human being as EQUITABLE owner	A single person as LEGAL owner
5	Ownership is a	Privilege/franchise	Right
6	Courts protecting ownership	Franchise court (Article 4 of the USA Constitution)	Constitutional court
7	Subject to taxation?	Yes	No (you have the right EXCLUDE government from using or benefitting from it)
8	Title held by	Statutory citizen (Statutory citizens are public officers)	Constitutional citizen (Constitutional citizens are human beings and may NOT be public officers)
9	Character of YOUR/HUMAN title	Equitable	Legal
10	Conversion to opposite type of property by	1. Removing government identifying number. 2. Donation.	1. Associating with government identifying number. <sup>18</sup> 2. Donation. 3. Eminent domain (with compensation). 4. THEFT (Internal Revenue Service).

3

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

7

8

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

9

10

11

12

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

13

14

For a fascinating and powerful presentation showing why private and public are separate, how to keep them that way, and how governments illegally try to convert PRIVATE to PUBLIC in order to STEAL from you, see:

[Separation Between Public and Private](http://sedm.org/Forms/FormIndex.htm), Form #12.025

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

<sup>18</sup> See: *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012.



## 7.4 The purpose and foundation of de jure government: Protection of EXCLUSIVELY PRIVATE rights

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

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. -"*  
[Declaration of Independence, 1776]

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

*"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. <sup>19</sup> Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. <sup>20</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. <sup>21</sup> and owes a fiduciary duty to the public. <sup>22</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. <sup>23</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. <sup>24</sup>"*  
[63C American Jurisprudence 2d., Public Officers and Employees, §247 (1999)]

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

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

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

*The present assault upon capital [THEFT! and WEALTH TRANSFER by unconstitutional CONVERSION of PRIVATE property to PUBLIC property] is but the beginning. It will be but the stepping stone to others larger and more sweeping, until our political contest will become war of the poor against the rich; a war of growing intensity and bitterness."*

<sup>19</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>20</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>21</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>22</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>23</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>24</sup> Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895), hearing the case against the first income tax passed by Congress that included people in states of the Union. They declared that first income tax UNCONSTITUTIONAL, by the way]

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

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

**"Public office.** The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.  
[Black's Law Dictionary, Fourth Edition, p. 1235]

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

1. Abolition of property in land and application of all rents of land to public purposes.
  2. A heavy progressive or graduated income tax.
- [...]  
[Wikipedia: "The Communist Manifesto", 12-27-2011; SOURCE:  
[http://en.wikipedia.org/wiki/The\\_Communist\\_Manifesto](http://en.wikipedia.org/wiki/The_Communist_Manifesto)]

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

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

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

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

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

[. . .]

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

In a lawful de jure government under our constitution:

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

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

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

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

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

3. You have to knowingly and intentionally DONATE your PRIVATE property to a public use and a PUBLIC purpose before the government can lawfully REGULATE its use. In other words, you have to at least SHARE your ownership of otherwise private property with the government and become an EQUITABLE rather than ABSOLUTE owner of the property before they can acquire the right to regulate its use or impose obligations or duties upon its original owner.
4. That donation ordinarily occurs by applying for and/or using a license in connection with the use of SPECIFIC otherwise PRIVATE property.
5. The process of applying for or using a license and thereby converting PRIVATE into PUBLIC cannot be compelled. If it is, the constitutional violation is called "eminent domain" without compensation or STEALING, in violation of the Fifth Amendment takings clause.
6. You have a PUBLIC persona (office) and a PRIVATE persona (human) at all times.
  - 6.1. That which you VOLUNTARILY attach a government license number to, such as a Social Security Number or Taxpayer Identification Number, becomes PRIVATE property donated to a public use to procure the benefits of a PUBLIC franchise. That property, in turn, is effectively OWNED by the government grantor of your public persona and the public office it represents.
  - 6.2. If you were compelled to use a government license number, such as an SSN or TIN, then a theft and taking without compensation has occurred, because all property associated with such numbers was unlawfully converted and STOLEN.

7. If the right to contract of the parties conducting any business transaction has any meaning at all, it implies the right to EXCLUDE the government from participation in their relationship.
- 7.1. You can write the contract such that neither party may use or invoke a license number, or complain to a licensing board, about the transaction, and thus the government is CONTRACTED OUT of the otherwise PRIVATE relationship. Consequently, the transaction becomes EXCLUSIVELY PRIVATE, and government may not tax or regulate or arbitrate the relationship in any way under the terms of the license franchise.
- 7.2. Every consumer of your services has a right to do business with those who are unlicensed. This right is a natural consequence of the right to CONTRACT and NOT CONTRACT. The thing they are NOT contracting with is the GOVERNMENT, and the thing they are not contracting FOR is STATUTORY/FRANCHISE “protection”. Therefore, even those who have applied for government license numbers are NOT obligated to use them in connection with any specific transaction and may not have their licenses suspended or revoked for failure or refusal to use them for a specific transaction.
8. If the government invades the commercial relationship between you and those you do business with by forcing either party to use or invoke the license number or pursue remedies or “benefits” under the license, they are:
- 8.1. Interfering with your UNALIENABLE right to contract.
- 8.2. Compelling you to donate EXCLUSIVELY PRIVATE property to a PUBLIC use.
- 8.3. Exercising unconstitutional eminent domain over your otherwise PRIVATE property.
- 8.4. Compelling you to accept a public “benefit”, where the “protection” afforded by the license is the “benefit”.

The above requirements of the USA Constitution are circumvented with nothing more than the simple PRESUMPTION, usually on the part of the IRS and corrupted judges who want to STEAL from you, that the GOVERNMENT owns it and that you have to prove that they CONSENTED to let you keep the fruits of it. They can’t and never have proven that they have such a right, and all such presumptions are a violation of due process of law.

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

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

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

1. PRESUMING that you are a public officer and therefore, that everything held in your name is PUBLIC property of the GOVERNMENT and not YOUR PRIVATE PROPERTY. See:
- Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>
2. Abusing fraudulent information returns to criminally and unlawfully “elect” you into public offices in the government:
- Correcting Erroneous Information Returns, Form #04.001  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/04-Tax/CorrErrInfoRtns/CorrErrInfoRtns.pdf>
3. PRESUMING that because you did not rebut evidence connecting you to a public office, then you CONSENT to occupy the office.
4. PRESUMING that ALL of the four contexts for “United States” are equivalent.
5. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a “non-resident” under federal civil law and NOT a STATUTORY “national and citizen of the United States\*\* at birth” per 8 U.S.C. §1401. See the document below:
- Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>



- 1 6. PRESUMING that "nationality" and "domicile" are equivalent. They are NOT. See:  
2 *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
3 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
4 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>
- 5 7. Using the word "citizenship" in place of "nationality" OR "domicile", and refusing to disclose WHICH of the two they  
6 mean in EVERY context.
- 7 8. Confusing the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For  
8 instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then  
9 FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
- 10 9. Confusing the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that  
11 you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can  
12 have only one "domicile" but many "residences" and BOTH require your consent. See:  
13 *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
14 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
15 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>
- 16 10. Adding things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their  
17 definitions, in violation of the rules of statutory construction. See:  
18 *Legal Deception, Propaganda, and Fraud*, Form #05.014  
19 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
20 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
- 21 11. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the  
22 statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC  
23 POLICY for the written law.
- 24 12. Publishing deceptive government publications that are in deliberate conflict with what the statutes define "United  
25 States" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their](#)  
26 [publications](#) and it is FRAUD. See:  
27 *Reasonable Belief About Income Tax Liability*, Form #05.007  
28 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
29 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

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

19 *"When we consider the nature and the theory of our institutions of government, the principles upon which they*  
20 *are supposed to rest, and review the history of their development, **we are constrained to conclude that they do***  
21 ***not mean to leave room for the play and action of purely personal and arbitrary power.**"*  
22 *[Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S. Sup.Ct. 1064, 1071]*

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

24 *"It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our*  
25 *Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is*  
26 *scarcely a scare-crow), **working like gravity by night and by day, gaining a little today and a little tomorrow,***  
27 ***and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the***  
28 ***States and the government be consolidated into one. To this I am opposed.**"*  
29 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

30 *"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them,*  
31 *to throw an anchor ahead and grapple further hold for future advances of power. **They are then in fact the corps***  
32 ***of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate***  
33 ***all power in the hands of that government in which they have so important a freehold estate.**"*  
34 *[Thomas Jefferson: Autobiography, 1821. ME 1:121]*

35 *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to*  
36 *undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination*  
37 *of a general and special government to a general and supreme one alone. **This will lay all things at their feet,***  
38 ***and they are too well versed in English law to forget the maxim, 'boni judicis est ampliari jurisdictionem.'**"*  
39 *[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]*

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



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

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

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

The key to preventing the unconstitutional abuse of presumption by the corrupted judiciary and IRS to STEAL from people is to completely understand the content of the following memorandum of law and consistently apply it in every interaction with the government:

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

It ought to be very obvious to the reader that:

1. The rules for converting PRIVATE property to PUBLIC property ought to be consistently, completely, clearly, and unambiguously defined by every government officer you come in contact with, and ESPECIALLY in court. These rules ought to be DEMANDED to be declared EVEN BEFORE you enter a plea in a criminal case.
2. If the government asserts any right over your PRIVATE property, they are PRESUMING they are the LEGAL owner and relegating you to EQUITABLE ownership. This presumption should be forcefully challenged.
3. If they won't expressly define the rules, or try to cloud the rules for converting PRIVATE property to PUBLIC property, then they are:
  - 3.1. Defeating the very purpose for which they were established as a "government". Hence, they are not a true "government" but a de facto private corporation PRETENDING to be a "government", which is a CRIME under 18 U.S.C. §912.
  - 3.2. Exercising unconstitutional eminent domain over private property without the consent of the owner and without compensation.
  - 3.3. Trying to STEAL from you.
  - 3.4. Violating their fiduciary duty to the public.

## **7.5 The Right to be left alone**

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

*"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men.**"*

*[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting) ; see also Washington v. Harper, 494 U.S. 210 (1990)]*

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

PAULSEN, *ETHICS* (Thilly's translation), chap. 9.

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

1 The Bible also states the foundation of justice by saying:

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

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

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

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

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

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

26

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

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

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

36 "The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes  
37 of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also *United States*  
38 *v. Reese*, [92 U.S. 214, 218](#) (1876); *United States v. Harris*, [106 U.S. 629, 639](#) (1883); *James v. Bowman*, [190 U.S.](#)  
39 [127, 139](#) (1903). Although the specific holdings of these early cases might have been superseded or modified, see,  
40 e.g., *Heart of Atlanta Motel, Inc. v. United States*, [379 U.S. 241](#) (1964); *United States v. Guest*, [383 U.S. 745](#)  
41 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been  
42 questioned."  
43 [*City of Boerne v. Flores, Archbishop of San Antonio*, [521 U.S. 507](#) (1997)]

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

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

48 To implement these principles, courts must consider from time to time where the governmental sphere [e.g.  
49 "public purpose" and "public office"] ends and the private sphere begins. Although the conduct of private

parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the "essential dichotomy" between the private sphere and the public sphere, with all its attendant constitutional obligations. *Moose Lodge*, supra, at 172. "

[...]

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

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

1. Cause the licensee or franchisee to represent a "public office" and work for the government.
2. Cause the licensee or franchisee to act in a representative capacity as an officer of the government, which is a federal corporation and therefore he or she becomes an "officer or employee of a corporation" acting in a representative capacity. See 26 U.S.C. §6671(b) and 26 U.S.C. §7434, which both define a "person" within the I.R.C. criminal and penalty provisions as an officer or employee of a corporation.
3. Change the effective domicile of the "office" or "public office" of the licensee or franchisee to federal territory pursuant to Federal Rule of Civil Procedure 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d).

IV. PARTIES > Rule 17.

(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 for the officers or "public officers" of the corporation, by the law under which it was organized; 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.

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

TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a  
§ 552a. Records maintained on individuals

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

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

If you don't maintain a domicile on federal territory, which is called the "United States" in the U.S. Code, or you don't work for the government by participating in its franchises, then the government has NO AUTHORITY to even keep records on you under the authority of the Privacy Act and you would be committing perjury under penalty of perjury to call yourself an "individual" on a government form. Why? Because you are the sovereign and the sovereign is not the subject of the law, but the author of the law!

*"Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are ordinarily construed to exclude it."*

[United States v. Cooper Corporation, 312 U.S. 600 (1941)]

*"There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country **sovereignty resides in the People**, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."*

[Juilliard v. Greenman, 110 U.S. 421 (1884)]

*"Sovereignty itself is, of course, not subject to law for it is the author and source of law;"*

[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

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

[Billings v. Hall, 7 CA. 1]

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

[The Betsy, 3 Dall 6]

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

1. You misrepresented your domicile as being on federal territory within the "United States" or the "State of\_\_" by declaring yourself to be either a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 or a statutory "resident" (alien) pursuant to 26 U.S.C. §7701(b)(1)(A). This made you subject to their laws and put you into a privileged state.
2. You filled out a government application for a franchise, which includes government benefits, professional licenses, driver's licenses, marriage licenses, etc.
3. Someone else filed a document with the government which connected you to a franchise, even though you never consented to participate in the franchise. For instance, IRS information returns such as W-2, 1042S, 1098, and 1099 presumptively connect you to a "trade or business" in the U.S. government pursuant to 26 U.S.C. §6041. A "trade or business" is then defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". The only way to prevent this evidence from creating a liability under the franchise agreement provisions is to rebut it promptly. See:

Correcting Erroneous Information Returns, Form #04.001

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

## **7.6 The PUBLIC You (straw man) vs. the PRIVATE You (human)**

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

*Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*

*When two rights [public right v. private right] concur in one person, it is the same as if they were **two separate persons**.* 4 Co. 118.

[Bouvier's Maxims of Law, 1856;

SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

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

*"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them."*

[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

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

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

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

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

1. How do you, a PRIVATE human, “OBEY” a law without “EXECUTING” it? We’ll give you a hint: It CAN’T BE DONE!
2. What “public office” or franchise does the government claim to have “created” and therefore have the right to control in the context of my otherwise exclusively PRIVATE property and PRIVATE rights under the Constitution?
3. Who is the “customer” in the context of the IRS: The STATUTORY “taxpayer” public office or the PRIVATE human filling the office?
4. Who gets to define what a “benefit” is in the context of “customers”? Isn’t it the human volunteering to be surety for the “taxpayer” office and not the government grantor of the public office franchise?
5. What if I as the human compelled to become surety for the office define that compulsion as an INJURY rather than a BENEFIT? Does that “end the privilege” and the jurisdiction to tax and regulate?
6. Isn’t a judge compelling you to violate your religious beliefs by compelling you to serve in a public office or accept the DUTES of the office? Isn’t this a violation of the First Commandment NOT to serve “other gods”, which can and does mean civil rulers or governments?

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

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



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

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

"It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act [CONSENT], renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Anything which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King's Bench universal in all personal actions."

[United States v. Worrall, 2 U.S. 384 (1798)]

SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168/](http://scholar.google.com/scholar_case?case=3339893669697439168/)

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

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

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

"A presumption is neither evidence nor a substitute for evidence."<sup>25</sup>  
[American Jurisprudence 2d., Evidence, §181 (1999)]

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

<sup>25</sup> Levasseur v. Field (Me), 332 A.2d. 765; Hinds v. John Hancock Mut. Life Ins. Co., 155 Me 349, 155 A.2d. 721, 85 A.L.R.2d. 703 (superseded by statute on other grounds as stated in Poitras v. R. E. Glidden Body Shop, Inc. (Me) 430 A.2d. 1113); Connizzo v. General American Life Ins. Co. (Mo App), 520 S.W.2d. 661.

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

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

16.1. Be off duty?

16.2. Choose WHEN we want to be off duty?

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

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

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

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

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

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

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

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

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

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

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

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

[Proof That There Is a "Straw Man", Form #05.042](#)  
<http://sedm.org/Forms/FormIndex.htm>

The PRIVATE "John Doe" is a statutory "non-resident non-person" not engaged in the "trade or business"/PUBLIC OFFICER franchise in relation to the PUBLIC. He exists in the republic and is a free inhabitant under the Articles of Confederation. He has inalienable rights and unlimited liabilities. Those unlimited liabilities are described in

[The Unlimited Liability Universe](http://famguardian.org/Subjects/Spirituality/Articles/UnlimitedLiabilityUniverse.htm)  
<http://famguardian.org/Subjects/Spirituality/Articles/UnlimitedLiabilityUniverse.htm>

The PUBLIC "JOHN DOE" is a public office in the government corporation and statutory "U.S. citizen" per 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c). He exists in the privileged socialist democracy. He has "benefits", franchises, obligations, immunities, and limited liability.

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

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

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

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

Requirement for Consent, Form #05.003  
<http://sedm.org/Forms/FormIndex.htm>

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

"These general rules are well settled:

(1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. *United States ex rel. Dunlap v. Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United States*, 7 Wall. 188, 195, 19 L.Ed. 35; *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108.

(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann.Cas. 1916A, 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v. National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919."  
[*U.S. v. Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

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

*"It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and that it does in fact constitute a contract when the requisite element of a consideration is present.<sup>26</sup> Conversely, a franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee.<sup>27</sup> "*

<sup>26</sup> *Larson v. South Dakota*, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; *Grand Trunk Western R. Co. v. South Bend*, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; *Blair v. Chicago*, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; *Arkansas-Missouri Power Co. v. Brown*, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; *Chicago General R. Co. v. Chicago*, 176 Ill. 253, 52 N.E. 880; *Louisville v. Louisville Home Tel. Co.*, 149 Ky. 234, 148 S.W. 13; *State ex rel. Kansas City v. East Fifth Street R. Co.*, 140 Mo. 539, 41 S.W. 955; *Baker v. Montana Petroleum Co.*, 99 Mont. 465, 44 P.2d. 735; *Re Board of Fire Comrs.* 27 N.J. 192, 142 A.2d. 85; *Chrysler Light & P. Co. v. Belfield*, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; *Franklin County v. Public Utilities Com.*, 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 153 S.E. 537; *Rutland Electric Light Co. v. Marble City Electric Light Co.*, 65 Vt. 377, 26 A. 635; *Virginia-Western Power Co. v. Commonwealth*, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct. 179, disapproved on other grounds *Victoria v. Victoria Ice, Light & Power Co.* 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds *Richmond v. Virginia Ry. & Power Co.* 141 Va. 69, 126 S.E. 353.

<sup>27</sup> *Pennsylvania R. Co. v. Bowers*, 124 Pa. 183, 16 A. 836.

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

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

10 Governments become corrupt by:

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

33 Therefore, it is important to learn how to be EXCLUSIVELY PRIVATE and a CREDITOR in all of our affairs. Freedom is  
34 possible in the PRIVATE; it is not even a valid fantasy in the realm of the PUBLIC.  
35

1 Below is a summary:

2 **Table 2: Public v. Private**

#	Characteristic	Private	Public
1	Name	“John Doe”	“JOHN DOE” (idemsonans)
2	Created by	Birth certificate	Application for SS Card, SSA Form SS-5
3	Property of	Human being	Government
4	Protected by	Common law	Statutory franchises
5	Type of rights exercised	Private rights Constitutional rights	Public rights Statutory privileges
6	Rights/privileges attach to	LAND you stand on	Statutory STATUS under a voluntary civil franchise
7	Courts which protect or vindicate rights/privileges	Constitutional courts under Article III in the true Judicial Branch	Legislative administrative franchise courts under Articles I and IV in the Executive Branch.
8	Domiciled on	Private property	Public property/federal territory
9	Commercial standing	Creditor	Debtor
10	Money	Gold and silver	Promissory note (debt instrument)
11	Sovereign being worshipped/obeyed	God	Governments and political rulers (The Beast, Rev. 19:19). Paganism
12	Purpose of government	Protect PRIVATE rights	Expand revenues and control over the populace and consolidate all rights and sovereignty to itself
13	Government consists of	Body POLITIC (PRIVATE) <b>and</b> body CORPORATE (PUBLIC)	Body CORPORATE (PUBLIC) <b>only</b> . All those in the body POLITIC are converted into officers of the corporation by abusing franchises.

3 **7.7 All PUBLIC/GOVERNMENT law attaches to government territory, all PRIVATE law**  
4 **attaches to your right to contract**

5 A very important consideration to understand is that:

- 6 1. All EXCLUSIVELY PUBLIC LAW attaches to the government’s own territory. By “PUBLIC”, we mean law that  
7 runs the government and ONLY the government.  
8 2. All EXCLUSIVELY PRIVATE law attaches to one of the following:  
9 2.1. The exercise of your right to contract with others.  
10 2.2. The property you own and lend out to others based on specific conditions.

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

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

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



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

*"The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States extends, 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 \(1945\)\]\*](#)

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

**Table 3: Meanings assigned to "United States" by the U.S. Supreme Court in *Hooven & Allison v. Evatt***

#	U.S. Supreme Court Definition of "United States" in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
1	"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."	International law	"United States**"	"These <u>united States</u> ," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. You are a "Citizen of the United States" like someone is a Citizen of France, or England. We identify this version of "United States" with a single asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal law Federal forms	"United States***"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	Constitution of the United States	"United States****"	"The several States which is the united States of America." Referring to the <u>50 sovereign States</u> , which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the <u>Congress does not</u> have exclusive legislative authority over any of the <u>50 sovereign States within the Union of States</u> . Rights are retained by the <u>States</u> in the 9th and 10th Amendments, and you are a "Citizen of these united States." 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.

The way our present system functions, all PUBLIC rights are attached to federal territory. They cannot lawfully attach to EXCLUSIVELY PRIVATE property because the right to regulate EXCLUSIVELY PRIVATE rights is repugnant to the constitution, as held by the U.S. Supreme Court.

Lastly, when the government enters the realm of commerce and private business activity, it operates in equity and is treated as EQUAL in every respect to everyone else. ONLY in this capacity can it enact law that does NOT attach to its own territory and to those DOMICILED on its territory:

*See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) ("The United States does business on business terms") (quoting United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926)); Perry v. United States, supra at 352 (1935) ("When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent") (citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) ("The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf"); Cooke v. United States, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there").*

See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant"); O'Neill v. United States, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, "[w]ere [the] contracts exclusively between private parties, the party hurt by such governing action could not claim compensation from the other party for the governing action"). The dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party.  
[[United States v. Winstar Corp., 518 U.S. 839 \(1996\)](#)]

If a government wants to reach outside its territory and create PRIVATE law for those who have not consented to its jurisdiction by choosing a domicile on its territory, the ONLY method it has for doing this is to exercise its right to contract.

Debt and contract [franchise agreement, in this case] are of no particular place.

Locus contractus regit actum.

The place of the contract [franchise agreement, in this case] governs the act.

[Bouvier's Maxims of Law, 1856;

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

The most important method by which governments exercise their PRIVATE right to contract and disassociate with the territorial limitation upon their lawmaking powers is through the use or abuse of franchises, which are contracts.

As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit,<sup>28</sup> and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.<sup>29</sup>  
[American Jurisprudence 2d., Franchises, §4: Generally (1999)]

## **7.8 The Ability to Regulate Private Rights and Private Conduct is Repugnant to the Constitution**

The following cite establishes that private rights and private property are entirely beyond the control of the government:

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic, as aptly defined in the preamble of the Constitution of Massachusetts, 'is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.'" This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125\*125 has found expression in the maxim sic utere tuo ut alienum non lædas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, 'are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things.'" Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the Fifth

<sup>28</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

<sup>29</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

Amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread," 3 Stat. 587, sect. 7; and, in 1848, "to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers," 9 id. 224, sect. 2.  
[Munn v. Illinois, 94 U.S. 113 (1876),  
SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

Notice that they say that the ONLY basis to regulate private rights is to prevent injury of one man to another by the use of said property. They say that this authority is the origin of the "police powers" of the state. What they hide, however, is that these same POLICE POWERS involve the CRIMINAL laws and EXCLUDE the CIVIL laws or even franchises. You can TELL they are trying to hide something because around this subject they invoke the Latin language that is unknown to most Americans to conceal the nature of what they are doing. Whenever anyone invokes Latin in a legal setting, a red flag ought to go up because you KNOW they are trying to hide a KEY fact. Here is the Latin they invoked:

*"sic utere tuo ut alienum non laedas"*

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

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

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

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

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

Policemen are NOT allowed to involve themselves in CIVIL disputes and may ONLY intervene or arrest anyone when a CRIME has been committed. They CANNOT arrest for an "infraction", which is a word designed to hide the fact that the statute being enforced is a CIVIL or FRANCHISE statute not involving the CRIMINAL "police powers". Hence, civil jurisdiction over PRIVATE rights is NOT authorized among those who HAVE such rights. Only those who know those rights and claim and enforce them, not through attorneys but in their proper person,

have such rights. Nor can those PRIVATE rights lawfully be surrendered to a REAL, de jure government, even WITH consent, if they are, in fact UNALIENABLE as the Declaration of Independence indicates.

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

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

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

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

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

1. Those who consent to the "social compact" by choosing a domicile or residence within a specific municipal jurisdiction. These people are identified by the following statutory terms:
  - 1.1. Individuals.
  - 1.2. Residents.
  - 1.3. Citizens.
  - 1.4. Inhabitants.
  - 1.5. PUBLIC officers serving as an instrumentality of the government.
2. Those who do NOT consent to the "social compact" and who therefore are called:
  - 2.1. Free inhabitants.
  - 2.2. Nonresidents.
  - 2.3. Transient foreigners.
  - 2.4. Sojourners.
  - 2.5. EXCLUSIVELY PRIVATE human beings beyond the reach of the civil statutes implementing the social compact.

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

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

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

16 *"When one becomes a member of society, he necessarily parts with some rights or privileges which, as an  
17 individual not affected by his relations to others, he might retain."*

18 [Munn v. Illinois, 94 U.S. 113 (1876),

19 SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931/](http://scholar.google.com/scholar_case?case=6419197193322400931/)]

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

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

26 *[1] **First, that he shall not use it to his neighbor's injury, and that does not mean that he must**  
27 **use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and**  
28 **every other public "benefit"];***

29 *[2] **second, that if he devotes it to a public use, he gives to the public a right to control that use; and***

30 *[3] **third, that whenever the public needs require, the public may take it upon payment of due compensation.***  
31 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

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

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

39 *"Under these powers the government regulates the **conduct of its citizens** one towards another, and the manner  
40 in which each shall use his own property, when such regulation becomes necessary for the public good."*

41 [Munn v. Illinois, 94 U.S. 113 (1876),

42 SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931/](http://scholar.google.com/scholar_case?case=6419197193322400931/)]

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



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

"A corporation [the U.S. government, and all those who represent it as public officers, is a federal corporation per 28 U.S.C. §3002(15)(A) ] is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only."  
[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

**"Citizens of the United States within the meaning of this Amendment must be natural and not artificial persons; a corporate body is not a citizen of the United States."**<sup>14</sup>

<sup>14</sup> Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States, corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth Amendment which secures the privileges and immunities of citizens of the United States against abridgment or impairment by the law of a State." Orient Ins. Co. v. Daggs, 172 U.S. 557, 561 (1869) . This conclusion was in harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2. See also Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912) ; Berea College v. Kentucky, 211 U.S. 45 (1908) ; Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928) ; Grosjean v. American Press Co., 297 U.S. 233, 244 (1936).

[SOURCE: Annotated Fourteenth Amendment, Congressional Research Service:  
[http://www.law.cornell.edu/aml#amd14a\\_hd1](http://www.law.cornell.edu/aml#amd14a_hd1)]

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

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

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

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

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

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

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

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

1. Free inhabitants.
2. Not a statutory "person" under the civil law or franchise statute in question.
3. Not "individuals" under the CIVIL law if they are human beings. All statutory "individuals", in fact, are identified as "employees" under 5 U.S.C. §2105(a). This is the ONLY statute that describes HOW one becomes a statutory "individual" that we have been able to find.
4. "foreign", a "transient foreigner", and sovereign in respect to government CIVIL but not CRIMINAL jurisdiction.

5. NOT “subject to” but also not necessarily statutorily “exempt” under the civil or franchise statute in question.

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

Mugler v. Kansas, 123 U.S. 623 (1887)

SOURCE: [http://scholar.google.com/scholar\\_case?case=12658364258779560123](http://scholar.google.com/scholar_case?case=12658364258779560123)

## 7.9 “Political (PUBLIC) law” v. “civil (PRIVATE/COMMON) law”

Within our republican government, the founding fathers recognized three classes of law:

1. Criminal law. Protects both PUBLIC and PRIVATE rights.
2. Civil law. Protects exclusively PRIVATE rights. In effect, it implements ONLY the common law and does not regulate the government at all.
3. Political law. Protects exclusively PUBLIC rights of public officers and offices within the government.

The above three types of law were identified in the following document upon which the founding fathers wrote the constitution and based the design of our republican form of government:

*The Spirit of Laws*, Charles de Montesquieu, 1758

SOURCE: <http://famguardian.org/Publications/SpiritOfLaws/sol.htm>

*The Spirit of Laws* book is where the founding fathers got the idea of separation of powers and three branches of government: Executive, Legislative, and Judicial. Montesquieu defines “political law” and “political liberty” as follows:

*I. A general Idea.*

*I make a distinction between the laws that establish political liberty, as it relates to the constitution, and those by which it is established, as it relates to the citizen. The former shall be the subject of this book; the latter I shall examine in the next.*

[*The Spirit of Laws*, Charles de Montesquieu, 1758, Book XI, Section I;

SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]

The Constitution in turn is a POLITICAL document which represents law EXCLUSIVELY for public officers within the government. It does not obligate or abrogate any PRIVATE right. It defines what the courts call “public rights”, meaning rights possessed and owned exclusively by the government ONLY.

*“And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess. The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible. ‘We the People of the United States,’ it says, ‘do ordain and establish this Constitution.’ Ordain and establish! These are definite words of enactment, and without more would stamp what follows with the dignity and character of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly-‘This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land.’ (Const. art. 6, cl. 2.) The supremacy of the Constitution as law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance of the Constitution. And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great weight, Adkins v. Children’s Hospital, 261 U.S. 525, 544, 43 S.Ct. 394, 24 A.L.R. 1238; but their opinion, or the court’s opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry. Schechter Poultry Corp. v. United States, 295 U.S. 495, 549, 550 S., 55 S.Ct. 837, 97 A.L.R. 947. “*  
[Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

The vast majority of laws passed by Congress are what Montesquieu calls “political law” that is intended exclusively for the government and not the private citizen. The authority for implementing such political law is Article 4, Section 3, Clause 2 of the United States Constitution. To wit:

*United States Constitution  
Article 4, Section 3, Clause 2*

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

Tax franchise codes such as the Internal Revenue Code, for instance, are what Montesquieu calls “political law” exclusively for the government or public officer and not the private (CONSTITUTIONAL) citizen. Why? Because:

1. The U.S. Supreme Court identified taxes as a “political matter”. “Political law”, “political questions”, and “political matters” cannot be heard by true constitutional courts and may ONLY be heard in legislative franchise courts officiated by the Executive and not Judicial branch:

*“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)]*

2. The U.S. Tax Court:
  - 2.1. Is an Article I Court in the EXECUTIVE and not JUDICIAL branch, and hence, can only officiate over matters INTERNAL to the government. See 26 U.S.C. §7441.
  - 2.2. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Executive branch.
  - 2.3. Is limited to the District of Columbia because all public offices are limited to serve there per 4 U.S.C. §72. It travels all over the country, but this is done ILLEGALLY and in violation of the separation of powers.
3. The activity subject to excise taxation is limited exclusively to “public offices” in the government, which is what a “trade or business” is statutorily defined as 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 of a public office.”*

In Book XXVI, Section 15 of the Spirit of Laws, Montesquieu says that POLITICAL laws should not be allowed to regulate CIVIL conduct, meaning that POLITICAL laws limited exclusively to the government should not be enforced upon the PRIVATE citizen or made to “appear” as though they are “civil law” that applies to everyone:

*The Spirit of Laws, Book XXVI, Section 15*

*15. That we should not regulate by the Principles of political Law those Things which depend on the Principles of civil Law.*

*As men have given up their natural independence to live under political laws, they have given up the natural community of goods to live under civil laws.*

*By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the individual should give way to that of the public; this can never take place, except when the government of the community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate*

to private property, because the public good consists in every one's having his property, which was given him by the civil laws, invariably preserved.

Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view than that every one might be able to preserve his property.

Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is the Palladium of [PRIVATE] property.

Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.

If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from the civil law, the not being forced to alienate his possessions.

After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.

They mended the highways in his time as we do at present. He says, that when a highway could not be repaired, they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who reaped any advantage from the road.<sup>43</sup> They determined at that time by the civil law; in our days, we determine by the law of politics.

[The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15;  
SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]

What Montesquieu is implying is what we have been saying all along, and he said it in 1758, which was even before the Declaration of Independence was written:

1. The purpose of establishing government is exclusively to protect PRIVATE rights.
2. PRIVATE rights are protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than PRIVILEGE:

“Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.”

3. PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT the CIVIL law.
4. The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from being used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

Unfortunately, it is precisely the above type of corruption that Montesquieu describes that is the foundation of the present de facto government, tax system, and money system. ALL of them treat every human being as a PUBLIC officer against their consent, and impose what he calls the “rigors of the political law” upon them, in what amounts to a THEFT and CONFISCATION of otherwise PRIVATE property by enforcing PUBLIC law against PRIVATE people.

The implications of Montesquieu’s position are that the only areas where POLITICAL law and CIVIL law should therefore overlap is in the exercise of the political rights to vote and serve on jury duty. Why? Because jurists are regarded as public officers in 18 U.S.C. §201(a)(1):

TITLE 18 > PART 1 > CHAPTER 11 > § 201  
§ 201. Bribery of public officials and witnesses

(a) For the purpose of this section—

(1) the term "public official" means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror;

However, it has also repeatedly been held by the courts that poll taxes are unconstitutional. Hence, voters technically are NOT to be regarded as public officers or franchisees for any purpose OTHER than their role as a voter. Recall that all statutory "Taxpayers" are public officers in the government.

In the days since Montesquieu, the purpose and definition of what he has called the CIVIL law has since been purposefully and maliciously corrupted so that it no longer protects exclusively PRIVATE rights or implements the COMMON law, but rather protects mainly PUBLIC rights and POLITICAL officers in the government. In other words, society has become corrupted by the following means that he warned would happen:

1. What Montesquieu calls CIVIL law has become the POLITICAL law.
2. There is not CIVIL (common) law anymore as he defines it, because the courts interfere with the enforcement of the common law and the protection of PRIVATE rights.
3. The purpose of government has transformed from protecting mainly PRIVATE rights using the common law to that of protecting PUBLIC rights using the STATUTE law, which in turn has become exclusively POLITICAL law.
4. All those who insist on remaining exclusively private cannot utilize any government service, because the present government forms refuse to recognize such a status or provide services to those with such status.
5. Everyone who wants to call themselves a "citizen" is no longer PRIVATE, but PUBLIC. "citizen" has become a public officer in the government rather than a private human being.
6. All "citizens" are STATUTORY rather than CONSTITUTIONAL in nature.
  - 6.1. There are no longer any CONSTITUTIONAL citizens because the courts refuse to recognize or protect them.
  - 6.2. People are forced to accept the duties of a statutory "citizen" and public officer to get any remedy at all in court or in any government agency.

The above transformations are documented in the following memorandum of law on our site:

*De Facto Government Scam*, Form #05.043  
<http://sedm.org/Forms/FormIndex.htm>

## **7.10 Lawful methods for converting PRIVATE property into PUBLIC property**

Next, we must carefully consider all the rules by which EXCLUSIVELY PRIVATE property is lawfully converted into PUBLIC property subject to government control or civil regulation. These rules are important, because the status of a particular type of property as either PRIVATE or PUBLIC determines whether either COMMON LAW or STATUTORY LAW apply respectively.

In general, only by either accepting physical property from the government or voluntarily applying for and claiming a status or right under a government franchise can one procure a PUBLIC status and be subject to STATUTORY civil law. If one wishes to be governed ONLY by the common law, then they must make their status very clear in every interaction with the government and on EVERY government form they fill out so as to avoid connecting them to any statutory franchise. Below is an example from a U.S. Department of Justice guide for prosecuting "sovereign citizens" that proves WHY this is the case:

*"What evidence refutes a good faith defense will depend on the facts and circumstances of each case. It is often helpful to focus on evidence that shows the defendant knew the law but disregarded it or was simply defying it. For instance, evidence that the defendant received proper advice from a CPA or tax preparer, or that the defendant failed to consult legitimate sources about his or her understanding of the tax laws can be helpful. To refute claims that wages are not income, that the defendant did not understand the meaning of "wages," or that the defendant is a state citizen but not a citizen of the United States, look for loan applications during the prosecution period. Tax defiers and sovereign citizens never seem to have a problem understanding the definition of income on a loan application. They also do not hesitate to check the "yes" box to the question "are you a U.S. citizen." Any evidence that the defendant accepted Government benefits, such as*



unemployment, Medicare, social security, or the Alaska Permanent Fund Dividend will also be helpful to refute the defendant's claims that he or she is not a citizen subject to federal laws."  
[Prosecuting Tax Defier and Sovereign Citizen Cases—Frequently Asked Questions, U.S. Attorneys Bulletin, Volume 61, No. 2, March 2013, p. 48;  
SOURCE: <http://famguardian.org/Publications/USAttyBulletins/usab6102.pdf>]

The bottom line is that if you accept a government benefit, they PRESUME the right to rape and pillage absolutely ANYTHING you own. Our Path to Freedom, Form #09.015 process, by the way, makes the use of the above OFFENSE by the government in prosecuting you IMPOSSIBLE. The exhaustive list of attachment forms we provide which define the terms on all government forms they could use as evidence to prove the above also defeat the above tactic by U.S. Attorneys. Also keep in mind that the above tactic is useful against the GOVERNMENT as an offensive weapon. If your property is private, you can grant it to THEM with FRANCHISE conditions found in Form #06.027. If they argue that you can't do it to them, indirectly they are destroying the main source of THEIR jurisdiction as well. Let them shoot themselves in the foot in front of the jury!

Below is a detailed list of the rules for converting PRIVATE property to PUBLIC property:

1. The purpose for establishing governments is mainly to protect private property. The Declaration of Independence affirms this:

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --"*  
[Declaration of Independence, 1776]

2. Government protects private rights by keeping "public [government] property" and "private property" separate and never allowing them to be joined together. This is the heart of the separation of powers doctrine: separation of what is private from what is public with the goal of protecting mainly what is private. See:

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

3. All property BEGINS as private property. The only way to lawfully change it to public property is through the exercise of your unalienable constitutional right to contract. All franchises qualify as a type of contract, and therefore, franchises are one of many methods to lawfully convert PRIVATE property to PUBLIC property. The exercise of the right to contract, in turn, is an act of consent that eliminates any possibility of a legal remedy of the donor against the donee:

*"Volunt non fit injuria.*  
*He who consents cannot receive an injury. 2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.*

*Consensus tollit errorem.*  
*Consent removes or obviates a mistake. Co. Litt. 126.*

*Melius est omnia mala pati quam malo concentire.*  
*It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

*Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
*One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

4. In law, all rights are "property".

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

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

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

**Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical thing, as right to possess, use and dispose of it.** *Cereghino v. State By and Through State Highway Commission*, 230 Or. 439, 370 P.2d. 694, 697.  
[Black's Law Dictionary, Fifth Edition, p. 1095]

By protecting your constitutional rights, the government is protecting your PRIVATE property. Your rights are private property because they came from God, not from the government. Only what the government creates can become public property. An example is corporations, which are a public franchise that makes officers of the corporation into public officers.

5. The process of taxation is the process of converting "private property" into a "public use" and a "public purpose". Below are definitions of these terms for your enlightenment.

**Public use.** *Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which condemnation is sought and, as long as public has right of use, whether exercised by one or many members of public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use. Montana Power 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]

**"Public purpose.** *In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax, police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for instance, federal benefit recipients as individuals]. "Public purpose" that will justify expenditure of public money generally means such an activity as will serve as benefit to community as a body and which at same time is directly related function of government. Pack v. Southwestern Bell Tel. & Tel. Co., 215 Tenn. 503, 387 S.W.2d. 789, 794.*

The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; **the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals.** A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public purpose or public business."  
[Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

1 6. The federal government has no power of eminent domain within states of the Union. This means that they cannot  
2 lawfully convert private property to a public use or a public purpose within the exclusive jurisdiction of states of the  
3 Union:

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

9 7. The Fifth Amendment prohibits converting private property to a public use or a public purpose without just compensation  
10 if the owner does not consent, and this prohibition applies to the Federal government as well as states of the Union. It  
11 was made applicable to states of the Union by the Fourteenth Amendment in 1868.

12 *Fifth Amendment - Rights of Persons*

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

20 If the conversion of private property to public property is done without the express consent of the party affected by the  
21 conversion and without compensation, then the following violations have occurred:

22 7.1. Violation of the Fifth Amendment “takings clause” above.

23 7.2. “Conversion” in violation of 18 U.S.C. §654.

24 7.3. Theft.

25 8. Because taxation involves converting private property to a public use, public purpose, and public office, then it involves  
26 eminent domain if the owner of the property did not expressly consent to the taking:

27 ***Eminent domain.** The power to take private property for public use by the state, municipalities, and private*  
28 *persons or corporations authorized to exercise functions of public character. Housing Authority of Cherokee*  
29 *National of Oklahoma v. Langley, Okl., 555 P.2d. 1025, 1028. Fifth Amendment, U.S. Constitution.*

30 *In the United States, the power of eminent domain is founded in both the federal (Fifth Amend.) and state*  
31 *constitutions. **However, the Constitution limits the power to taking for a public purpose and prohibits the***  
32 *exercise of the power of eminent domain without just compensation to the owners of the property which is*  
33 *taken. The process of exercising the power of eminent domain is commonly referred to as “condemnation”,*  
34 *or, “expropriation”.*

35 *The right of eminent domain is the right of the state, through its regular organization, to reassert, either*  
36 *temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency*  
37 *and for the public good. Thus, in time of war or insurrection, the proper authorities may possess and hold any*  
38 *part of the territory of the state for the common safety; and in time of peace the legislature may authorize the*  
39 *appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing*  
40 *channels for trade or travel. Eminent domain is the highest and most exact idea of property remaining in the*  
41 *government, or in the aggregate body of the people in their sovereign capacity. It gives a right to resume the*  
42 *possession of the property in the manner directed by the constitution and the laws of the state, whenever the public*  
43 *interest requires it.*

44 *See also Adequate compensation; Condemnation; Constructive taking; Damages; Expropriation; Fair market*  
45 *value; Just compensation; Larger parcel; Public use; Take.*  
46 *[Black’s Law Dictionary, Fifth Edition, p. 470]*

47 9. The Fifth Amendment requires that any taking of private property without the consent of the owner **must** involve  
48 compensation. The Constitution must be consistent with itself. The taxation clauses found in Article 1, Section 8,  
49 Clauses 1 and 3 cannot conflict with the Fifth Amendment. The Fifth Amendment contains no exception to the  
50 requirement for just compensation upon conversion of private property to a public use, even in the case of taxation. This  
51 is why all taxes must be indirect excise taxes against people who provide their consent by applying for a license to engage

1 in the taxed activity: The application for the license constitutes constructive consent to donate the fruits of the activity  
2 to a public use, public purpose, and public office.

- 3 10. There is only ONE condition in which the conversion of private property to public property does NOT require  
4 compensation, which is when the owner donates the private property to a public use, public purpose, or public office.  
5 To wit:

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

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

14 The above rules are summarized below:  
15

**Table 4: Rules for converting private property to a public use or a public office**

#	Description	Requires consent of owner to be taken from owner?
1	The owner of property justly acquired enjoys full and exclusive use and control over the property. This right includes <u>the right to exclude government uses</u> or ownership of said property.	Yes
2	He may not use the property to injure the equal rights of his neighbor. For instance, when you murder someone, the government can take your liberty and labor from you by putting you in jail or your life from you by instituting the death penalty against you. Both your life and your labor are “property”. Therefore, the basis for the “taking” was violation of the equal rights of a fellow sovereign “neighbor”.	No
3	He cannot be compelled or required to use it to “benefit” his neighbor. That means he cannot be compelled to donate the property to any franchise that would “benefit” his neighbor such as Social Security, Medicare, etc.	Yes
4	If he donates it to a public use, he gives the public the right to control that use.	Yes
5	Whenever the public needs require, the public may take it without his consent upon payment of due compensation. E.g. “eminent domain”.	No

11. The following two methods are the ONLY methods involving consent of the owner that may be LAWFULLY employed to convert PRIVATE property into PUBLIC property. Anything else is unlawful and THEFT:

11.1. DIRECT CONVERSION: Owner donates the property by conveying title or possession to the government.<sup>30</sup>

11.2. INDIRECT CONVERSION: Owner assumes a PUBLIC status as a PUBLIC officer in the HOLDING of title to the property.<sup>31</sup> All such statuses and the rights that attach to it are creations and property of the government, the use of which is a privilege. The status and all PUBLIC RIGHTS that attach to it conveys a “benefit” for which the status user must pay an excise tax. The tax acts as a rental or use fee for the status, which is government property.

12. You and ONLY you can authorize your private property to be donated to a public use, public purpose, and public office. No third party can lawfully convert or donate your private property to a public use, public purpose, or public office without your knowledge and express consent. If they do, they are guilty of theft and conversion, and especially if they are acting in a quasi-governmental capacity as a “withholding agent” as defined in 26 U.S.C. §7701(a)(16).

12.1. A withholding agent cannot file an information return connecting your earnings to a “trade or business” without you actually occupying a “public office” in the government BEFORE you filled out any tax form.

12.2. A withholding agent cannot file IRS Form W-2 against your earnings if you didn’t sign an IRS Form W-4 contract and thereby consent to donate your private property to a public office in the U.S. government and therefore a “public use”.

12.3. That donation process is accomplished by your own voluntary self-assessment and ONLY by that method. Before such a self-assessment, you are a “nontaxpayer” and a private person. After the assessment, you become a “taxpayer” and a public officer in the government engaged in the “trade or business” franchise.

12.4. In order to have an income tax liability, you must complete, sign, and “file” an income tax return and thereby assess yourself:

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

By assessing yourself, you implicitly give your consent to allow the public the right to control that use of the formerly PRIVATE property donated to a public use.

<sup>30</sup> An example of direct conversion would be the process of “registering” a vehicle with the Department of Motor Vehicles in your state. The act of registration constitutes consent by original ABSOLUTE owner to change the ownership of the property from ABSOLUTE to QUALIFIED and to convey legal title to the state and qualified title to himself.

<sup>31</sup> An example of a PUBLIC status is statutory “taxpayer” (public office called “trade or business”), statutory “citizen”, statutory “driver” (vehicle), statutory voter (registered voters are public officers).



1 A THEFT of property has occurred on behalf of the government if it attempts to do any of the following:

- 2 1. Circumvents any of the above rules.
- 3 2. Blurs, confuses, or obfuscates the distinction between PRIVATE property and PUBLIC property.
- 4 3. Refuses to identify EXACTLY which of the mechanisms identified in item 10 above was employed in EACH specific
- 5 case where it:
- 6 3.1. Asserts a right to regulate the use of private property.
- 7 3.2. Asserts a right to convert the character of property from PRIVATE to PUBLIC.
- 8 3.3. Asserts a right to TAX what you THOUGHT was PRIVATE property.

9 The next time someone from the government asserts a tax obligation, you might want to ask them the following  
10 very insightful questions based on the content of this section:

- 11 1. Please describe at EXACTLY what point in the taxation process my earnings were LAWFULLY converted from  
12 EXCLUSIVELY PRIVATE to PUBLIC and thereby became SUBJECT to civil statutory law and government  
13 jurisdiction. Check one or more. If none are checked, it shall CONCLUSIVELY be PRESUMED that no tax is owed:
  - 14 1.1. \_\_\_\_ When I was born?
  - 15 1.2. \_\_\_\_ When I became a CONSTITUTIONAL citizen?
  - 16 1.3. \_\_\_\_ When I changed my domicile to a CONSTITUTIONAL and not STATUTORY "State"?
  - 17 1.4. \_\_\_\_ When I indicated "U.S. citizen" or "U.S. resident" on a government form, and the agent accepting it  
18 FALSELY PRESUMED that meant I was a STATUTORY "national and citizen of the United States" per 8  
19 U.S.C. §1401 rather than a CONSTITUTIONAL "citizen of the United States"?
  - 20 1.5. \_\_\_\_ When I disclosed and used a Social Security Number or Taxpayer Identification Number to my otherwise  
21 PRIVATE employer?
  - 22 1.6. \_\_\_\_ When I submitted my withholding documents, such as IRS Forms W-4 or W-8?
  - 23 1.7. \_\_\_\_ When the information return was filed against my otherwise PRIVATE earnings that connected my  
24 otherwise PRIVATE earnings to a PUBLIC office in the national government?
  - 25 1.8. \_\_\_\_ When I FAILED to rebut the false information return connecting my otherwise PRIVATE earnings to a  
26 PUBLIC office in the national government?
  - 27 1.9. \_\_\_\_ When I filed a "taxpayer" form, such as IRS Forms 1040 or 1040NR?
  - 28 1.10. \_\_\_\_ When the IRS or state did an assessment under the authority of 26 U.S.C. §6020(b)?
  - 29 1.11. \_\_\_\_ When I failed to rebut a collection notice from the IRS?
  - 30 1.12. \_\_\_\_ When the IRS levied monies from my EXCLUSIVELY private account, which must be held by a PUBLIC  
31 OFFICER per 26 U.S.C. §6331(a) before it can lawfully be levied?
  - 32 1.13. \_\_\_\_ When the government decided they wanted to STEAL my money and simply TOOK it, and were protected  
33 from the THEFT by a complicit Department of Justice, who split the proceeds with them?
  - 34 1.14. \_\_\_\_ When I demonstrated legal ignorance of the law to the government sufficient to overlook or not recognize  
35 that it is impossible to convert PRIVATE to PUBLIC without my consent, as the Declaration of Independence  
36 requires?
- 37 2. How can the conversion from PRIVATE to PUBLIC occur without my consent and without violating the Fifth  
38 Amendment Takings Clause?
- 39 3. If you won't answer the previous questions, how the HELL am I supposed to receive constitutionally mandated  
40 "reasonable notice" of the following:
  - 41 3.1. EXACTLY what property I exclusively own and therefore what property is NOT subject to government taxation  
42 or regulation?
  - 43 3.2. EXACTLY what conduct is expected of me by the law?
- 44 4. EXACTLY where in your publications is the first question answered and why should I believe it if even you refuse to  
45 take responsibility for the accuracy of said publications?
- 46 5. EXACTLY where in the statutes and regulations is the first question answered?
- 47 6. How can you refuse to answer the above questions if your own mission statement says you are required to help people  
48 obey the law and comply with the law?

## 7.11 Unlawful methods abused by government to convert PRIVATE property to PUBLIC property

There are a LOT more ways to UNLAWFULLY convert PRIVATE property to PUBLIC property than there are ways to do it lawfully. This section will address the most prevalent methods abused by state actors so that you will immediately recognize them when you are victimized by them. For the purposes of this section CONTROL and OWNERSHIP are synonymous. Hence, if the TITLE of the property remains in your name but there is any aspect of control over the USE of said property that does not demonstrably injure others, then the property ceases to be absolutely owned and therefore is owned by the government.

Based on the previous section, there is ONLY one condition in which PRIVATE property can be converted to PUBLIC property without the consent of the owner, which is when it is used to INJURE the rights of others. Any other type of conversion is THEFT. The U.S. Supreme Court describes that process of illegally CONVERTING property from PRIVATE to PUBLIC as follows. Notice that they only reference the “citizen” as being the object of regulation, which implies that those who are “nonresidents” and “transient foreigners” are beyond the control of those governments in whose territory they have not chosen a civil domicile:

*“The doctrine that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non lœdas — is the rule by which every member of society must possess and enjoy his property; and all legislation essential to secure this common and equal enjoyment is a legitimate exercise of State authority. Except in cases where property may be destroyed to arrest a conflagration or the ravages of pestilence, or be taken under the pressure of an immediate and overwhelming necessity to prevent a public calamity, the power of the State over the property of the citizen [NOT EVERYONE, but only those consent to become citizens by choosing a domicile] does not extend beyond such limits.”*  
[Munn v. Illinois, 94 U.S. 113 (1876)]

Below is a list of the more prevalent means abused by corrupt and covetous governments to illegally convert PRIVATE property to PUBLIC PROPERTY without the express consent of the owner. Many of these techniques are unrecognizable to the average American and therefore surreptitious, which is why they continue to be abused so regularly and chronically by public dis-servants:

1. Deceptively label statutory PRIVILEGES as RIGHTS.
2. Confuse STATUTORY citizenship with CONSTITUTIONAL citizenship.
3. Refuse to admit that the court you are litigating in is a FRANCHISE court that has no jurisdiction over non-franchisees or people who do not consent to the franchise.
4. Abuse the words “includes” and “including” to add anything they want to the definition of “person” or “individual” within the franchise. All such “persons” are public officers and not private human beings. See:  

Legal Deception, Propaganda, and Fraud, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>
5. Refuse to impose the burden of proof upon the government to show that you EXPRESSLY CONSENTED to convert PRIVATE property into PUBLIC property BEFORE they can claim jurisdiction over it.
6. Silently PRESUME that the property in question is PUBLIC property connected with the “trade or business” (public office per 26 U.S.C. §7701(a)(26)) franchise and force you to prove that it ISN’T by CHALLENGING false information returns filed against it, such as IRS Forms W-2, 1098, 1099, and K-1. See:  

Correcting Erroneous Information Returns, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>
7. Presume that the STATUTORY and CONSTITUTIONAL contexts for geographical words are the same. They are NOT, and in fact are mutually exclusive.
8. Presume that because you submitted an application for a franchise, that you:
  - 8.1. CONSENTED to the franchise and were not under duress.
  - 8.2. Were requesting a “benefit” and therefore agreed to the obligations associated with the “benefit”.

CALIFORNIA CIVIL CODE  
DIVISION 3. OBLIGATIONS  
PART 2. CONTRACTS  
CHAPTER 3. CONSENT  
[Section 1589](#)

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

8.3. Agree to accept the obligations associated with the status described on the application, such as “taxpayer”, “driver”, “spouse”.

If you want to prevent the above, reserve all your rights on the application, indicate duress, and define all terms on the form as NOT connected with any government or statutory law.

9. PRESUME that the OWNER has a civil statutory status that he or she did not consent to, such as:

9.1. “spouse” under the family code of your state, which is a franchise.

9.2. “driver” under the vehicle code of your state, which is a franchise.

9.3. “taxpayer” under the tax code of your state, which is a franchise.

10. PRESUME in the case of physical PROPERTY that it was situated on federal territory to which the general and exclusive jurisdiction of the national government applies, even though it is not. This is primarily done by playing word games with geographical “words of art” such as “State” and “United States”.

11. Refuse to satisfy the burden of proving that the owner of the property expressly consented in a manner that he/she prescribed to change the status of either himself or the property over which they claim a public interest.

12. Judges will interfere with attempts to introduce evidence in the proceeding that challenges any of the above presumptions.

13. Unlawfully compel the use of Social Security Numbers or Taxpayer Identification Numbers in violation of 42 U.S.C. §408(a)(8) in connection with specific property as a precondition of rendering a usually essential service. It will be illegally compelled because:

13.1. The party against whom it was compelled was not a statutory “Taxpayer” or “person” or “individual” or to whom a duty to furnish said number lawfully applies.

13.2. The property was not located on territory subject to the territorial jurisdiction of that national government.

14. Use one franchise as a way to recruit franchisees under OTHER franchises that are completely unrelated. For instance, they will enact a vehicle code statute that allows for confiscation of REGISTERED vehicles only that are being operated by UNLICENSED drivers. That way, everyone who wants to protect their vehicle also indirectly has to ALSO become a statutory “driver” using the public roadways for commercial activity and thus subject to regulation by the state, even though they in fact ARE NOT intending to do so.

15. Issue a license and then refuse to recognize the authority and ability in court of those possessing said license to act in an EXCLUSIVELY PRIVATE capacity. For instance:

15.1. They may have a contractor’s license, but they are NOT allowed to operate as OTHER than a licensed contractor...OR are NOT allowed to operate in an exclusively PRIVATE capacity.

15.2. They may have a vehicle registration but are NOT allowed to remove it or NOT use it during times when they are NOT using the public roadways for hire, which is most of the time. In other words, the vehicle is the equivalent to “off duty” at some times. They allow police officers, who are PUBLIC officers, to be off duty, but not anyone who DOESN’T work for the government.

16. Issue or demand GOVERNMENT ID and then presume that the applicant is a statutory “resident” for ALL purposes, rather than JUST the specific reason the ID was issued. Since a “resident” is a public officer, in effect they are PRESUMING that you are a public officer 24 hours a day, 7 days a week, and that you HAVE to assume this capacity without pay or “benefit” and without the ability to quit. See:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002, Section 13.4  
<http://sedm.org/Forms/FormIndex.htm>

What all of the above government abuses have in common is that they do one or more of the following:

1. Involve PRESUMPTIONS which violate due process of law and are therefore UNCONSTITUTIONAL. See:

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

2. Refuse to RECOGNIZE the existence of PRIVATE property or PRIVATE rights.

3. Violate the very purpose of establishing government to begin with, which is to PROTECT PRIVATE property by LEAVING IT ALONE and not regulating or benefitting from its use or abuse until AFTER it has been used to injure the equal rights of anyone OTHER than the original owner.

4. Violate the Unconstitutional Conditions Doctrine of the U.S. Supreme Court.

5. Needlessly interfere with the ownership or control of otherwise PRIVATE property.

6. Often act upon property BEFORE it is used to institute an injury, instead of AFTER. Whenever the law acts to PREVENT future harm rather than CORRECT past harm, it requires the consent of the owner. The common law itself

only provides remedies for PAST harm and cannot act on future conduct, except in the case of injunctions where PAST harm is already demonstrated.

7. Institute involuntary servitude against the owner in violation of the Thirteenth Amendment.
8. Represent an eminent domain over PRIVATE property in violation of the state constitution in most states.
9. Violate the takings clauses of the Fifth Amendment to the United States Constitution.
10. Violate the maxim of law that the government has a duty to protect your right to NOT receive a “benefit” and NOT pay for “benefits” that you don’t want or don’t need.

*Invito beneficium non datur.*

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

*Quilibet potest renunciare juri pro se inducto.*

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

*[Bouvier’s Maxims of Law, 1856,*

*SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

It ought to be obvious to the reader that the basis for Socialism is public ownership of ALL property.

*“socialism n (1839) 1: any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods 2 a: a system of society or group living in which there is no private property b: a system or condition of society in which the means of production are owned and controlled by the state 3: a stage of society in Marxist theory transitional between capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.”*  
*[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1118]*

Any system of law that recognizes no absolute and inviolable constitutional boundary between PRIVATE property and PUBLIC property, or which regards ALL property as being subject to government taxation and/or regulation is a socialist or collectivist system. That socialist system is exhaustively described in the following:

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

Below is how the U.S. Supreme Court characterizes efforts to violate the rules for converting PRIVATE property into PUBLIC property listed above and thereby STEAL PRIVATE property. The text below the following line up to the end of the section comes from the case indicated:

Munn v. Illinois, 94 U.S. 113 (1876)

The question presented, therefore, is one of the greatest importance, — whether it is within the competency of a State to fix the compensation which an individual may receive for the use of his own property in his private business, and for his services in connection with it.

[. . .]

139\*139 The validity of the legislation was, among other grounds, assailed in the State court as being in conflict with that provision of the State Constitution which declares that no person shall be deprived of life, liberty, or property without due process of law, and with that provision of the Fourteenth Amendment of the Federal Constitution which imposes a similar restriction upon the action of the State. The State court held, in substance, that the constitutional provision was not violated so long as the owner was not deprived of the title and possession of his property; and that it did not deny to the legislature the power to make all needful rules and regulations respecting the use and enjoyment of the property, referring, in support of the position, to instances of its action in prescribing the interest on money, in establishing and regulating public ferries and public mills, and fixing the compensation in the shape of tolls, and in delegating power to municipal bodies to regulate the charges of hackmen and draymen, and the weight and price of bread. In this court the legislation was also assailed on the same ground,

our jurisdiction arising upon the clause of the Fourteenth Amendment, ordaining that no State shall deprive any person of life, liberty, or property without due process of law. But it would seem from its opinion that the court holds that property loses something of its private character when employed in such a way as to be generally useful. The doctrine declared is that property "becomes clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large;" and from such clothing the right of the legislature is deduced to control the use of the property, and to determine the compensation which the owner may receive for it. **When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public interest, and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private right, they referred to property dedicated by the owner to public uses, or to property the use of which was granted by the government, or in connection with which special privileges were conferred. Unless the property was thus dedicated, or some right bestowed by the government was held with the property, either by specific grant or by prescription of so long a time as 140\*140 to imply a grant originally, the property was not affected by any public interest so as to be taken out of the category of property held in private right.** But it is not in any such sense that the terms "clothing property with a public interest" are used in this case. From the nature of the business under consideration — the storage of grain — which, in any sense in which the words can be used, is a private business, in which the public are interested only as they are interested in the storage of other products of the soil, or in articles of manufacture, it is clear that the court intended to declare that, whenever one devotes his property to a business which is useful to the public, — "affects the community at large," — the legislature can regulate the compensation which the owner may receive for its use, and for his own services in connection with it. "When, therefore," says the court, "one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control." The building used by the defendants was for the storage of grain: in such storage, says the court, the public has an interest; therefore the defendants, by devoting the building to that storage, have granted the public an interest in that use, and must submit to have their compensation regulated by the legislature.

**If this be sound law, if there be no protection, either in the principles upon which our republican government is founded, or in the prohibitions of the Constitution against such invasion of private rights, all property and all business in the State are held at the mercy of a majority of its legislature.** The public has no greater interest in the use of buildings for the storage of grain than it has in the use of buildings for the residences of families, nor, indeed, anything like so great an interest; and, according to the doctrine announced, the legislature may fix the rent of all tenements used for residences, without reference to the cost of their erection. If the owner does not like the rates prescribed, he may cease renting his houses. He has granted to the public, says the court, an interest in the use of the 141\*141 buildings, and "he may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control." The public is interested in the manufacture of cotton, woollen, and silken fabrics, in the construction of machinery, in the printing and publication of books and periodicals, and in the making of utensils of every variety, useful and ornamental; **indeed, there is hardly an enterprise or business engaging the attention and labor of any considerable portion of the community, in which the public has not an interest in the sense in which that term is used by the court in its opinion; and the doctrine which allows the legislature to interfere with and regulate the charges which the owners of property thus employed shall make for its use, that is, the rates at which all these different kinds of business shall be carried on, has never before been asserted, so far as I am aware, by any judicial tribunal in the United States.**

**The doctrine of the State court, that no one is deprived of his property, within the meaning of the constitutional inhibition, so long as he retains its title and possession, and the doctrine of this court, that, whenever one's property is used in such a manner as to affect the community at large, it becomes by that fact clothed with a public interest, and ceases to be juris privati only, appear to me to destroy, for all useful purposes, the efficacy of the constitutional guaranty. All that is beneficial in property arises from its use, and the fruits of that use; and whatever deprives a person of them deprives him of all that is desirable or valuable in the title and possession. If the constitutional guaranty extends no further than to prevent a**



**deprivation of title and possession, and allows a deprivation of use, and the fruits of that use, it does not merit the encomiums it has received.** Unless I have misread the history of the provision now incorporated into all our State constitutions, and by the Fifth and Fourteenth Amendments into our Federal Constitution, and have misunderstood the interpretation it has received, it is not thus limited in its scope, and thus impotent for good. **It has a much more extended operation than either court, State, or Federal has given to it. The provision, it is to be observed, places property under the same protection as life and liberty. Except by due process of law, no State can 142\*142 deprive any person of either. The provision has been supposed to secure to every individual the essential conditions for the pursuit of happiness; and for that reason has not been heretofore, and should never be, construed in any narrow or restricted sense.**

No State "shall deprive any person of life, liberty, or property without due process of law," says the Fourteenth Amendment to the Constitution. By the term "life," as here used, something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body by the amputation of an arm or leg, or the putting out of an eye, or the destruction of any other organ of the body through which the soul communicates with the outer world. The deprivation not only of life, but of whatever God has given to everyone with life, for its growth and enjoyment, is prohibited by the provision in question, if its efficacy be not frittered away by judicial decision.

By the term "liberty," as used in the provision, something more is meant than mere freedom from physical restraint or the bounds of a prison. It means freedom to go where one may choose, and to act in such manner, not inconsistent with the equal rights of others, as his judgment may dictate for the promotion of his happiness; that is, to pursue such callings and avocations as may be most suitable to develop his capacities, and give to them their highest enjoyment.

**The same liberal construction which is required for the protection of life and liberty, in all particulars in which life and liberty are of any value, should be applied to the protection of private property. If the legislature of a State, under pretence of providing for the public good, or for any other reason, can determine, against the consent of the owner, the uses to which private property shall be devoted, or the prices which the owner shall receive for its uses, it can deprive him of the property as completely as by a special act for its confiscation or destruction. If, for instance, the owner is prohibited from using his building for the purposes for which it was designed, it is of little consequence that he is permitted to retain the 143\*143 title and possession; or, if he is compelled to take as compensation for its use less than the expenses to which he is subjected by its ownership, he is, for all practical purposes, deprived of the property, as effectually as if the legislature had ordered his forcible dispossession. If it be admitted that the legislature has any control over the compensation, the extent of that compensation becomes a mere matter of legislative discretion. The amount fixed will operate as a partial destruction of the value of the property, if it fall below the amount which the owner would obtain by contract, and, practically, as a complete destruction, if it be less than the cost of retaining its possession. There is, indeed, no protection of any value under the constitutional provision, which does not extend to the use and income of the property, as well as to its title and possession.**

This court has heretofore held in many instances that a constitutional provision intended for the protection of rights of private property should be liberally construed. It has so held in the numerous cases where it has been called upon to give effect to the provision prohibiting the States from legislation impairing the obligation of contracts; the provision being construed to secure from direct attack not only the contract itself, but all the essential incidents which give it value and enable its owner to enforce it. Thus, in *Bronson v. Kinzie*, reported in the 1st of Howard, it was held that an act of the legislature of Illinois, giving to a mortgagor twelve months within which to redeem his mortgaged property from a judicial sale, and prohibiting its sale for less than two-thirds of its appraised value, was void as applied to mortgages executed prior to its passage. It was contended, in support of the act, that it affected only the remedy of the mortgagee, and did not impair the contract; but the court replied that there was no substantial difference between a retrospective law declaring a particular contract to be abrogated and void, and one which took away all remedy to enforce it, or encumbered the remedy with conditions that rendered it useless

1 or impracticable to pursue it. And, referring to the constitutional provision, the court said, speaking through Mr.  
2 Chief Justice Taney, that

3 *"it would be unjust to the memory of the distinguished men who framed it, to suppose that it was designed to*  
4 *protect a mere barren and 144\*144 abstract right, without any practical operation upon the business of life. It*  
5 *was undoubtedly adopted as a part of the Constitution for a great and useful purpose. It was to maintain the*  
6 *integrity of contracts, and to secure their faithful execution throughout this Union, by placing them under the*  
7 *protection of the Constitution of the United States. And it would but Ill. become this court, under any*  
8 *circumstances, to depart from the plain meaning of the words used, and to sanction a distinction between the*  
9 *right and the remedy, which would render this provision illusive and nugatory, mere words of form, affording no*  
10 *protection and producing no practical result."*

11 And in Pumpelly v. Green Bay Company, 13 Wall. 177, the language of the court is equally emphatic. That case  
12 arose in Wisconsin, the constitution of which declares, like the constitutions of nearly all the States, that private  
13 property shall not be taken for public use without just compensation; and this court held that the flooding of one's  
14 land by a dam constructed across a river under a law of the State was a taking within the prohibition, and required  
15 compensation to be made to the owner of the land thus flooded. The court, speaking through Mr. Justice Miller,  
16 said: —

17 *"It would be a very curious and unsatisfactory result, if, in construing a provision of constitutional law, always*  
18 *understood to have been adopted for protection and security to the rights of the individual as against the*  
19 *government, and which has received the commendation of jurists, statesmen, and commentators, as placing the*  
20 *just principles of the common law on that subject beyond the power of ordinary legislation to change or control*  
21 *them, it shall be held that, if the government refrains from the absolute conversion of real property to the uses of*  
22 *the public, it can destroy its value entirely, can inflict irreparable and permanent injury to any extent, can, in*  
23 *effect, subject it to total destruction without making any compensation, because, in the narrowest sense of the*  
24 *word, it is not taken for the public use. Such a construction would pervert the constitutional provision into a*  
25 *restriction on the rights of the citizen, as those rights stood at the common law, instead of the government, and*  
26 *make it an authority for invasion of private right under the pretext of the public good, which had no warrant*  
27 *in the laws or practices of our ancestors."*

28 **The views expressed in these citations, applied to this case, would render the constitutional provision**  
29 **invoked by the defendants effectual to protect them in the uses, income, and revenues of their property, as**  
30 **well as in its title and possession. The construction actually given by the State court and by this court makes**  
31 **the provision, in the language of Taney, a protection to "a mere barren and abstract right, without any**  
32 **practical operation upon the business of life," and renders it "illusive and nugatory, mere words of form,**  
33 **affording no protection and producing no practical result."**

34 The power of the State over the property of the citizen under the constitutional guaranty is well defined. The State  
35 may take his property for public uses, upon just compensation being made therefor. It may take a portion of his  
36 property by way of taxation for the support of the government. It may control the use and possession of his  
37 property, so far as may be necessary for the protection of the rights of others, and to secure to them the equal use  
38 and enjoyment of their property. **The doctrine that each one must so use his own as not to injure his neighbor**  
39 **— sic utere tuo ut alienum non lædas — is the rule by which every member of society must possess and**  
40 **enjoy his property; and all legislation essential to secure this common and equal enjoyment is a legitimate**  
41 **exercise of State authority. Except in cases where property may be destroyed to arrest a conflagration or**  
42 **the ravages of pestilence, or be taken under the pressure of an immediate and overwhelming necessity to**  
43 **prevent a public calamity, the power of the State over the property of the citizen does not extend beyond**  
44 **such limits.**

45 It is true that the legislation which secures to all protection in their rights, and the equal use and enjoyment of their  
46 property, embraces an almost infinite variety of subjects. Whatever affects the peace, good order, morals, and  
47 health of the community, comes within its scope; and every one must use and enjoy his property subject to the  
48 restrictions which such legislation imposes. What is termed the police power of the State, which, from the language  
49 often used respecting it, one would suppose to be an undefined and irresponsible element in government, can only  
50 interfere with the conduct of individuals in their intercourse with each other, and in the use of their property, so  
51 far 146\*146 as may be required to secure these objects. **The compensation which the owners of property, not**  
52 **having any special rights or privileges from the government in connection with it, may demand for its use,**

1 **or for their own services in union with it, forms no element of consideration in prescribing regulations for**  
2 **that purpose.** If one construct a building in a city, the State, or the municipality exercising a delegated power  
3 from the State, may require its walls to be of sufficient thickness for the uses intended; it may forbid the  
4 employment of inflammable materials in its construction, so as not to endanger the safety of his neighbors; if  
5 designed as a theatre, church, or public hall, it may prescribe ample means of egress, so as to afford facility for  
6 escape in case of accident; it may forbid the storage in it of powder, nitro-glycerine, or other explosive material;  
7 it may require its occupants daily to remove decayed vegetable and animal matter, which would otherwise  
8 accumulate and engender disease; it may exclude from it all occupations and business calculated to disturb the  
9 neighborhood or infect the air. Indeed, there is no end of regulations with respect to the use of property which  
10 may not be legitimately prescribed, having for their object the peace, good order, safety, and health of the  
11 community, thus securing to all the equal enjoyment of their property; but in establishing these regulations it is  
12 evident that compensation to the owner for the use of his property, or for his services in union with it, is not a  
13 matter of any importance: whether it be one sum or another does not affect the regulation, either in respect to its  
14 utility or mode of enforcement. One may go, in like manner, through the whole round of regulations authorized  
15 by legislation, State or municipal, under what is termed the police power, and in no instance will he find that the  
16 compensation of the owner for the use of his property has any influence in establishing them. **It is only where**  
17 **some right or privilege is conferred by the government or municipality upon the owner, which he can use**  
18 **in connection with his property, or by means of which the use of his property is rendered more valuable to**  
19 **him, or he thereby enjoys an advantage over others, that the compensation to be received by him becomes**  
20 **a legitimate matter of regulation. Submission to the regulation of compensation in such cases is an implied**  
21 **condition 147\*147 of the grant, and the State, in exercising its power of prescribing the compensation, only**  
22 **determines the conditions upon which its concession shall be enjoyed. When the privilege ends, the power**  
23 **of regulation ceases.**

24 Jurists and writers on public law find authority for the exercise of this police power of the State and the numerous  
25 regulations which it prescribes in the doctrine already stated, that everyone must use and enjoy his property  
26 consistently with the rights of others, and the equal use and enjoyment by them of their property. "The police  
27 power of the State," says the Supreme Court of Vermont, "extends to the protection of the lives, limbs, health,  
28 comfort, and quiet of all persons, and the protection of all property in the State. According to the maxim, sic utere  
29 tuo ut alienum non lædas, which, being of universal application, it must, of course, be within the range of  
30 legislative action to define the mode and manner in which every one may so use his own as not to injure others."  
31 Thorpe v. Rutland & Burlington Railroad Co., 27 Vt. 149. "We think it a settled principle growing out of the  
32 nature of well-ordered civil society," says the Supreme Court of Massachusetts, "that every holder of property,  
33 however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be  
34 injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious  
35 to the rights of the community." Commonwealth v. Alger, 7 Cush. 84. In his Commentaries, after speaking of the  
36 protection afforded by the Constitution to private property, Chancellor Kent says: —

37 *"But though property be thus protected, it is still to be understood that the law-giver has the right to prescribe*  
38 *the mode and manner of using it, so far as may be necessary to prevent the abuse of the right, to the injury or*  
39 *annoyance of others, or of the public. The government may, by general regulations, interdict such uses of property*  
40 *as would create nuisances and become dangerous to the lives, or health, or peace, or comfort of the citizens.*  
41 *Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application*  
42 *of steam-power to propel cars, the building with combustible materials, and the burial of the dead, may all be*  
43 *interdicted by law, in the-midst of dense masses of population, 148\*148 on the general and rational principle*  
44 *that every person ought so to use his property as not to injure his neighbors, and that private interests must be*  
45 *made subservient to the general interests of the community. 2 Kent, 340.*

46 The Italics in these citations are mine. The citations show what I have already stated to be the case, that the  
47 regulations which the State, in the exercise of its police power, authorizes with respect to the use of property are  
48 entirely independent of any question of compensation for such use, or for the services of the owner in connection  
49 with it.

50 There is nothing in the character of the business of the defendants as warehousemen which called for the  
51 interference complained of in this case. Their buildings are not nuisances; their occupation of receiving and storing

1 grain infringes upon no rights of others, disturbs no neighborhood, infects not the air, and in no respect prevents  
2 others from using and enjoying their property as to them may seem best. The legislation in question is nothing  
3 less than a bold assertion of absolute power by the State to control at its discretion the property and business  
4 of the citizen, and fix the compensation he shall receive. The will of the legislature is made the condition  
5 upon which the owner shall receive the fruits of his property and the just reward of his labor, industry, and  
6 enterprise. "That government," says Story, "can scarcely be deemed to be free where the rights of property  
7 are left solely dependent upon the will of a legislative body without any restraint. The fundamental maxims  
8 of a free government seem to require that the rights of personal liberty and private property should be held  
9 sacred." Wilkeson v. Leland, 2 Pet. 657. The decision of the court in this case gives unrestrained license to  
10 legislative will.

11 The several instances mentioned by counsel in the argument and by the court in its opinion, in which legislation  
12 has fixed the compensation which parties may receive for the use of their property and services, do not militate  
13 against the views I have expressed of the power of the State over the property of the citizen. They were mostly  
14 cases of public ferries, bridges, and turnpikes, of wharfingers, hackmen, and draymen, and of interest on money.  
15 In all these cases, except that of interest on money, which I shall presently notice there was some special 149\*149  
16 privilege granted by the State or municipality; and no one, I suppose, has ever contended that the State had not a  
17 right to prescribe the conditions upon which such privilege should be enjoyed. The State in such cases exercises  
18 no greater right than an individual may exercise over the use of his own property when leased or loaned to  
19 others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation  
20 authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of the privilege,  
21 in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its  
22 acceptance implies an assent to the regulation of its use and the compensation for it. The privilege which the  
23 hackman and drayman have to the use of stands on the public streets, not allowed to the ordinary coachman or  
24 laborer with teams, constitutes a sufficient warrant for the regulation of their fares. In the case of the  
25 warehousemen of Chicago, no right or privilege is conferred by the government upon them; and hence no assent  
26 of theirs can be alleged to justify any interference with their charges for the use of their property.

27 The quotations from the writings of Sir Matthew Hale, so far from supporting the positions of the court, do not  
28 recognize the interference of the government, even to the extent which I have admitted to be legitimate. They state  
29 merely that the franchise of a public ferry belongs to the king, and cannot be used by the subject except by license  
30 from him, or prescription time out of mind; and that when the subject has a public wharf by license from the king,  
31 or from having dedicated his private wharf to the public, as in the case of a street opened by him through his own  
32 land, he must allow the use of the wharf for reasonable and moderate charges. Thus, in the first quotation which  
33 is taken from his treatise De Jure Maris, Hale says that the king has

34 *"a right of franchise or privilege, that no man may set up a common ferry for all passengers without a prescription*  
35 *time out of mind or a charter from the king. He may make a ferry for his own use or the use of his family, but not*  
36 *for the common use of all the king's subjects passing that way; because it doth in consequent tend to a common*  
37 *charge, and is become a thing of public interest and use, and every man for his passage 150\*150 pays a toll,*  
38 *which is a common charge, and every ferry ought to be under a public regulation, viz., that it give attendance at*  
39 *due times, keep a boat in due order, and take but reasonable toll; for if he fail in these he is finable."*

40 Of course, one who obtains a license from the king to establish a public ferry, at which "every man for his passage  
41 pays a toll," must take it on condition that he charge only reasonable toll, and, indeed, subject to such regulations  
42 as the king may prescribe.

43 In the second quotation, which is taken from his treatise De Portibus Maris, Hale says: —

44 *"A man, for his own private advantage, may, in a port or town, set up a wharf or crane, and may take what rates*  
45 *he and his customers can agree for crantage, wharfage, housellage, pesage; for he doth no more than is lawful*  
46 *for any man to do, viz., makes the most of his own. If the king or subject have a public wharf, unto which all*  
47 *persons that come to that port must come and unlade or lade their goods as for the purpose, because they are the*  
48 *wharves only licensed by the king, or because there is no other wharf in that port, as it may fall out where a port*  
49 *is newly erected, in that case there cannot be taken arbitrary and excessive duties for crantage, wharfage, pesage,*  
50 *&c.; neither can they be enhanced to an immoderate rate, but the duties must be reasonable and moderate, though*



1 settled by the king's license or charter. For now the wharf and crane and other conveniences are affected with a  
2 public interest, and they cease to be *juris privati* only; as if a man set out a street in new building on his own land,  
3 it is now no longer bare private interest, but is affected by the public interest."

4 The purport of which is, that if one have a public wharf, by license from the government or his own dedication,  
5 he must exact only reasonable compensation for its use. By its dedication to public use, a wharf is as much brought  
6 under the common-law rule of subjection to reasonable charges as it would be if originally established or licensed  
7 by the crown. All property dedicated to public use by an individual owner, as in the case of land for a park or  
8 street, falls at once, by force of the dedication, under the law governing property appropriated by the government  
9 for similar purposes.

10 I do not doubt the justice of the encomiums passed upon Sir 151\*151 Matthew Hale as a learned jurist of his day;  
11 but I am unable to perceive the pertinency of his observations upon public ferries and public wharves, found in  
12 his treatises on "The Rights of the Sea" and on "The Ports of the Sea," to the questions presented by the  
13 warehousing law of Illinois, undertaking to regulate the compensation received by the owners of private property,  
14 when that property is used for private purposes.

15 The principal authority cited in support of the ruling of the court is that of *Alnutt v. Inglis*, decided by the King's  
16 Bench, and reported in 12 East. But that case, so far from sustaining the ruling, establishes, in my judgment, the  
17 doctrine that everyone has a right to charge for his property, or for its use, whatever he pleases, unless he enjoys  
18 in connection with it some right or privilege from the government not accorded to others; and even then it only  
19 decides what is above stated in the quotations from Sir Matthew Hale, that he must submit, so long as he retains  
20 the right or privilege, to reasonable rates. In that case, the London Dock Company, under certain acts of  
21 Parliament, possessed the exclusive right of receiving imported goods into their warehouses before the duties were  
22 paid; and the question was whether the company was bound to receive them for a reasonable reward, or whether  
23 it could arbitrarily fix its compensation. In deciding the case, the Chief Justice, Lord Ellenborough, said: —

24 "There is no doubt that the general principle is favored, both in law and justice, that every man may fix what  
25 price he pleases upon his own property, or the use of it; but if, for a particular purpose, the public have a right  
26 to resort to his premises and make use of them, and he have a monopoly in them for that purpose, if he will take  
27 the benefit of that monopoly, he must, as an equivalent, perform the duty attached to it on reasonable terms."

28 And, coming to the conclusion that the company's warehouses were invested with "the monopoly of a public  
29 privilege," he held that by law the company must confine itself to take reasonable rates; and added, that if the  
30 crown should thereafter think it advisable to extend the privilege more generally to other persons and places, so  
31 that the public would not be restrained from exercising a choice of warehouses for the purpose, the company might  
32 be enfranchised from the restriction which 152\*152 attached to a monopoly; but, so long as its warehouses were  
33 the only places which could be resorted to for that purpose, the company was bound to let the trade have the use  
34 of them for a reasonable hire and reward. The other judges of the court placed their concurrence in the decision  
35 upon the ground that the company possessed a legal monopoly of the business, having the only warehouses where  
36 goods imported could be lawfully received without previous payment of the duties. From this case it appears that  
37 it is only where some privilege in the bestowal of the government is enjoyed in connection with the property, that  
38 it is affected with a public interest in any proper sense of the terms. It is the public privilege conferred with the  
39 use of the property which creates the public interest in it.

40 In the case decided by the Supreme Court of Alabama, where a power granted to the city of Mobile to license  
41 bakers, and to regulate the weight and price of bread, was sustained so far as regulating the weight of the bread  
42 was concerned, no question was made as to the right to regulate the price. 3 Ala. 137. There is no doubt of the  
43 competency of the State to prescribe the weight of a loaf of bread, as it may declare what weight shall constitute  
44 a pound or a ton. But I deny the power of any legislature under our government to fix the price which one shall  
45 receive for his property of any kind. If the power can be exercised as to one article, it may as to all articles, and  
46 the prices of everything, from a calico gown to a city mansion, may be the subject of legislative direction.



1 **Other instances of a similar character may, no doubt, be cited of attempted legislative interference with the**  
2 **rights of property.** The act of Congress of 1820, mentioned by the court, is one of them. There Congress  
3 undertook to confer upon the city of Washington power to regulate the rates of wharfage at private wharves, and  
4 the fees for sweeping chimneys. Until some authoritative adjudication is had upon these and similar provisions, I  
5 must adhere, notwithstanding the legislation, to my opinion, that those who own property have the right to fix the  
6 compensation at which they will allow its use, and that those who control services have a right to fix the  
7 compensation at which they will be rendered. The chimney-sweeps may, I think, safely claim all the compensation  
8 which 153\*153 they can obtain by bargain for their work. In the absence of any contract for property or services,  
9 the law allows only a reasonable price or compensation; but what is a reasonable price in any case will depend  
10 upon a variety of considerations, and is not a matter for legislative determination.

11 **The practice of regulating by legislation the interest receivable for the use of money, when considered with**  
12 **reference to its origin, is only the assertion of a right of the government to control the extent to which a**  
13 **privilege granted by it may be exercised and enjoyed. By the ancient common law it was unlawful to take**  
14 **any money for the use of money: all who did so were called usurers, a term of great reproach, and were**  
15 **exposed to the censure of the church; and if, after the death of a person, it was discovered that he had been**  
16 **a usurer whilst living, his chattels were forfeited to the king, and his lands escheated to the lord of the fee.**  
17 **No action could be maintained on any promise to pay for the use of money, because of the unlawfulness of**  
18 **the contract. Whilst the common law thus condemned all usury, Parliament interfered, and made it lawful**  
19 **to take a limited amount of interest. It was not upon the theory that the legislature could arbitrarily fix the**  
20 **compensation which one could receive for the use of property, which, by the general law, was the subject**  
21 **of hire for compensation, that Parliament acted, but in order to confer a privilege which the common law**  
22 **denied. The reasons which L.Ed. to this legislation originally have long since ceased to exist; and if the**  
23 **legislation is still persisted in, it is because a long acquiescence in the exercise of a power, especially when**  
24 **it was rightfully assumed in the first instance, is generally received as sufficient evidence of its continued**  
25 **lawfulness. 10 Bac. Abr. 264.[\*]**

26 There were also recognized in England, by the ancient common law, certain privileges as belonging to the lord of  
27 the manor, which grew out of the state of the country, the condition of the people, and the relation existing between  
28 him and 154\*154 his tenants under the feudal system. Among these was the right of the lord to compel all the  
29 tenants within his manor to grind their corn at his mill. No one, therefore, could set up a mill except by his license,  
30 or by the license of the crown, unless he claimed the right by prescription, which presupposed a grant from the  
31 lord or crown, and, of course, with such license went the right to regulate the tolls to be received. Woolrych on  
32 the Law of Waters, c. 6, of Mills. Hence originated the doctrine which at one time obtained generally in this  
33 country, that there could be no mill to grind corn for the public, without a grant or license from the public  
34 authorities. It is still, I believe, asserted in some States. This doctrine being recognized, all the rest followed. The  
35 right to control the toll accompanied the right to control the establishment of the mill.

36 It requires no comment to point out the radical differences between the cases of public mills and interest on money,  
37 and that of the warehouses in Chicago. No prerogative or privilege of the crown to establish warehouses was ever  
38 asserted at the common law. **The business of a warehouseman was, at common law, a private business and is**  
39 **so in its nature. It has no special privileges connected with it, nor did the law ever extend to it any greater**  
40 **protection than it extended to all other private business. No reason can be assigned to justify legislation**  
41 **interfering with the legitimate profits of that business, that would not equally justify an intermeddling with**  
42 **the business of every man in the community, so soon, at least, as his business became generally useful.**

## 43 **7.12 The franchisee is a public officer and a “fiction of law”**

44 The U.S. Supreme Court acknowledged that a frequent source of unconstitutional activity by government actors  
45 is to create fictitious offices, when it held:

46 *"An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; **it creates***  
47 ***no office;** it is in legal contemplation, as inoperative as though it had never been passed."*

An unlawfully created public office is sometimes called a “fiction of law”. All those engaged in franchises are public officers in the government. The fictitious public office and/or “trade or business” (26 U.S.C. §7701(a)(26)) to which all the government’s enforcement rights attach is also called a “fiction of law” by some judges. Here is the definition:

*“Fiction of law. An assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which has never really taken place. An assumption [PRESUMPTION], for purposes of justice, of a fact that does not or may not exist. A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible. Ryan v. Motor Credit Co., 30 N.J.Eq. 531, 23 A.2d. 607, 621. These assumptions are of an innocent or even beneficial character, and are made for the advancement of the ends of justice. They secure this end chiefly by the extension of procedure from cases to which it is applicable to other cases to which it is not strictly applicable, the ground of inapplicability being some difference of an immaterial character. See also Legal fiction.”*  
[Black’s Law Dictionary, Sixth Edition, p. 623]

The key elements of all fictions of law from the above are:

1. A PRESUMPTION of the existence or truth of an otherwise nonexistent thing.
2. The presumptions are of an INNOCENT or BENEFICIAL character.
3. The presumptions are made for the advancement of the ends of justice.
4. All of the above goals are satisfied against BOTH parties to the dispute, not just the government. Otherwise the constitutional requirement for equal protection and equal treatment has been transgressed.

The fictitious public office that forms the heart of the modern SCAM income tax clearly does not satisfy the elements for being a “fiction of law” because:

1. All presumptions that violate due process of law or result in an injury to EITHER party affected by the presumption are unconstitutional. See:

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

2. The presumption does not benefit BOTH parties to a dispute that involves it. It ONLY benefits the government at the expense of innocent nontaxpayers and EXCLUSIVELY PRIVATE parties.
3. The presumption of the existence of the BOGUS office does NOT advance justice for BOTH parties to any dispute involving it. The legal definition of justice is the RIGHT TO BE LEFT ALONE. The presumption of the existence of the BOGUS office ensures that those who do not want to volunteer for the office but who are the subject of FALSE information returns are NEVER left alone and are continually harassed illegally by the IRS. Here is the legal definition of “justice” so you can see for yourself:

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

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

Therefore it is clearly a CRUEL FRAUD for any judge to justify his PRESUMPTION of the existence of the BOGUS public office that is the subject of the excise tax by calling it a “fiction of law”.

If you want to see an example of WHY this fiction of law was created as a way to usurp jurisdiction, read the following U.S. Supreme Court cite:

*“It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would*

*unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act, renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Any thing which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King's Bench universal in all personal actions."*

[United States v. Worrall, 2 U.S. 384 (1798)]

SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168/](http://scholar.google.com/scholar_case?case=3339893669697439168/)

The reason for the controversy in the above case was that a bribe occurred on state land by a nonresident domiciled in the state, and therefore that federal law did not apply. In the above case, the court admitted that a "fiction" was resorted to usurp jurisdiction because no legal authority could be found. The fact that the defendant was in custody created the jurisdiction. It didn't exist before they ILLEGALLY KIDNAPPED him. Notice also that they mention an implied "compact" or contract related to the office being exercised, and that THAT compact was the source of their jurisdiction over the officer who was bribed. This is the SAME contract to which all those who engage in a statutory "trade or business" are party to.

### 7.13 "Public" v. "Private" Franchises Compared

Another useful exercise is to compare PUBLIC franchises, meaning government franchise, with PRIVATE franchises that involve private parties exclusively. Understanding these distinctions is very important to those who want to be able to produce legally admissible evidence that governments are illegally implementing or enforcing their franchises. Below is a table summarizing the main differences between PUBLIC and PRIVATE franchises:

**Table 5: Public v. Private Franchises Compared**

Characteristic	PUBLIC/GOVERNMENT Franchise	PRIVATE Franchise
Franchise agreement is	Civil law associated with the <a href="#">domicile</a> of those who are <a href="#">statutory but not constitutional "citizens"</a> and <a href="#">"residents"</a> within the venue of the GRANTOR	Private law among all those who expressly consented in writing
<a href="#">Consent</a> to the franchise procured by	IMPLIED by ACTION of participants: 1. Using the government's license number; 2. Declaring a STATUS under the franchise such as "taxpayer"	EXPRESS by signing a WRITTEN contract absent duress
Franchise rights are property of	Government ( <a href="#">de facto government</a> if property outside of federal territory)	Human being or private company
Choice of law governing disputes under the franchise agreement	Franchise agreement itself and <a href="#">Federal Rule of Civil Procedure 17(b)</a> .	Franchise agreement only
Disputes legally resolved in	<a href="#">Article 4, Section 3, Clause 2</a> statutory FRANCHISE court with INEQUITY	Constitutional court in EQUITY
Courts officiating disputes operate in	POLITICAL context and issue [political] OPINIONS	LEGAL context and issue ORDERS
Parties to the contract	Are "public officers" within the government grantor of the franchise	Maintain their status as private parties
Domicile of franchise participants	<a href="#">Federal territory</a> . See <a href="#">26 U.S.C. §7701(a)(39)</a> and <a href="#">§7408(d)</a>	Wherever the parties declare it or express it in the franchise

How can we prove that a so-called “government” is operating a franchise as a PRIVATE company or corporation in EQUITY rather than as a parens patriae protected by sovereign immunity? Below are the conditions that trigger this status as we understand them so far:

1. When they are implementing the franchises against parties domiciled outside of their EXCLUSIVE rather than subject matter jurisdiction. For instance, when the federal government implements or enforces a federal franchise within states of the Union, then it is operating outside its territory and implicitly waives sovereign immunity. Hence, they are “purposefully availing themselves” of commercial activity outside of their jurisdiction and waive immunity within the jurisdiction they are operating. See:

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

2. When domicile and one’s status as a statutory “citizen”, “resident”, or “U.S. person” under the civil laws of the grantor:
  - 2.1. Is not required in the franchise agreement itself.
  - 2.2. Is in the franchise agreement but is ignored or disregarded as a matter of policy and not law by the government. For instance, the government ignores the legal requirements of the franchise found in 20 C.F.R. §422.104 and insists that EVERYONE is eligible and TO HELL with the law.
3. When any of the above conditions occur, then the government engaging in them:
  - 3.1. Is engaging in PRIVATE business activity beyond its core purpose as a de jure “government”
  - 3.2. Is operating in a de facto capacity and not as a “sovereign”. See:

De Facto Government Scam, Form #05.043  
<http://sedm.org/Forms/FormIndex.htm>

- 3.3. Is abusing its monopolistic authority to compete with private business concerns
- 3.4. Is “purposefully availing itself” of commerce in the foreign jurisdictions, such as states of the Union, that it operates the franchise
- 3.5. Implicitly waives sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97 and its equivalent act in the foreign jurisdictions that it operates the franchise
- 3.6. Implicitly agrees to be sued IN EQUITY in a Constitutional court if it enforces the franchise against NONRESIDENTS
- 3.7. Cannot truthfully identify the statutory FRANCHISE courts that administer the franchise as “government” courts, but simply PRIVATE arbitration boards.

The following ruling by the U.S. Supreme Court confirms some of the above.

*See also Clearfield Trust Co. v. United States*, 318 U.S. 363, 369 (1943) (“The United States does business on business terms”) (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926)); *Perry v. United States*, *supra* at 352 (1935) (“When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent”) (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) (“The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf”); *Cooke v. United States*, 91 U.S. 389, 398 (1875) (explaining that when the United States “comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there”).

*See Jones*, 1 Cl.Ct. at 85 (“Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant”); *O'Neill v. United States*, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, “[w]ere [the] contracts exclusively between private parties, the party hurt by such governing action could not claim compensation from the other party for the governing action”). The dissent ignores these statements (including the statement from *Jones*, from which case *Horowitz* drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party.  
[\[United States v. Winstar Corp., 518 U.S. 839 \(1996\)\]](#)

Only one sentence in the above seems suspicious:

*“When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued [IN ITS OWN COURTS] without its consent”*

What they are referring to above is that the “United States” federal corporation cannot be sued IN THEIR OWN COURTS without their consent, not that they cannot be sued in EQUITY in a court of a constitutional state. The federal government has no direct control over the courts of a legislatively “foreign state”, such as a state of the Union. Hence, it cannot impede itself being sued directly there when it is operating a private business in competition with other private businesses in a commercial marketplace. An example is “insurance services”, such as Social Security, which is private insurance. The government deceptively calls the premiums a “tax” on the 800 line of Social Security, but in fact, they are simply PRIVATE insurance premiums. No one can make you buy any commercial product the government offers, including private “Social Insurance”. Otherwise, we are talking about THEFT and involuntary servitude. The definition of “State” found in the Social Security Act is entirely consistent with these conclusions. “State” is nowhere defined to expressly include states of the Union and therefore, they are NOT included under the rules of statutory construction. Hence, they are “foreign” for the subject matter of Social Security, Medicare, and every other federal socialism program.

*“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]

A legal term useful in describing the proper operation of government franchises is “publici juris”. Here is a legal definition:

*“PUBLICI JURIS. Lat. Of public right. The word “public” in this sense means pertaining to the people, or affecting the community at large [the SOCIALIST collective]; that which concerns a multitude of people; and the word “right,” as so used, means a well-founded claim; an interest; concern; advantage; benefit. State v. Lyon, 63 Okl. 285, 165 P. 419, 420.*

*This term, as applied to a thing or right [PRIVILEGE], means that it is open to or exercisable by all persons. It designates things which are owned by “the public:” that is, the entire state or community, and not by any private person. When a thing is common property, so that anyone can make use of it who likes, it is said to be publici juris; as in the case of light, air, and public water. Sweet. “*  
[Black’s Law Dictionary, Fourth Edition, p. 1397]

We allege that:

1. Associating anything with a government identifying number (SSN or TIN)
  - 1.1. Changes the character of the thing so associated to “publici juris”
  - 1.2. Donates and converts private property to a public use, public purpose, and public office
  - 1.3. Makes you the trustee with equitable title over the thing donated, instead of the LEGAL OWNER of the property
2. The compelled, involuntary use of government identifying numbers therefore constitutes THEFT and CONVERSION, which are CRIMES.

For further details on the compelled use of government identifying numbers, see:

<p><u><a href="http://sedm.org/Forms/FormIndex.htm">Why It Is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205</a></u> <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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## **8 De Jure Government or Private Corporation?**

### **8.1 What makes a “Corporation” into a De Jure “Government”?<sup>32</sup>**

*“In every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover, and wickedness insensibly open, cultivate and improve.”*

<sup>32</sup> Adapted from Great IRS Hoax, Form #11.302, Section 4.3.1  
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.



This section describes the elements necessary to transform a pure corporation into a government. Any alleged “government” that does not satisfy and implement ALL of the characteristics described herein we refer to as a private corporation and NOT a “government” as legally defined or classically understood.

The elements or characteristics essential to call a “corporation” a “government” are:

1. Requires three elements to be valid. If you take away any one or more of the following elements, you don’t have a “government”.

- 1.1. Territory. A valid government must have exclusive legislative jurisdiction within its own territory and no jurisdiction without its territory.

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

- 1.2. Laws. The civil laws of the government do not extend beyond the boundaries of the territory comprising the body politic.

- 1.3. People. These people are called “citizens”, “residents”, and inhabitants who all have in common that they have voluntarily chosen a domicile within the civil jurisdiction of the body politic and thereby joined and become a “member” of the body politic. Mere physical presence on the territory of the sovereign does NOT constitute an act of political association by itself, but must be accompanied by what the courts call “animus manendi”, which is intent to join the body politic. It is a financial conflict of interest for the People in the body politic to also serve as “employees” or officers of the corporation if they are voting on issues that directly affect their pay. See 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.

2. Main purpose of establishment is protection of private rights. This includes maintaining the separation between what is private and what is public with the goal of protecting mainly what is private.

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

3. Rights are consistently recognized and protected as unalienable in relation to the government, which means they can’t be bargained away or sold to the government through any commercial process. This means that franchises may not lawfully be offered to those protected by the Constitution, because they are commercial processes. Notice the word “unalienable” in the Declaration of Independence above, which is defined as follows.

*“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”*  
[Black’s Law Dictionary, Fourth Edition, p. 1693]

4. Equal protection and equal treatment of all those within the jurisdiction.

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

5. Consent of the governed. The Declaration of Independence indicates that all just governments derive their authority from the “consent of the governed”:

*“That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”*  
[Declaration of Independence]

6. All powers are derived or delegated directly from the Sovereign People.

"It is again to antagonize Chief Justice Marshall, when he said: 'The government of the Union, then (whatever may be the influence of this fact on the case), is emphatically and truly a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them and for their benefit. This government is acknowledged by all to be one of enumerated powers.'" 4 Wheat. 404, 4 L.Ed. 601."

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

"The question is not what power the federal government ought to have, but what powers, in fact, have been given by the people... The federal union is a government of delegated powers. It has only such as are expressly conferred upon it, and such as are reasonably to be implied from those granted. In this respect, we differ radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative body subject to no restriction except the discretion of its members." (Congress) [[U.S. v. William M. Butler](#), 297 U.S. 1 (1936)]

"The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people."

[United States v. Cruikshank, [92 U.S. 542](#) (1875)]

7. Consists of BOTH a "body politic" AND a body "corporate". If you take out the body politic, all you have left is a "body corporate" or simply a private corporation. The body politic, in turn, consists of "citizens" domiciled on the territory who participate directly in the affairs of the government as jurists and voters and NOT statutory "employees" or "officers" of the corporation.

Both before and after the time when the Dictionary Act and [§ 1983](#) were passed, the phrase "bodies politic and corporate" was understood to include the [governments of the] States. See, e.g., J. Bouvier, 1 A Law Dictionary Adapted to the Constitution and Laws of the United States of America 185 (11th ed. 1866); W. Shumaker & G. Longsdorf, Cyclopedic Dictionary of Law 104 (1901); [Chisholm v. Georgia](#), 2 U.S. (2 Dall.) 419, 447, 1 L.Ed. 440 (1793) (Iredell, J.); id., at 468 (Cushing, J.); [Cotton v. United States](#), 52 U.S. (11 How.) 229, 231, 13 L.Ed. 675 (1851) ("Every sovereign State is of necessity a body politic, or artificial person"); [Poindexter v. Greenhow](#), 114 U.S. 270, 288, 5 S.Ct. 903, 29 L.Ed. 185 (1885); [McPherson v. Blacker](#), 146 U.S. 1, 24, 13 S.Ct. 3, 6, 36 L.Ed. 869 (1892); [Heim v. McCall](#), 239 U.S. 175, 188, 36 S.Ct. 78, 82, 60 L.Ed. 206 (1915). See also [United States v. Maurice](#), 2 Brock. 96, 109, 26 F.Cas. 1211 (CC Va.1823) (Marshall, C.J.) ("The United States is a government, and, consequently, a body politic and corporate"); [Van Brocklin v. Tennessee](#), 117 U.S. 151, 154, 6 S.Ct. 670, 672, 29 L.Ed. 845 (1886) (same). Indeed, the very legislators who passed § 1 referred to States in these terms. See, e.g., Cong. Globe, 42d Cong., 1st Sess., 661-662 (1871) (Sen. Vickers) ("What is a State? Is \*79 it not a body politic and corporate?"); id., at 696 (Sen. Edmunds) ("A State is a corporation").

The reason why States are "bodies politic and corporate" is simple: just as a corporation is an entity that can act only through its agents, "[t]he State is a political corporate body, can act only through agents, and can command only by laws." [Poindexter v. Greenhow](#), supra, 114 U.S., at 288, 5 S.Ct. at 912-913. See also Black's Law Dictionary 159 (5th ed. 1979) ("Body politic or corporate": "A social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good"). As a "body politic and corporate," a State falls squarely within the Dictionary Act's definition of a "person."

While it is certainly true that the phrase "bodies politic and corporate" referred to private and public corporations, see ante, at 2311, and n. 9, this fact does not draw into question the conclusion that this phrase also applied to the States. Phrases may, of course, have multiple referents. Indeed, each and every dictionary cited by the Court accords a broader realm-one \*\*2317 that comfortably, and in most cases explicitly, includes the sovereign-to this phrase than the Court gives it today. See 1B. Abbott, Dictionary of Terms and Phrases Used in American or English Jurisprudence 155 (1879) ("[T]he term body politic is often used in a general way, as meaning the state or the sovereign power, or the city government, without implying any distinct express incorporation"); W. Anderson, A Dictionary of Law 127 (1893) ("Body politic": "The governmental, sovereign power: a city or a State"); Black's Law Dictionary 143 (1891) ("Body politic": "It is often used, in a rather loose way, to designate the state or nation or sovereign power, or the government of a county or municipality, without distinctly connoting any express and individual corporate charter"); 1A. Burrill, A Law Dictionary and Glossary 212 (2d ed. 1871) ("Body politic": "A body to take in succession, framed by policy"; "[p]articularly\*80 applied, in the old books, to a Corporation sole"); id., at 383 ("Corporation sole" includes the sovereign in England).

[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

8. Officers of the "body corporate" are NOT allowed to serve as jurists within the body politic. Those who receive any government benefit or entitlement are included in this category, and are deemed to be employees of the government. Hence, most Americans would be ineligible for participation as a petit jurist or grand jurist or even a voter because they would have a criminal and financial conflict of interest in officiating over such matters pursuant to 18 U.S.C. §208:

1 UNITED STATES v. GRIFFITH et al., 55 App.D.C. 123, 2 F.2d. 925 (1924)  
2 (Court of Appeals of District of Columbia.  
3 Submitted October 9, 1924.  
4 Decided December 1, 1924.)  
5 No. 4114.

6 1. Grand jury —Employee to whom government is paying disability compensation held “employee” of  
7 government, disqualified as juror.

8 Government employee, to whom government is paying disability compensation under Act Sept. 7, 1916 (Comp.  
9 St. §§ S932a—S932uu), held “employee” of the government, within rule disqualifying such employees from acting  
10 as jurors.

11 [Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Employé.]

12 2. Grand jury—United States government employee not qualified to serve as member of grand jury in District of  
13 Columbia.

14 An employee of United States is not qualified to serve as member of grand jury in District of Columbia,  
15 notwithstanding Code, §§ 215, 217.

16 3. Criminal law —Disqualification of grand juror may be raised by plea in abatement.

17 An accused may present objections to member of grand jury, who was disqualified as employee of United States  
18 government, by plea in abatement.

19 Appeal from Supreme Court of District of Columbia.

20 Ward W. Griffith and others were indicted for conspiracy. From a judgment sustaining a plea in abatement and  
21 quashing indictment, the United States appeals. Affirmed.

22 Peyton Gordon, of Washington, D. C., for appellant.

23 Leon Tobriner, B. U. Graham, and J. L. Smith, all of Washington, D. C., for appellees.

24 Before MARTIN, Chief Justice, ROBB, Associate Justice, and SMITH, Judge of the United States Court of  
25 Customs Appeals.

26 MARTIN, Chief Justice. In this case the United States appeals from a judgment of the Supreme Court of the  
27 District of Columbia, sustaining a plea in abatement and quashing an indictment, upon the ground that one of  
28 the members of the grand jury which returned the indictment was disqualified by law.

29 The indictment in question was returned on March 9, 1921. It charged the defendants therein, now the appellees,  
30 with a conspiracy in restraint of trade and commerce in coal in the District of Columbia. On May 16, 1921, the  
31 defendants filed a plea in abatement, alleging and contending that one George H. Van Kirk had served as a  
32 member of the grand jury in the finding of the indictment, whereas at that time he was a paid employee of the  
33 United States, and consequently was not competent or qualified to act as a grand juror in the case. The defendants  
34 averred that they had not learned of these facts until four days before the filing of the plea, and that they thereupon  
35 presented it as speedily as could be. The government filed a replication denying these allegations, and issue was  
36 joined, whereupon the court sustained the plea, quashed the indictment, and discharged the defendants. From  
37 that order the government has appealed.

38 It appears without dispute that for some years prior to July 28, 1920, the grand juror in question was a resident  
39 of the District of Columbia, and was employed at an annual salary as a stenographer, typist, and clerk in the War  
40 Department of the United States; that on the day named, because of disabilities, he filed with the United States  
41 Employees' Compensation Commission an application for disability compensation, under the act of Congress  
42 entitled “An act to provide compensation for employees of the United States suffering injuries while in the  
43 performance of their duties, and for other purposes,” approved September 7, 1916 (39 Statutes at Large, 742, c.  
44 458 [Comp. St. §§ 8932a - 8932uu]); that on October 22, 1920, the commission awarded him disability  
45 compensation at the rate of \$66.67 per month, being a rate based upon the salary which he was receiving at the  
46 time of his disability; and that he was carried at that rate upon the United States employees' disability rolls at  
47 and during the time of his service as grand juror in this case.

48 [1.] The act aforesaid provides that the United States shall pay compensation for the disability of an employee  
49 resulting from a personal injury sustained while in the performance of duty; that the amount thereof shall be  
50 adjusted by the commission according to the monthly pay of the employee; that the commission may, from time  
51 to time, require a partially disabled employee to report the wages he is then receiving, and if he refuses to seek

suitable work, or refuses or neglects to work after suitable work is offered to him, he shall not be entitled to any compensation; that the commission may determine whether the wage-earning capacity of the disabled employee has decreased on account of old age, irrespective of the injury, and may reduce his disability compensation accordingly; and that at any time, upon its own motion or on an application the commission may review the award, and in accordance with the facts found by it, may end, diminish, or increase the compensation previously awarded.

It thus appears that at the time in question the government was paying the juror a monthly stipend as employee's compensation, reserving the authority to control his conduct in certain particulars, and with power to increase, diminish, or terminate the compensation at discretion. In our opinion that relationship, whatever be the technical name which may most narrowly describe it, did in effect constitute the juror an employee of the United States within the sense in which that term is here used.

[2] The next question is whether an employee of the government is disqualified under the law to serve as a juror in the District of Columbia. The following sections of the District Code relate to this question, to wit:

"Sec. 215. *Qualifications.* - No person shall be competent to act as a juror unless he be a citizen of the United States, a resident of the District of Columbia, over twenty-one and under sixty-five years of age, able to read and write and to understand the English language, and a good and lawful man, who has never been convicted of a felony or a misdemeanor involving moral turpitude."

"Sec. 217. All executive and judicial officers, salaried officers of the government of the United States and of the District of Columbia and those connected with the police or fire departments, counselors and attorneys at law in actual practice, ministers of the gospel and clergymen of every denomination, practicing physicians and surgeons, keepers of hospitals, asylums, alms-houses, or other charitable institutions created by or under the laws relating to the District, captains and masters and other persons employed on vessels navigating the waters of the District shall be exempt from jury duty, and their names shall not be placed on the jury lists."

In *Crawford v. United States*, 212 U.S. 183, 195, 29 S.Ct. 260, 267 (53 L.Ed. 465, 15 Ann.Cas. 392) an accused had been convicted of a crime in the District of Columbia by a petit jury one member of which was at the time a United States postal employee. The accused had challenged the juror for that cause, but the challenge was overruled upon the ground that sections 215 and 217, *supra*, did not include such relationship within the list of disqualifications. The Supreme Court however held that under the common law of the District independently of those enactments, "one is not a competent juror on a case if he is master, servant, steward, counsellor or attorney of either party." Accordingly the conviction was reversed. The following extract is taken from the opinion in that case, written by Mr. Justice Peckham:

"We do not think that section 215 of the Code of the District includes the whole subject of the qualifications of jurors in that District. If that section, together with section 217, were alone to be considered, it might be that the juror was qualified. But, by the common law, a further qualification exists. If that law remains in force in this regard in this District a different decision is called for from that made in this case. The common law in force in Maryland, February 27, 1801, remains in force here, except as the same may be inconsistent with or replaced by some provision of the Code for the District, Code, § 1, c. 1, p. 5. It has not been contended that the common law upon the subject of jurors was not in force in Maryland at the above-named date, or that it did not remain in force here, at least up to the time of the passage of the Code. Jurors must at least have the qualifications mentioned in section 215, but that section does not, in our opinion, so far alter the common law upon the subject as to exclude its rule that one is not a competent juror in a case if he is master, servant, steward, counsellor or attorney of either party. In such case a juror may be challenged for principal cause as an absolute disqualification of the juror. 3 Blackstone (Cooley's 4th Ed.) p. 363; *Block v. State*, 100 Indiana, 357, 362. \* \* \* This rule applies as well to criminal as to civil cases."

**The foregoing decision is authority for the conclusion that a United States employee is not qualified to serve as a member of the petit jury in the trial of a criminal case in the District of Columbia, and that a challenge seasonably made by the accused upon that ground should be sustained. See also, *Miller v. United States*, 38 App. D.C. 36.**

[3] The question next arises whether such an employee is likewise disqualified from serving as a grand juror in the District, and whether an accused may present his objections to such a juror by a plea in abatement. In answer to this we may say that in general the term "juror" is held to include alike both petit and grand jurors, and that objections to the qualifications of grand jurors, under circumstances such as these may be made by a plea in abatement. *Spencer v. United States*, 169 F. 562 565, 95 C. C. A. 60; *Williams v. United States* (C. C. A.), 275 F. 129, 131; *Clawson v. United States*, 114 U.S. 477, 483, 5 S.Ct. 919, 29 L.Ed. 179; *Agnew v. United States*, 165 U.S. 35, 44, 17 S.Ct. 235, 41 L.Ed. 624; *Crowley v. United States*, 194 U.S. 461, 24 S.Ct. 731, 48 L.Ed. 1075.

In *Clawson v. United States*, *supra*, a case arising in the then territory of Utah, the Supreme Court considered section 5 of the Act of Congress of March 22, 1882, 22 Stat. 30 (Comp. St. § 1265), which provides "that in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a jurymen or talesman, \* \* \* that he believes it right for a man to have more than one living and undivorced wife at the same time." It was held that the terms

“juryman or talesman” included both grand and petit jurors. The following extract is taken from the opinion by Mr. Justice Blatchford in that case:

“It is also urged that § 5 does not apply to grand jurors. The language is, ‘any person drawn or summoned as a juryman or talesman’—‘any person appearing or offered as a juror or talesman.’ In view of the fact that by section 4 of the Act of June 23, 1874, both grand jurors and petit jurors are to be drawn from the box containing the two hundred names, and are to be summoned under venires, and are to constitute the regular grand and petit juries for the term, and of the further fact that the persons to be challenged and excluded are persons not likely to find indictments for the offenses named in section 5, we cannot doubt that the words ‘juryman’ and ‘juror’ include a grand juror as well as a petit juror. There is as much ground for holding that it includes the former alone, as the latter alone, if it is to include but one. It must, include one at least, and we think it includes both. The purpose and reason of the section include the grand juror; and there is nothing in the language repugnant to such view. The use of the words ‘drawn or summoned as a juryman or talesman,’ and of the words ‘appearing or offered as a juror or talesman,’ does not have the effect of confining the meaning of ‘juror’ to ‘petit juror,’ on the view that the ordinary meaning of ‘talesman’ refers to a petit juror. A grand juror is a juryman and a juror, and is drawn and summoned, and it might well have been thought wisest to mention a ‘tales-man’ specifically, lest the words ‘juryman’ and ‘juror’ might be supposed not to include him.”

It may be noted that sections 198, 199, 203, 204, 215, 216, and 217 of the District Code, providing for the drawing and selection of “jurors” all apply alike to grand and petit jurors. In *Crowley v. United States*, *supra*, it was held by the Supreme Court that an objection by plea in abatement, before the arraignment of the accused, to an indictment on the ground that some of the grand jurors were disqualified by law, was in due time, and was made in a proper way, and also that the disqualification of a grand juror prescribed by statute is a matter of substance, which cannot be regarded as a mere defect or imperfection, within the meaning of section 1025, Rev. Stat. (Comp. St. § 1691). The latter statement likewise applies to a disqualification like this under the common law.

In our opinion, therefore, the trial court rightly sustained the plea in abatement, and its judgment is affirmed.

9. Taxes collected are used ONLY for the support of government and not private citizens. This means that taxes may not be used to pay “benefits” to private citizens, nor may benefit programs be used as a way to make private citizens into public officers or employees and thereby destroy the separation of powers between what is public and what is private.

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

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

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

10. The People individually and not collectively are the “sovereigns” and the “state”, and not their rulers or the government who serves them.

“State. A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. *United States v. Kusche*, D.C.Cal., 56 F.Supp. 201 207, 208. The organization of social life which exercises sovereign power in behalf of the people. *Delany v. Moralitis*, C.C.A.Md., 136 F.2d 129, 130. In its largest sense, a “state” is a body politic or a society of men. *Beagle v. Motor Vehicle Acc. Indemnification Corp.*, 44 Misc.2d 636, 254 N.Y.S.2d 763, 765. A body of people occupying a definite territory and politically organized under one government. *State ex re. Maisano v. Mitchell*, 155 Conn. 256, 231 A.2d 539, 542. A territorial unit with a distinct general body of law. *Restatement, Second, Conflicts*, §3. Term may refer either to body politic of a nation (e.g. *United States*) or to an individual government unit of such nation (e.g. *California*).

[...]



1 *The people of a state, in their collective capacity, considered as the party wronged by a criminal deed; the public;*  
2 *as in the title of a cause, "The State vs. A.B."*  
3 *[Black's Law Dictionary, Sixth Edition, p. 1407]*

4  
5 *"The sovereignty of a state does not reside in the persons who fill the different departments of its government, but*  
6 *in the People, from whom the government emanated; and they may change it at their discretion. Sovereignty, then*  
7 *in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to*  
8 *the federal and state government."*  
9 *[Spooner v. McConnell, 22 F. 939, 943]*

10  
11 *"There is no such thing as a power of inherent sovereignty in the government of the United States .... In this*  
12 *country sovereignty resides in the people, and Congress can exercise no power which they have not, by their*  
13 *Constitution entrusted to it: All else is withheld."*  
14 *[Juilliard v. Greenman, 110 U.S. 421 (1884)]*

## 15 **8.2 Signs that a "government" is actually a private de facto corporation**

16 Governments are formed EXCLUSIVELY to protect PRIVATE rights and PRIVATE property. When such  
17 governments become corrupt and want to STEAL from the people they are supposed to be protecting, they  
18 surreptitiously convert ALL PRIVATE rights and PRIVATE property into PUBLIC property using deception,  
19 unconstitutional presumption, and words of art. Once they have accomplished that conversion, they procure the  
20 right to tax the property and extract anything they want from it. Hence, corrupted governments conduct a WAR  
21 on PRIVATE rights and PRIVATE property, meaning they set out to do the OPPOSITE purpose for which they  
22 were created. The U.S. Supreme Court identified the battle line of this war when they ruled on Congress' first  
23 attempt to institute a national income tax and declared it unconstitutional:

24 *"The present assault upon [PRIVATE] capital is but the beginning. It will be but the stepping stone to others*  
25 *larger and more sweeping, until our political contest will become war of the poor against the rich; a war of*  
26 *growing intensity and bitterness."*  
27 *[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895).]*

28 The "assault on capital" described above is really just an assault on PRIVATE capital by converting it to PUBLIC  
29 OFFICES and PUBLIC FRANCHISES without the consent of the owner. We allege that ANYTHING that  
30 converts PRIVATE property or PRIVATE rights into PUBLIC rights or PUBLIC OFFICES, or franchises  
31 accomplishes a purpose OPPOSITE that for which governments are created and hence, constitutes PRIVATE  
32 business activity that cannot and should not be protected with sovereign immunity. Even if it is attempted by a  
33 government officer acting under the "color of law", it is STILL not "government activity" that can be protected  
34 by sovereign immunity, but is mere PRIVATE business activity that operates at the same level as ANY OTHER  
35 business must as a matter of equity.

36 *See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) ("The United States does business on*  
37 *business terms") (quoting United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926));*  
38 *Perry v. United States, supra at 352 (1935) ("When the United States, with constitutional authority, makes*  
39 *contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such*  
40 *instruments. There is no difference . . . except that the United States cannot be sued without its consent")*  
41 *(citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) ("The United States, when they contract with*  
42 *their citizens, are controlled by the same laws that govern the citizen in that behalf"); Cooke v. United States,*  
43 *91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty,*  
44 *and enters the domain of commerce, it submits itself to the same laws that govern individuals there").*

45 *See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen*  
46 *or corporate body must by supposition be substituted in its place, and then the question be determined whether*  
47 *the action will lie against the supposed defendant"); O'Neill v. United States, 231 Ct.Cl. 823, 826 (1982)*  
48 *(sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the party hurt*  
49 *by such governing action could not claim compensation from the other party for the governing action"). The*  
50 *dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its*  
51 *reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need*  
52 *to treat the government-as-contractor the same as a private party.*

Based on the above, we can see that when one or more of the following occurs, we are no longer dealing with a “government”, but rather a private corporation and franchise or “employer” in which a “citizen” is really just an “employee” of the private pseudo-government corporation who has no choice but to do exactly and only what they are commanded to do through corporate policy disguised to “look” like public law but which in actuality is just special law or private law that is part of their employment agreement:

1. Taxing Power Abused to pay “benefits” to Private Citizens. It has always been a violation of the constitution to pay public monies to otherwise private citizens. This constraint is avoided by making EVERYONE into a statutory rather than constitutional citizen and defining such citizen as a public officer and/or statutory “employee” within the government. Such “benefits” include such things as Social Security, Medicare, etc. See:

*The Government “Benefits” Scam*, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

2. Consent of the governed: Government refuses to acknowledge the requirement for consent of the governed. For instance:
  - 2.1. They do a tax assessment without respecting the requirement for consent to the assessment mandated by 26 U.S.C. §6020(b). See:

*Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent*, Form #05.011  
<http://sedm.org/Forms/FormIndex.htm>

- 2.2. Courts and administrative bodies refuse to meet the burden of proof as the moving party to demonstrate proof of consent in writing to the franchise agreement, such as I.R.C. Subtitles A and C BEFORE they attempt enforcement actions.

3. Requirement for EXPRESS CONSENT and INTENT ignored or interfered with in becoming a statutory “citizen” or “resident”. Domicile requires the coincidence of physical presence within the territory of the sovereign and an intention to join the political community that it is a part of. However, tyrants and dictators who rule by force and fraud disregard the intention requirement. If you have an “address” or physical presence on their territory, the government “presumes” that fact alone constitutes consent to become a “citizen”, “resident”, or “inhabitant”, thus ignoring the consent and intent portion of the domicile requirement. This has the practical effect of turning a republic consisting mainly of private property into a monarchy, where everything is public property because the king owns *all the land* and everyone is nothing more than a tenant subject to his whim and pleasure by divine right. British subjects can’t even expatriate from their country without permission of the king or queen in fact. They in effect are chattel property of the monarch. If you would like to see how much land the monarch of England owns, it currently stands at 6 Billion acres. God says that “all the earth is mine” (Exodus 19:5)...and the queen of England retorts...”except for the 6 billion 600 million acres I own which is 1/6th of the non-ocean surface of the earth.”. For proof, see:

*Who Owns the World*  
<http://www.whoownstheworld.com/about-the-book/largest-landowner/?ref=patrick.net>

4. Protection of private rights: Government refuses to acknowledge the protections of the Constitution for your private rights. For instance:

- 4.1. They make the false and self-serving presumption that everyone they interact with in the public is a public officer in the government and a franchisee called a “taxpayer” (26 U.S.C. §7701(a)(14)) or statutory but not constitutional “U.S. citizen” (8 U.S.C. §1401)
  - 4.2. They refuse to prosecute those who compel others to use government identifying numbers, thus forcing those so compelled to donate formerly private property to a public use, a public purpose, and a public office.
  - 4.3. They refuse to recognize the existence of “nontaxpayers” or defend their *private* rights. For instance, enforcing the Anti-Injunction Act, 26 U.S.C. §7421 to prevent private parties injured by zealous tax collectors from having their private property seized because they are the victim of FALSE information return reports that the IRS refuses to correct.
  - 4.4. They refuse to correct false information returns filed by third parties against those who are non-taxpayers, thus compelling private people to involuntarily assume the duties of a public office in the government. They also refuse to prosecute the filers of these false reports. See:

*Correcting Erroneous Information Returns*, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>

5. Unalienable rights: Government sets up a franchise or a business whose purpose essentially is to bribe or entice people to give up constitutionally protected rights. In modern day terms, that business is called a “franchise”. See section 13.6 later.

"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution." *Frost & Frost Trucking Co. v. Railroad Comm'n of California*, 271 U.S. 583. "Constitutional rights would be of little value if they could be indirectly denied," *Smith v. Allwright*, 321 U.S. 649, 644, or manipulated out of existence," *Gomillion v. Lightfoot*, 364 U.S. 339, 345." [*Harman v. Forssenius*, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]

6. Equal protection: Government provides unequal protection or unequal benefit to those within its jurisdiction. For instance:
- 6.1. Government imputes to itself sovereign immunity and the requirement to prove ITS consent when civilly sued, but does not enforce the same EQUAL requirement when IT tries to enforce a civil obligation against a citizen.
  - 6.2. Government allows otherwise PRIVATE Americans to be effectively elected into public office with FALSE information return reports and without their consent but refuses to allow its own workers or itself to be elected into servitude of anyone else.
  - 6.3. One group of people pays a different percentage tax rate or amount than another or receives a different benefit in exchange for the same amount of money paid in.
  - 6.4. Franchises are abused to make FRANCHISEES inferior to the government grantor.
7. Franchises are abused to destroy CONSTITUTIONAL remedies and force people into an administrative franchise court instead. The main abuse is offering or enforcing them to those domiciled OUTSIDE of federal territory and the EXCLUSIVE jurisdiction of Congress.

"These general rules are well settled:

(1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts, *United States ex rel. Dunlap v. Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United States*, 7 Wall. 188, 195, 19 L.Ed. 35; *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108.

(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann.Cas. 1916A, 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v. National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919."

[*U.S. v. Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

8. Courts are converted from CONSTITUTIONAL courts to STATUTORY FRANCHISE or ADMINISTRATIVE FRANCHISE courts. Examples: 1. U.S. Tax Court; 2. Traffic court; 3. Family Court. Such courts are really just binding arbitration boards for fellow public officers within the Executive Branch of the government. At the present time, all United States District Courts and Circuit Courts are NOT expressly authorized by Congress to hear any Article III Constitutional issue. Instead, they are legislative franchise courts that administer ONLY federal property under Article 4, Section 3, Clause 2 of the USA Constitution. See the following for proof:
- 8.1. Government Instituted Slavery Using Franchises, Form #05.030, Sections 15 through 17 <http://sedm.org/Forms/FormIndex.htm>
  - 8.2. What Happened to Justice?, Form #06.012-proves that there are NOT any constitutional courts left at the federal level accessible to the average American. <http://sedm.org/Forms/FormIndex.htm>
9. There is no "body politic". All those who participate in the affairs of the government as statutory "voters" or "citizens" are in fact franchisees and public officers of the government with a financial and personal conflict of interest.
- 9.1. There is no one outside the pseudo-government private corporation who any of the people in pseudo-government can be or are accountable to, and certainly no one who has Constitutional rights.
  - 9.2. They are violating their state constitutions, because most state constitutions forbid anyone from simultaneously serving as a public officer in the federal government and the state government. Federal taxpayers are public officers (engaged in a "trade or business" as defined in 26 U.S.C. §7701(a)(26)) in the federal government while state "taxpayers" are similarly public officers in the state government.

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

9.3. Everyone who participates as a jurist or voter in any proceeding involving taxation and who is a recipient of federal “benefits” is committing a crime by having a conflict of interest in violation of:

9.3.1. 18 U.S.C. §208 in the case of statutory but not constitutional “citizens” and “taxpayers”.

9.3.2. 28 U.S.C. §144, and 28 U.S.C. §455 in the case of judges.

9.3.3. 18 U.S.C. §201: Bribery of public officials and witnesses. All jurists and all “taxpayers” are public officers in the government and receipt of federal “benefits” bribes them to perpetuate the “benefit” when taxes are at issue.

9.4. If you try to participate as a jurist or voter as a constitutional but not statutory citizen, the registrar of voters and the jury commissioner will expel you and refuse to address the legal evidence proving that he or she is committing a FRAUD upon the public by preventing REAL constitutional but not statutory citizens from participating. Consequently, any tax imposed upon constitutional citizens is taxation without representation. We have watched this process firsthand. See:

Jury Summons Response Attachment, Form #06.015

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

10. An enterprise or portion of the government is not a “body politic”, but only a “body corporate”. For instance, the “District of Columbia” is a “body corporate”, but NOT a “body politic”, as you will learn later in section 14.4, which means it is not part of the government, but a private corporation. Yet, sovereign immunity is abused by the corrupt corporate courts to protect the activities of this private corporation.

11. Practicing federal attorneys take an oath to the wrong sovereign. Their oath ought to be to the people and the “State” they serve, but instead is to the government. The two are not the same. See:

Petition for Admission to Practice, Family Guardian Fellowship

<http://famguardian.org/Subjects/LawAndGovt/LegalEthics/PetForAdmToPractice-USDC.pdf>

12. “Words of Art” are abused to illegally expand definitions in such a way that PRIVATE rights and PRIVATE party unlawfully become the subject of any government enforcement authority. This kind of abuse is very commonly done with definitions in the Internal Revenue Code. The following document explains and proves this kind of abuse:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

13. All powers are derived or delegated directly from the people: Government arrogates authority to itself that it denies to others and thereby becomes the equivalent of a pagan deity and an object of idol worship.

14. Government dispenses with one or more of the three elements needed to make it valid: People, Laws, and Territory. For instance, if the government tries to setup a “virtual state” using territory borrowed from another government that is not its own, then it can no longer be called a government. This, in fact, is exactly how state income taxes function. State income taxes presume a domicile on federal territory borrowed from the federal government. State income taxes are imposed under the authority of the Buck Act of 1940 and the Public Salary Tax Act of 1939, which are codified at 4 U.S.C. §106 and 5 U.S.C. §5517. See:

State Income Taxes, Form #05.031

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

Next, we will provide a tabular comparison of a de jure government and a de facto private corporation to synthesize all the points in the previous subsections into one place:

**Table 6: "De jure government" and "De Facto Private corporation" compared**

#	Characteristic	De jure government	De facto private corporation
1	Territory, laws, and people?	Yes	No. Only contracts/franchises and corporate "employees" that do not attach to specific territory.
2	Purpose of establishment	Protect PRIVATE rights	1. Protect PUBLIC rights and convert all PRIVATE rights into PUBLIC rights/franchises. 2. Expand the corporation and centralize all power to the CEO/President.
3	Private rights are unalienable	Yes	No. All rights are PUBLIC/CORPORATE rights
4	Equal protection of all?	Yes	No. Only corporate "employees" are protected. All others are TERRORIZED until they join the corporation.
5	Civil laws based on consent of the governed?	Yes	No. All law is corporate policy that forms the employment agreement for officers of the corporation.
6	Powers derived from	The Sovereign People, both individually and collectively	CEO and Board of Directors of the Corporation. "Employees" must do as they are told or they are FIRED and/or persecuted
7	Body corporate?	Yes	Yes
8	Body politic?	Yes	No
9	Taxes used only for	Support of government	Support of employees and officers of the corporation, which is EVERYONE

### 8.3 The "Sovereign Acts Doctrine" of the U.S. Supreme Court

It is important to be able to distinguish in any given situation whether a government is:

1. Acting in its sovereign capacity as a "government" and thereby entitled to sovereign immunity.
2. Acting in its private capacity essentially as a corporation in equity.

The U.S. Supreme Court has defined what it calls the "Sovereign Acts Doctrine" as a means to determine which of the above two capacities apply in any given situation. Understanding this doctrine is important, because it helps to indirectly answer whether the government is acting as a private corporation, or a de jure government.

To start our analysis, we provide key cases on the subject that help explain the doctrine:

1. The preceding section made reference to the case of [United States v. Winstar Corp., 518 U.S. 839 \(1996\)](#).

*See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) ("The United States does business on business terms") (quoting United States v. National Exchange Bank of Baltimore, 270 U.S. 527, 534 (1926)); Perry v. United States, supra at 352 (1935) ("When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent") (citation omitted); United States v. Bostwick, 94 U.S. 53, 66 (1877) ("The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf"); Cooke v. United States, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there").*

*See Jones, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant"); O'Neill v. United States, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the party hurt*



by such governing action could not claim compensation from the other party for the governing action"). The dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party.  
[United States v. Winstar Corp., 518 U.S. 839 (1996).]

## 2. U.S. v. Winstar Corp., 518 U.S. 839, 116 S.Ct. 2432, 135 L.Ed.2d 964 (1996)

The Government's final line of defense is the sovereign acts doctrine, to the effect that "[w]hatever acts the government may do, be they legislative or executive, so long as they be public and general, cannot be deemed specially to alter, modify, obstruct or violate the particular contracts into which it enters with private persons." Horowitz v. United States, 267 U.S., at 461 (quoting Jones v. United States, 1 Ct.Cl. 383, 384 (1865)). Because FIRREA's alteration of the regulatory capital requirements was a "public and general act," the Government says, that act could not amount to a breach of the Government's contract with respondents.

The Government's position cannot prevail, however, for two independent reasons. The facts of this case do not warrant application of the doctrine, and even if that were otherwise the doctrine would not suffice to excuse liability under this governmental contract allocating risks of regulatory change in a highly regulated industry.

In Horowitz, the plaintiff sued to recover damages for breach of a contract to purchase silk from the Ordnance Department. The agreement included a promise by the Department to ship the silk within a certain time, although the manner of shipment does not appear to have been a subject of the contract. Shipment was delayed because the United States Railroad Administration placed an embargo on shipments of silk by freight, and by the time the silk reached Horowitz the price had fallen, rendering the deal unprofitable. This Court barred any damages award for the delay, noting that "[i]t has long been held by the Court of Claims that the United States when sued as a contractor cannot be held liable for an obstruction to the performance of the particular contract resulting from its public and general acts as a sovereign." 267 U. S., at 461. This statement was not, however, meant to be read as broadly as the Government urges, and the key to its proper scope is found in that portion of our opinion explaining that the essential point was to put the Government in the same position that it would have enjoyed as a private contractor:

"The two characters which the government possesses as a contractor and as a sovereign cannot be thus fused; nor can the United States while sued in the one character be made liable in damages for their acts done in the other. Whatever acts the government may do, be they legislative or executive, so long as they be public and general, cannot be deemed specially to alter, modify, obstruct or violate the particular contracts into which it enters with private persons. . . . In this court the United States appear simply as contractors; and they are to be held liable only within the same limits that any other defendant would be in any other court. Though their sovereign acts performed for the general good may work injury to some private contractors, such parties gain nothing by having the United States as their defendants." Ibid. (quoting Jones v. United States, supra, at 384).

The early Court of Claims cases upon which Horowitz relied anticipated the Court's emphasis on the Government's dual and distinguishable capacities and on the need to treat the government-as-contractor the same as a private party. In Deming v. United States, 1 Ct.Cl. 190 (1865), the Court of Claims rejected a suit by a supplier of army rations whose costs increased as a result of Congress's passage of the Legal Tender Act. The Deming court thought it "grave error" to suppose that "general enactments of Congress are to be construed as evasions of [the plaintiff's] particular contract." Id., at 191. "The United States as a contractor are not responsible for the United States as a lawgiver," the court said. "In this court the United States can be held to no greater liability than other contractors in other courts." Ibid. Similarly, Jones v. United States, supra refused a suit by surveyors employed by the Commissioner of Indian Affairs, whose performance had been hindered by the United States's withdrawal of troops from Indian country. "The United States as a contractor," the Claims Court concluded, "cannot be held liable directly or indirectly for the public acts of the United States as a sovereign." Id., at 385.

The Government argues that "[t]he relevant question [under these cases] is whether the impact [of governmental action] . . . is caused by a law enacted to govern regulatory policy and to advance the general welfare." Brief for United States 45. This understanding assumes that the dual characters of Government as contractor and legislator are never "fused" (within the meaning of Horowitz) so long as the object of the statute is regulatory and meant to accomplish some public good. That is, on the Government's reading, a regulatory object is proof against treating the legislature as having acted to avoid the Government's contractual obligations, in which event the sovereign acts defense would not be applicable. But the Government's position is open to serious objection.

As an initial matter, we have already expressed our doubt that a workable line can be drawn between the Government's "regulatory" and "nonregulatory" capacities. In the present case, the Government chose to regulate capital reserves to protect FSLIC's insurance fund, much as any insurer might impose restrictions on an insured as a condition of the policy. The regulation thus protected the Government in its capacity analogous to a private insurer, the same capacity in which it entered into supervisory merger agreements to convert some of its financial insurance obligations into responsibilities of private entrepreneurs. In this respect, the supervisory mergers bear some analogy to private contracts for reinsurance.<sup>37</sup> On the other hand, there is no question that thrift regulation is, in fact, regulation, and that both the supervisory mergers of the 1980's and the subsequent

passage of FIRREA were meant to advance a broader public interest. **The inescapable conclusion from all of this is that the Government's "regulatory" and "nonregulatory" capacities were fused in the instances under consideration, and we suspect that such fusion will be so common in the modern regulatory state as to leave a criterion of "regulation" without much use in defining the scope of the sovereign acts doctrine.**<sup>33</sup>

An even more serious objection is that allowing the Government to avoid contractual liability merely by passing any "regulatory statute," would flaunt the general principle that, "[w]hen the United States enters into contract relations, its rights and duties therein are governed generally by the law applicable to contracts between private individuals." *Lynch v. United States*, 292 U. S., at 579.<sup>34</sup> Careful attention to the cases shows that the sovereign acts doctrine was meant to serve this principle, not undermine it. In *Horowitz*, for example, if the defendant had been a private shipper, it would have been entitled to assert the common-law defense of impossibility of performance against *Horowitz's* claim for breach. Although that defense is traditionally unavailable where the barrier to performance arises from the act of the party seeking discharge, see *Restatement (Second) of Contracts* Section(s) 261; 2 E. Farnsworth, *Farnsworth on Contracts* Section(s) 9.6, p. 551 (1990); cf. *W. R. Grace & Co. v. Rubber Workers*, 461 U.S. 757, 767-768, n. 10 (1983), *Horowitz* held that the "public and general" acts of the sovereign are not attributable to the Government as contractor so as to bar the Government's right to discharge. The sovereign acts doctrine thus balances the Government's need for freedom to legislate with its obligation to honor its contracts by asking whether the sovereign act is properly attributable to the Government as contractor. If the answer is no, the Government's defense to liability depends on the answer to the further question, whether that act would otherwise release the Government from liability under ordinary principles of contract law.<sup>40</sup> Neither question can be answered in the Government's favor here.

**If the Government is to be treated like other contractors, some line has to be drawn in situations like the one before us between regulatory legislation that is relatively free of government self-interest and therefore cognizable for the purpose of a legal impossibility defense and, on the other hand, statutes tainted by a governmental object of self-relief.** Such an object is not necessarily inconsistent with a public purpose, of course, and when we speak of governmental "self-interest," we simply mean to identify instances in which the Government seeks to shift the costs of meeting its legitimate public responsibilities to private parties. Cf. *Armstrong v. United States*, 364 U.S., at 49 (The Government may not "forc[e] some people alone to bear public burdens which . . . should be borne by the public as a whole"). Hence, while the Government might legitimately conclude that a given contractual commitment was no longer in the public interest, a government seeking relief from such commitments through legislation would obviously not be in a position comparable to that of the private contractor who willy-nilly was barred by law from performance. There would be, then, good reason in such circumstance to find the regulatory and contractual characters of the Government fused together, in *Horowitz's* terms, so that the Government should not have the benefit of the defense.<sup>35</sup>

*Horowitz's* criterion of "public and general act" thus reflects the traditional "rule of law" assumption that generality in the terms by which the use of power is authorized will tend to guard against its misuse to burden or benefit the few unjustifiably.<sup>36</sup> See, e.g., *Hurtado v. California*, 110 U.S. 516, 535-536 (1884) ("Law . . . must be not a special rule for a particular person or a particular case, but . . . [t]he general law . . . so 'that every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society'") (citation omitted).<sup>37</sup> Hence, governmental action will not be held against the Government for purposes

<sup>33</sup> Moreover, if the dissent were correct that the sovereign acts doctrine permits the Government to abrogate its contractual commitments in "regulatory" cases even where it simply sought to avoid contracts it had come to regret, then the Government's sovereign contracting power would be of very little use in this broad sphere of public activity. We rejected a virtually identical argument in *Perry v. United States*, 294 U.S. 330 (1935), in which Congress had passed a resolution regulating the payment of obligations in gold. We held that the law could not be applied to the Government's own obligations, noting that "the right to make binding obligations is a competence attaching to sovereignty." *Id.*, at 353.

<sup>34</sup> See also *Clearfield Trust Co. v. United States*, 318 U.S. 363, 369 (1943) ("The United States does business on business terms") (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926)); *Perry v. United States*, supra, at 352 (1935) ("When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent") (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) ("The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf"); *Cooke v. United States*, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there").

<sup>35</sup> Our Contract Clause cases have demonstrated a similar concern with governmental self-interest by recognizing that "complete deference to a legislative assessment of reasonableness and necessity is not appropriate because the State's self-interest is at stake." *United States Trust Co. of N. Y. v. New Jersey*, 431 U.S. 1, 26 (1977); see also *Energy Reserves Group, Inc. v. Kansas Power & Light Co.*, 459 U.S. 400, 412-413, and n. 14 (1983) (noting that a stricter level of scrutiny applies under the Contract Clause when a State alters its own contractual obligations); cf. *Perry*, supra, at 350-351 (drawing a "clear distinction" between Congress's power over private contracts and "the power of the Congress to alter or repudiate the substance of its own engagements").

<sup>36</sup> The generality requirement will almost always be met where, as in *Deming*, the governmental action "bears upon [the government's contract] as it bears upon all similar contracts between citizens." *Deming v. United States*, 1 Ct.Cl. 190, 191 (1865). *Deming* is less helpful, however, in cases where, as here, the public contracts at issue have no obvious private analogs.

<sup>37</sup> The dissent accuses us of transplanting this due process principle into alien soil, see post, at 9. But this Court did not even wait until the term following *Hurtado* before applying its principle of generality to a case that, like this one, involved the deprivation of property rights. See *Hagar v. Reclamation Dist. No. 108*, 111 U.S. 701, 708 (1884). More importantly, it would be surprising indeed if the sovereign acts doctrine, resting on the inherent nature of sovereignty, were not shaped by fundamental principles about how sovereigns ought to behave.

of the impossibility defense so long as the action's impact upon public contracts is, as in *Horowitz*, merely incidental to the accomplishment of a broader governmental objective. See *O'Neill v. United States*, 231 Ct.Cl. 823, 926 (1982) (noting that **the sovereign acts doctrine recognizes that "the Government's actions, otherwise legal, will occasionally incidentally impair the performance of contracts"**).<sup>38</sup> The greater the Government's self-interest, however, the more suspect becomes the claim that its private contracting partners ought to bear the financial burden of the Government's own improvidence, and where a substantial part of the impact of the Government's action rendering performance impossible falls on its own contractual obligations, the defense will be unavailable. Cf. *Sun Oil Co. v. United States*, 215 Ct.Cl. 716, 768, 572 F.2d. 786, 817 (1978) (rejecting sovereign acts defense where the Secretary of the Interior's actions were "directed principally and primarily at plaintiffs' contractual right").<sup>39</sup>

The dissent would adopt a different rule that the Government's dual roles of contractor and sovereign may never be treated as fused, relying upon *Deming's* pronouncement that "[t]he United States as a contractor are not responsible for the United States as a lawgiver." *Post*, at 9 (quoting *1 Ct. Cl.*, at 191). But that view would simply eliminate the "public and general" requirement, which presupposes that the Government's capacities must be treated as fused when the Government acts in a non-general way. *Deming* itself twice refers to the "general" quality of the enactment at issue, *1 Ct. Cl.*, at 191, and notes that "[t]he statute bears upon [the governmental contract] as it bears upon all similar contracts between citizens, and affects it in no other way." *Ibid.* At the other extreme, of course, it is clear that any benefit at all to the Government will not disqualify an act as "public and general"; the silk embargo in *Horowitz*, for example, had the incidental effect of releasing the Government from its contractual obligation to transport Mr. *Horowitz's* shipment. Our holding that a governmental act will not be public and general if it has the substantial effect of releasing the Government from its contractual obligations strikes a middle course between these two extremes.<sup>40</sup>

### 3. *Century Exploration New Orleans, LLC v. United States* (C.C., 2013), Case No. 11-54 C, Court of Federal Claims

**The sovereign acts doctrine is a variation of the common law doctrine of impossibility, adapted for the unique circumstances faced by the government as a contractor. Under the impossibility doctrine, also known as the impracticability doctrine, [w]here, after a contract is made, a party's performance is made impracticable without his fault by the occurrence of an event the non-occurrence of which was a basic assumption upon which the contract was made, his duty to render that performance is discharged, unless the language or the circumstances indicate the contrary.**

*Restatement (Second) of Contracts* §261. The impossibility doctrine applies to, inter alia, statutory, regulatory, or other legal changes that render performance by one of the contracting parties impracticable:

If the performance of a duty is made impracticable by having to comply with a domestic or foreign governmental regulation or order, that regulation or order is an event the non-occurrence of which was a basic assumption on which the contract was made.

*Id.* § 264; see *Hicks v. United States*, 89 Fed.Cl. 243, 258 (2009) (noting that the doctrine may be applied when performance by one of the parties is rendered impracticable because of an intervening government order).

**In general, the impossibility defense is not available when the barrier to performance was created by the party seeking to invoke the defense.** See *Restatement (Second) of Contracts* §261 (limiting a contractor's use of the defense to impracticability caused by the occurrence of an event "without his fault"); *id.* § 261, comment d ("If the event is due to the fault of the obligor himself, this Section does not apply."). **The sovereign acts doctrine was established in the early years of the Court of Claims,** see *Wilson v. United States*, 11 Ct.Cl. 513 (1875); *Jones v. United States*, 1 Ct.Cl. 383 (1865); *Deming v. United States*, 1 Ct.Cl. 190 (1865), and addresses situations in which the government's acts as a sovereign render the performance of its duties as a contractor impracticable. In such cases, "[t]he two characters which the government possesses as a contractor and as a sovereign cannot be thus fused; nor can the United States while sued in the one character be made liable in damages for their acts done in the other." *Jones*, 1 Ct.Cl. at 384.

<sup>38</sup> See also *Speidel*, 51 Geo. L. J., at 539-540 (observing that "the commonly expressed conditions to the availability of the sovereign acts defense" are not only that "the act . . . must have been 'public and general,'" but also that "the damage to the contractor must have been caused indirectly"); cf. *Exxon Corp. v. Eagerton*, 462 U.S. 176, 191-192 (1983) (distinguishing between direct and incidental impairments under the Contract Clause).

<sup>39</sup> Cf. also *Resolution Trust Corp. v. Federal Savings and Loan Insurance Corp.*, 25 F.3d. 1493, 1501 (CA10 1994) ("The limits of this immunity [for sovereign acts] are defined by the extent to which the government's failure to perform is the result of legislation targeting a class of contracts to which it is a party"); *South Louisiana Grain Services, Inc. v. United States*, 1 Cl. Ct. 281, 287, n. 6 (1982) (rejecting sovereign acts defense where the government agency's actions "were directed specifically at plaintiff's alleged contract performance"). Despite the dissent's predictions, the sun is not, in fact, likely to set on the sovereign acts doctrine. While an increase in regulation by contract will produce examples of the "fusion" that bars the defense, we may expect that other sovereign activity will continue to occasion the sovereign acts defense in cases of incidental effect.

<sup>40</sup> A different intermediate position would be possible, at least in theory. One might say that a governmental action was not "public and general" under *Horowitz* if its predominant purpose or effect was avoidance of the Government's contractual commitments. The difficulty, however, of ascertaining the relative intended or resulting impacts on governmental and purely private contracts persuades us that this test would prove very difficult to apply.

In those early cases, the court emphasized that the sovereign acts doctrine did not afford any special treatment for the government. Rather, its purpose was to ensure that the government as contractor was treated the same as any private contractor whose performance was rendered impracticable by an intervening act of the government. See *id.* ("In this court the United States appear simply as contractors; and they are to be held liable only within the same limits that any other defendant would be in any other court."); *Deming*, 1 Ct.Cl. at 191 ("In this court the United States can be held to no greater liability than other contractors in other courts.").

In order to ensure that the government was afforded the same treatment as a private contractor, the court held that it was necessary to draw a sharp distinction between the government-as-sovereign and the government-as-contractor, and that the distinction between the two would be maintained as long as the sovereign acts that rendered performance impracticable were "public and general." See *Jones*, 1 Ct.Cl. at 384 ("Whatever acts the government may do, be they legislative or executive, so long as they be public and general, cannot be deemed specially to alter, modify, obstruct or violate the particular contracts into which it enters with private persons."); see also *Wilson*, 11 Ct.Cl. at 521 ("This double character of the Government cannot be lost sight of in any of its transactions."); *Deming*, 1 Ct.Cl. at 191 ("The United States as a contractor are not responsible for the United States as a lawgiver.").

The doctrine was later adopted by the Supreme Court of the United States, see [Horowitz v. United States](#), 267 U.S. 458, 461 (1925) ("It has long been held by the Court of Claims that the United States when sued as a contractor cannot be held liable for an obstruction to the performance of the particular contract resulting from its public and general acts as a sovereign."), and it has been applied in a number of cases by this court and the Federal Circuit. In the leading case on the doctrine, the Supreme Court explained that [t]he sovereign acts doctrine thus balances the Government's need for freedom to legislate with its obligation to honor its contracts by asking whether the sovereign act is properly attributable to the Government as contractor. If the answer is no, the Government's defense to liability depends on the answer to the further question, whether that act would otherwise release the Government from liability under ordinary principles of contract law.

[United States v. Winstar Corp.](#), 518 U.S. 839, 896 (1996).

In subsequent years, the Federal Circuit has followed the general approach set forth by the Court of Claims in its earliest cases on the sovereign acts doctrine. First, that court has explained that the government-as-sovereign must be separated from the government-as-contractor, and that the latter must be treated in the same manner as any private contractor:

The basic notion of the sovereign acts doctrine is that the United States as a contracting party acts in a different capacity from its role as a sovereign. As a contractor, it stands in the same shoes as any private party would in dealing with another private party; as a sovereign, it stands apart. The acts of one are not to be 'fused' with the other - if an act of the Government as sovereign would justify non-performance by any other defendant being sued for contract breach, then the Government as contractor is equally free from liability for non-performance.

*Stockton East*, 583 F.3d. at 1366.

Further, when the government's actions render performance impracticable, those actions will be viewed as sovereign acts only if they are public and general, while any interference with the government's contracts must be only incidental. See [Klamath Irrigation Dist. v. United States](#), 635 F.3d. 505, 520 (Fed. Cir. 2011) ("The government is not liable for breach of contract whenever it takes any generally applicable action in its sovereign capacity that incidentally frustrates performance of a contract to which it is a party."); see also *Winstar*, 518 U.S. at 896 (noting that "governmental action will not be held against the Government for purposes of the impossibility defense so long as the action's impact upon public contracts is, as in *Horowitz*, merely incidental to the accomplishment of a broader governmental objective").

In contrast, the sovereign acts defense never applies when the government's actions were designed to target its contractual obligations or when those actions have the substantial effect of releasing it from its obligations. See *Winstar*, 518 U.S. at 899 (explaining that a government action is not public and general when "it has the substantial effect of releasing the Government from its contractual obligations"); *Stockton East*, 583 F.3d. at 1366 (noting that the relevant question is whether the "act [is] simply one designed to relieve the Government of its contract duties, or is it a genuinely public and general act that only incidentally falls upon the contract?"); *Conner Bros.*, 550 F.3d. at 1374 ("[T]he sovereign acts defense is unavailable where the governmental action is specifically directed at nullifying contract rights."); [Yankee Atomic Elec. Co. v. United States](#), 112 F.3d. 1569, 1575 (Fed. Cir. 1997) ("The Government-as-contractor cannot exercise the power of its twin, the Government-as-sovereign, for the purpose of altering, modifying, obstructing or violating the particular contracts into which it had entered with private parties.").

Finally, even if the government demonstrates that its actions were sovereign in nature, it must still prove that those actions rendered its performance impossible. [Casitas Mun. Water Dist. v. United States](#), 543 F.3d. 1276, 1287 (Fed. Cir. 2008) ("[P]erformance by the government is excused under the sovereign acts defense only when the sovereign act renders the government's performance impossible."). However, the Federal Circuit "and its predecessor have long recognized that the doctrine of impossibility does not require a showing of actual



or literal impossibility of performance but only a showing of commercial impracticability." [Seaboard Lumber Co. v. United States, 308 F.3d. 1283, 1294 \(Fed. Cir. 2002\)](#). For the reasons noted below, the court concludes that the actions challenged here were sovereign in nature - i.e., they were public and general - and rendered the government's performance under the lease not only impracticable, but legally impossible.

Based on the above cases, we summarize the Sovereign Acts Doctrine as follows:

1. The sovereign acts doctrine is a variation of the common law doctrine of impossibility, adapted for the unique circumstances faced by the government as a contractor.
2. The sovereign acts doctrine originated in the U.S. Court of Claims and was later adopted by the U.S. Supreme Court.
3. The sovereign acts doctrine can be invoked by the government as a defense in court when the government has breached a contract with a private party and seeks to be relieved of liability for the contractual consequences of the breach.
4. In early cases, the court emphasized that the sovereign acts doctrine did not afford any special treatment for the government. Rather, its purpose was to ensure that the government as contractor was treated the same as any private contractor whose performance was rendered impracticable by an intervening act of the government.
5. The sovereign acts defense never applies when the government's actions were designed to target its contractual obligations or when those actions have the substantial effect or purpose of releasing it from its obligations.
6. In order to invoke the Sovereign Acts Doctrine, the government must prove that:
  - 6.1. The government's actions rendered its performance impossible. . .AND
  - 6.2. The performance of the government is a commercial impracticability.
7. Since the early cases on the subject:
  - 7.1. Some of the functions of the Court of Claims have been transferred to the Court of International Trade, which has been made into an Article III constitutional court just like the original Court of Claims.
  - 7.2. At this time, the Court of Claims is an Article I franchise court.<sup>41</sup>

We think that the Sovereign Acts Doctrine completely misses the point of what governments are for. Governments are created EXCLUSIVELY to protect PRIVATE rights and to promote JUSTICE. That's what the Declaration of Independence and the Constitution says or implies.

*"We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness—**That to secure these Rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,** that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles and organizing its Powers in such form, as to them shall seem most likely to effect their Safety and Happiness."*  
[Declaration of Independence]

United States Constitution  
Preamble

*We the People of the United States, **in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity,** do ordain and establish this Constitution for the United States of America.*

[United States Constitution, Preamble;  
SOURCE: <http://constitution.findlaw.com/preamble/>]

Justice, in turn, is legally defined as the "right to be left alone". Even judges of the U.S. Supreme Court are called "justices".

PAULSEN, *ETHICS* (Thilly's translation), chap. 9.

*"Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual*

<sup>41</sup> See *Glidden v. Zdanok*, 370 U.S. 530 (1962). 28 U.S.C. §171(a) now identifies the Court of Claims as an Article I court. The only Article III federal courts are the U.S. Supreme Court and the Court of International Trade. The Wikipedia article on the Court of Claims is FALSE on this subject, and identifies the Court of Claims as having Article III powers.



1 life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or  
2 the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise  
3 to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights,  
4 to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the  
5 neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own  
6 life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and  
7 permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right."  
8 [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]  
9

10 "The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They  
11 recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a  
12 part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect  
13 Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the  
14 Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized  
15 men."

16 [Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper,  
17 494 U.S. 210 (1990)]

18 "Justice" BEGINS with the GOVERNMENT leaving you alone. If THEY won't leave you and your property  
19 alone, you shouldn't be hiring them to protect OTHERS from interfering with your right to be left alone.  
20 Therefore, government's FIRST job is to ensure that your PRIVATE property STAYS private, is NEVER  
21 converted to PUBLIC property, and that they LEAVE YOU ALONE and don't try to regulate, tax, or take away  
22 the exercise of your PRIVATE property or PRIVATE rights. The essence of "ownership" of PRIVATE property,  
23 in fact, is the right to exclude ALL OTHERS, including governments, from using or benefitting from the use of  
24 your PRIVATE property.

25 "We have repeatedly held that, as to property reserved by its owner for private use, "the right to exclude [others  
26 is] one of the most essential sticks in the bundle of rights that are commonly characterized as property."  
27 Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 433 (1982), quoting Kaiser Aetna v. United States,  
28 444 U.S. 164, 176 (1979). "  
29 [Nollan v. California Coastal Comm'n, 483 U.S. 825 (1987)]

30  
31 "In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the  
32 property right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without  
33 compensation."  
34 [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

35 [11] See, e. g., United States v. Pueblo of San Ildefonso, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);  
36 United States v. Lutz, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element  
37 of individual property is the legal right to exclude others from enjoying it." International News Service v.  
38 Associated Press, 248 U.S. 215, 250 (1918) (dissenting opinion).

39 If government takes away your right of PRIVATE property by taking away your right to exclude THEM from  
40 using or benefitting from the property, they have essentially STOLEN your property and converted it to PUBLIC  
41 property and made you into an EQUITABLE rather than legal owner. If they do that in the context of any of your  
42 PRIVATE property, or if they harass, punish, or intimidate people who refuse to act in a PUBLIC officer capacity  
43 or refuse to donate their PRIVATE property to the government, then they are not only NOT a classical  
44 "government", but in fact are what we call an ANTI-government. An ANTI-government has the OPPOSITE  
45 purpose for which governments are created and insists on owning EVERYTHING and EVERYONE, and thereby  
46 to become LIKE God, just like Satan.

47 Satan Tempts Jesus

48 Again, the devil took Him up on an exceedingly high mountain, and showed Him all the kingdoms of the world  
49 and their glory. And he said to Him, "All these things [ALL PROPERTY and power] I will give You if You will  
50 fall down and worship me."

51 Then Jesus said to him, "Away with you, Satan! For it is written, 'You shall worship the LORD your God, and  
52 Him only you shall serve.'"

1           Then the devil left Him, and behold, angels came and ministered to Him.  
2           [Matt. 4:8-11, Bible, NKJV]

3  
4  
5           *"By the abundance of your trading [or OTHER people's STOLEN property]  
6           You [Satan and all de facto governments who WORSHIP Satan] became filled with violence within,  
7           And you sinned;  
8           Therefore I cast you as a profane thing  
9           Out of the mountain of God;  
10          And I destroyed you, O covering cherub,  
11          From the midst of the fiery stones."  
12          [Ezekial 28:16, Bible, NKJV]*

13       To give you an example application, consider the vehicle code in your state. Governments are created to  
14       PROTECT your PRIVATE property, including your vehicle. However, in order to give them jurisdiction to  
15       protect it, you have to "register it". Once it becomes a REGISTERED vehicle, they acquire the right to TAKE IT  
16       AWAY from you if you operate it without a license in most states. Hence, now the owner has to become a  
17       PUBLIC officer called a "driver" and go do work for the government without compensation in order to operate  
18       the vehicle. That's what a "driver" is: a PUBLIC officer. Hence, by registering it, the so-called "government"  
19       becomes the ABSOLUTE owner and you convert from the ABSOLUTE owner to the QUALIFIED owner with  
20       EQUITABLE interest in the vehicle. Essentially, you had to donate ABSOLUTE ownership of the vehicle to the  
21       government before they would consent to protect the vehicle. Imagine hiring a security guard to protect something  
22       and the contract you sign with the security guard mandates that you DONATE the essence of your ownership to  
23       them. Would you knowingly sign such a contract? We wouldn't. This is a SCAM and anyone that would call  
24       themselves a "government" is not only NOT a government, but an ANTI-GOVERNMENT!

25       Therefore, by our criteria the Vehicle Code as currently implemented is not a classical "government" function and  
26       the enforcement of it is NOT a "sovereign act" of any government that can therefore be protected with "sovereign  
27       immunity". As described in the above cases, the government is essentially a private contractor and not a classical  
28       "government" in the context of how current vehicle codes are implemented. If your state government removed  
29       the right (in the Vehicle Code) to take away the vehicle from those who are unlicensed and removed the right to  
30       compel you through any means to become a statutory "driver", the vehicle code could once again be a "government  
31       function" and a "sovereign act".

## 32       8.4    The "Market Participant Doctrine" of the U.S. Supreme Court

33       In addition to the Sovereign Acts Doctrine of the U.S. Supreme Court, other doctrines can be used to distinguish  
34       whether the Body Corporate is acting in a PRIVATE capacity. The "Market Participant Doctrine" is an example,  
35       as explained below by the U.S. Supreme Court:

### 36       B. Market Participant

37       NYTA argues that, even if plaintiffs have standing to pursue their dormant Commerce Clause claim, the policy is  
38       not unconstitutional because of the so-called "market participant" doctrine.<sup>2</sup> This doctrine "differentiates  
39       between a State's acting in its distinctive governmental capacity, and a State's acting in the more general  
40       capacity of a market participant; only the former is subject to the limitations of the [dormant] Commerce  
41       Clause." New Energy Co. of Ind. v. Limbach, 486 U.S. 269, 277, 108 S.Ct. 1803, 100 L.Ed.2d 302 (1988). The  
42       Supreme Court has held that "Nothing in the purposes animating the Commerce Clause prohibits a State, in the  
43       absence of congressional action, from participating in the market and exercising the right to favor its own citizens  
44       over others." Reeves, Inc. v. Stake, 447 U.S. 429, 436, 100 S.Ct. 2271, 65 L.Ed.2d 244 (1980). The Court has not  
45       articulated a bright-line rule to discern governmental regulation of commerce from market participation; courts  
46       must make fact-specific inquiries on a case-by-case basis. "Thus, for example, when a State chooses to  
47       manufacture and sell cement, its business methods, including those that favor its residents, are of no greater  
48       constitutional concern than those of a private business." New Energy Co., 486 U.S. at 277, 108 S.Ct. 1803 (citing  
49       Reeves, 447 U.S. at 438-39, 100 S.Ct. 2271); see also Hughes, 426 U.S. at 809, 96 S.Ct. 2488 (holding that a  
50       state's program of purchasing abandoned vehicles from within the state but not from other states did not burden  
51       interstate commerce). But see Toomer v. Witsell, 334 U.S. 385, 406, 68 S.Ct. 1156, 92 L.Ed. 1460 (1948) (holding  
52       that the Commerce Clause was violated where a state required that shrimp boats fishing off of its coast pack their  
53       shrimp and pay state taxes before transporting their catch interstate). In sum, a court reviewing a claim that the  
54       dormant Commerce Clause has been violated must consider in each specific context if the government is acting  
55       like a private business or a governmental entity.

NYTA contends that "in setting toll rates to raise revenue to maintain its property and satisfy its bondholders, [NYTA] is not regulating commerce, but is acting in a proprietary capacity as a market participant in the local highway transportation market." Appellee's Br. 9-10. However, the statute creating NYTA provides that NYTA "shall be regarded as performing a governmental function in carrying out its corporate purpose and in exercising the powers granted by this title." N.Y. Pub. Auth. § 353 (emphasis added). There is good reason for this designation and for our repeated observation that building and maintaining roads is a core governmental function. See USA Recycling, Inc. v. Town of Babylon, 66 F.3d 1272, 1284 (2d Cir.1995) ("State governments have turned to the private sector to 'contract out' or 'outsource' numerous governmental functions, including ... the operation of toll roads." (emphasis added)); Murray v. City of Milford, 380 F.2d 468, 470 (2d Cir.1967) ("The construction and maintenance of roads is a 'governmental function....'"). Although there is undoubtedly a market comprised of private entities competing with one another for government contracts, we see no evidence in the record that NYTA competes with other entities that are also seeking to build and maintain highway systems. Unlike a private actor, NYTA may (1) use or possess any real [584 F.3d. 94] property or rights in real property acquired by the state, see N.Y. Pub. Auth. §357, (2) avoid holdouts by resorting to eminent domain to amass the property necessary to build roads, see id. §§ 358, 358-a, and (3) issue bonds that are "fully and unconditionally guaranteed by the state" in order to raise capital to fund road construction and maintenance projects, id. § 366(1). NYTA may also "accept any gifts or any grant of funds or property from the federal government or from the state ... or any other federal or state public body." Id. § 354(14).

NYTA's reliance on Endsley v. City of Chicago, 230 F.3d. 276, 283-85 (7th Cir.2000), for the proposition that a state may "act[ ] in a proprietary capacity as an entrant into the local highway transportation market," Appellee's Br. 17, is misplaced. In Endsley, plaintiffs challenging Chicago's operation of the city's Skyway toll bridge essentially "plead themselves out of court" by noting in their complaint that, "[s]ince its inception, Chicago has operated [the bridge] as a proprietary enterprise, and not in its governmental capacity." 230 F.3d. at 284. The Seventh Circuit's observation that "the facts suggest that Chicago was indeed a market participant," id., was dicta and, in any event, not binding authority for this Court. On this record, we see no reason to conclude that the instant case is like Reeves, where South Dakota entered a market to produce and sell cement in competition with private cement suppliers, see 447 U.S. at 440, 100 S.Ct. 2271, or Hughes, where Maryland entered "into the market as a purchaser, in effect, of a potential article of interstate commerce," 426 U.S. at 808, 96 S.Ct. 2488. In short, nothing in this record permits the conclusion that, in this instance, NYTA is a market participant.

We need not reach the question whether, or under what circumstances, a governmental entity may act as a market participant by building and maintaining roads. We hold simply that, at least in this stage of the litigation, a finding that NYTA acted as a "market participant" (rather than in its governmental capacity) is not warranted. As we explain below, the toll may well be permissible, but, absent a finding that NYTA acted as a market participant, it is subject to scrutiny under the dormant Commerce Clause.

[Selevan v. New York Thruway Authority, 584 F.3d. 82 (2nd Cir., 2009)]

## 8.5 Abuse of Franchises are How De Jure Governments are Transformed into Corrupt De Facto Governments<sup>42</sup>

"Governments never do anything by accident; if government does something you can bet it was carefully planned."  
[Franklin D. Roosevelt, President of the United States]

Franchises and/or their abuse are the main method by which:

1. De jure governments are transformed into corrupted de facto governments.
2. The requirement for consent of the governed is systematically eliminated.
3. The equal protection that is the foundation of the Constitution is replaced with inequality, privilege, hypocrisy, and partiality in which the government is a *parens patriae* and possesses an unconstitutional "title of nobility" in relation to those it is supposed to be serving and protecting.
4. The separation of powers between the states and federal government are eliminated.
5. The separation between what is "public" and what is "private" is destroyed. Everything becomes PUBLIC and is owned by the "collective". There is not private property and what you think is private property is really just equitable title in PUBLIC property.
6. Constitutional rights attaching to the land you stand on are replaced with statutory privileges created through your right to contract and your "status" under a franchise agreement.

<sup>42</sup> Adapted from:  
Government Instituted Slavery Using Franchises, Form #05.030, Section 14;  
<http://sedm.org/Forms/FormIndex.htm>.

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

- 7       7. Your legal identity is "laundered", and kidnapped or transported to a foreign jurisdiction, the District of Criminals, and  
8       which is not protected by the Constitution.

9           *"For the upright will dwell in the land,*  
10          *And the blameless will remain in it;*  
11          ***But the wicked will be cut off from the earth,***  
12          ***And the unfaithful will be uprooted from it."***  
13          *[Prov. 2:21-22, Bible, NKJV]*

- 14       8. The protections of the Constitution for your rights are eliminated.  
15       9. Rights are transformed into privileges.  
16       10. Republics based on individual rights are transformed into socialist democracies based on collective rights and individual  
17       privileges.  
18       11. The status of "citizen, resident, or inhabitant" is devolved into nothing but an "employee" or "officer" of a corporation.  
19       12. Constitutional courts are transformed into franchise courts.  
20       13. Conflicts of interest are introduced into the legal and court systems that perpetuate a further expansion of the de facto  
21       system.  
22       14. Socialism is introduced into a republican form of government.  
23       15. The sovereignty of people in the states of the Union are destroyed.

24       The gravely injurious effects of participating in government franchises include the following.

- 25       1. Those who participate are effectively and unilaterally elected into public office by their own consent. Thereafter, they  
26       become surety for the office that is:  
27       1.1. Domiciled in the federal zone.  
28       1.2. A statutory "U.S. person".  
29       1.3. A statutory "resident alien" in respect to the federal government.  
30       2. Those who participate unlawfully are treated as "trustees" of the "public trust" and "public officers" of the federal  
31       government and suffer great legal disability as a consequence:

32           *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*  
33           *exercised in behalf of the government or of all citizens who may need the intervention of the officer. 43*  
34           ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level***  
35           ***of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under***  
36           ***every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain***  
37           ***from a discharge of their trusts. 44 That is, a public officer occupies a fiduciary relationship to the political***  
38           ***entity on whose behalf he or she serves. 45 and owes a fiduciary duty to the public. 46 It has been said that***  
39           ***the fiduciary responsibilities of a public officer cannot be less than those of a private individual. 47***

<sup>43</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>44</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>45</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>46</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>47</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.



Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>48</sup>”  
[63C American Jurisprudence 2d., Public Officers and Employees, §247 (1999)]

3. Those who participate are stripped of ALL of their constitutional rights and waive their Constitutional right not to be subjected to penalties and other “bills of attainder” administered by the Executive Branch without court trials. They then must function the degrading treatment of filling the role of a federal “public employee” subject to the supervision of their servants in the government.

“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O’Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277-278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm’n v. Letter Carriers, 413 U.S. 548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616-617 (1973).”  
[Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]

4. Those who participate may lawfully be deprived of equal protection of the law, which is the foundation of the U.S. Constitution. This deprivation of equal protection UNLAWFULLY becomes a provision of the franchise agreement.
5. Those who participate can lawfully be deprived of remedy for abuses in federal courts.

“These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself [a “public right”, which is a euphemism for a “franchise” to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419, 431, 433, 18 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann.Cas. 1916A, 118; Arnson v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barner v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212; Farmers’ & Mechanics’ National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; Parish v. MacVeagh, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; McLean v. United States, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919. But here Congress has provided:  
[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919) ]

6. Those who participate can be directed which federal courts they may litigate in and can lawfully be deprived of a Constitutional Article III judge or Article III court and forced to seek remedy ONLY in an Article I or Article IV legislative or administrative tribunal within the Legislative rather than Judicial branch of the government.

Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other rights, such a distinction underlies in part Crowell’s and Raddatz’ recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against “encroachment or aggrandizement” by Congress at the expense of the other branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a “privilege” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right.FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress’ power to

<sup>48</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).



1 define the right that it has created. No comparable justification exists, however, when the right being adjudicated  
2 is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally  
3 been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to  
4 define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial  
5 power of the United States, which our Constitution reserves for Art. III courts.  
6 [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]

7 Since the founding of our country, franchises have systematically been employed in every area of government to  
8 transform a government based on equal protection into a for-profit private corporation based on privilege,  
9 partiality, and favoritism. The effects of this form of corruption are exhaustively described in the following  
10 memorandum of law on our website:

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

13 What are the mechanisms by which this corruption has been implemented by the Executive Branch? This section  
14 will detail the main mechanisms to sensitize you to how to fix the problem and will relate how it was implemented  
15 by exploiting the separation of powers doctrine.

16 The foundation of the separation of powers is the notion that the powers delegated to one branch of government  
17 by the Constitution cannot be re-delegated to another branch.

18 *"...a power definitely assigned by the Constitution to one department can neither be surrendered nor delegated*  
19 *by that department, nor vested by statute in another department or agency. Compare Springer v. Philippine*  
20 *Islands, 277 U.S. 189, 201, 202, 48 S.Ct. 480, 72 L.Ed. 845."*  
21 *[Williams v. U.S., 289 U.S. 553, 53 S.Ct. 751 (1933)]*

22 Keenly aware of the above limitation, lawmakers over the years have used it to their advantage in creating a tax  
23 system that is exempt from any kind of judicial interference and which completely destroys all separation of  
24 powers. Below is a summary of the mechanism, in the exact sequence it was executed at the federal level:

- 25 1. Create a franchise based upon a "public office" in the Executive or Legislative Branch. This:
  - 26 1.1. Allows statutes passed by Congress to be directly enforced against those who participate.
  - 27 1.2. Eliminates the need for publication in the Federal Register of enforcement implementing regulations for the statutes.  
28 See [5 U.S.C. §553\(a\)](#) and [44 U.S.C. §1505\(a\)\(1\)](#).
  - 29 1.3. Causes those engaged in the franchise to act in a representative capacity as "public officers" of the United States  
30 government pursuant to Federal Rule of Civil Procedure 17(b), which is defined in [28 U.S.C. §3002\(15\)\(A\)](#) as a  
31 federal corporation.
  - 32 1.4. Causes all those engaged in the franchise to become "officers of a corporation", which is the United States, pursuant  
33 to [26 U.S.C. §6671\(b\)](#) and [26 U.S.C. §7343](#).
- 34 2. Give the franchise a deceptive "word of art" name that will deceive everyone into believing that they are engaged in it.
  - 35 2.1. The franchise is called a "trade or business" and is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as "the functions of a public  
36 office". How many people know this, and do they teach this in the public (government) schools or the IRS  
37 publications? NOT!
  - 38 2.2. Earnings connected with the franchise are called "effectively connected with a trade or business in the United  
39 States". The term "United States" deceptively means the GOVERNMENT, and not the geographical United States.
- 40 3. In the franchise agreement, define the effective domicile or choice of law of all those who participate as being on federal  
41 territory within the exclusive jurisdiction of the United States. [26 U.S.C. §7408\(d\)](#) and [26 U.S.C. §7701\(a\)\(39\)](#) place  
42 the effective domicile of all "franchisees" called "taxpayers" within the District of Columbia. If the feds really had  
43 jurisdiction within states of the Union, do you think they would need this devious device to "kidnap your legal identity"  
44 or "res" and move it to a foreign jurisdiction where you don't physically live?
- 45 4. Place a excise tax upon the franchise proportional to the income earned from the franchise. In the case of the Internal  
46 Revenue Code, all such income is described as income which is "effectively connected with a trade or business within  
47 the United States".

48 *"Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon*  
49 *licenses to pursue certain occupations and upon corporate privileges...the requirement to pay such taxes*  
*involves the exercise of [220 U.S. 107, 152] privileges, and the element of absolute and unavoidable demand*  
*is lacking...*

1 ...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the right  
2 to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the measure  
3 of taxation is found in the income produced in part from property which of itself considered is nontaxable...

4 Conceding the power of Congress to tax the business activities of private corporations.. the tax must be measured  
5 by some standard..."

6 [*Flint v. Stone Tracy Co.*, 220 U.S. 107 (1911)]

- 7 5. Mandate that those engaged in the franchise must have usually false evidence submitted by ignorant third parties that  
8 connects them to the franchise. IRS information returns, including IRS Forms W-2, 1042-S, 1098, and 1099, are the  
9 mechanism. [26 U.S.C. §6041](#) says that these information returns may ONLY be filed in connection with a "trade or  
10 business", which is a code word for the name of the franchise.
- 11 6. Write statutes prohibiting interference by the courts with the collection of "taxes" (kickbacks) associated with the  
12 franchise based on the idea that courts in the Judicial Branch may not interfere with the internal affairs of another branch  
13 such as the Executive Branch. Hence, the "INTERNAL Revenue Service". This will protect the franchise from  
14 interference by other branches of the government and ensure that it relentlessly expands.
- 15 6.1. The Anti-Injunction Act, [26 U.S.C. §7421](#) is an example of an act that enjoins judicial interference with tax  
16 collection or assessment.
- 17 6.2. The Declaratory Judgments Act, [28 U.S.C. §2201](#)(a) prohibits federal courts from pronouncing the rights or status  
18 of persons in regard to federal "taxes". This has the effect of gagging the courts from telling the truth about the  
19 nature of the federal income tax.
- 20 6.3. The word "internal" means INTERNAL to the Executive Branch and the United States government, not  
21 INTERNAL to the geographical United States of America.
- 22 7. Create administrative "franchise" courts in the Executive Branch which administer the program pursuant to Articles I  
23 and IV of the United States Constitution.
- 24 7.1. U.S. Tax Court. [26 U.S.C. §7441](#) identifies the U.S. Tax Court as an Article I court.
- 25 7.2. U.S. District Courts. There is no statute establishing any United States District Court as an Article III court.  
26 Consequently, even if the judges are Article III judges, they are not filling an Article III office and instead are filling  
27 an Article IV office. Consequently, they are Article IV judges. All of these courts were turned into franchise courts  
28 in the Judicial Code of 1911 by being renamed from the "District Court of the United States" to the "United States  
29 District Court".
- 30 For details on the above scam, see:  
31 

<a href="#">What Happened to Justice?</a> , Form #06.012 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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- 32 8. Create other attractive federal franchises that piggyback in their agreements a requirement to participate in the franchise.  
33 For instance, the original Social Security Act of 1935 contains a provision that those who sign up for this program, also  
simultaneously become subject to the Internal Revenue Code.

34 *Section 8 of the Social Security Act*  
35 *INCOME TAX ON EMPLOYEES*

36  
37 *SECTION 801. In addition to other taxes, there shall be levied, collected, and paid upon the income of every*  
38 *individual a tax equal to the following percentages of the wages (as defined in section 811) received by him after*  
39 *December 31, 1936, with respect to employment (as defined in section 811) after such date:*

- 40 (1) *With respect to employment during the calendar years 1937, 1938, and 1939, the rate shall be 1 per centum.*  
41 (2) *With respect to employment during the calendar years 1940, 1941, and 1942, the rate shall 1 1/2 per centum.*  
42 (3) *With respect to employment during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.*  
43 (4) *With respect to employment during the calendar years 1946, 1947, and 1948, the rate shall be 2 1/2 per*  
44 *centum.*  
45 (5) *With respect to employment after December 31, 1948, the rate shall be 3 per centum.*

- 46 9. Offer an opportunity for private citizens not domiciled within the jurisdiction of Congress to "volunteer" by license or  
47 private agreement to participate in the franchise and thereby become "public officers" within the Executive Branch. The  
48 W-4 and Social Security SS-5 is an example of such a contract.
- 49 9.1. Call these volunteers "taxpayers".
- 50 9.2. Call EVERYONE "taxpayers" so everyone believes that the franchise is MANDATORY.
- 51 9.3. Do not even acknowledge the existence of those who do not participate in the franchise. These people are called  
52 "nontaxpayers" and they are not mentioned in any IRS publication.
- 53 9.4. Make the process of signing the agreement invisible by calling it a "Withholding Allowance Certificate" instead of  
54 what it really is, which is a "license" to become a "taxpayer" and call all of your earnings "wages" and "gross  
55 income".

1 [26 C.F.R. §31.3401\(a\)-3 Amounts deemed wages under voluntary withholding agreements](#)

2 (a) In general.

3 **Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations**  
4 **thereunder, the term “wages” includes the amounts described in paragraph (b)(1) of this section with respect**  
5 **to which there is a voluntary withholding agreement in effect under section 3402(p).** References in this chapter  
6 to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-  
7 3.  
8

9 Title 26: Internal Revenue

10 [PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE](#)

11 [Subpart E—Collection of Income Tax at Source](#)

12 [§31.3402\(p\)-1 Voluntary withholding agreements.](#)

13 (a) In general.

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

- 22 10. Create a commissioner to service the franchise who becomes the “fall guy”, who then establishes a “bureau” without the  
23 authority of any law and which is a private corporation that is not part of the U.S. government.

24 53 Stat. 489

25 Revenue Act of 1939, 53 Stat. 489

26 Chapter 43: Internal Revenue Agents

27 Section 4000 Appointment

28 The Commissioner may, whenever in his judgment the necessities of the service so require, employ **competent**  
29 **agents**, who shall be known and designated as internal revenue agents, and, except as provided for in this title,  
30 **no general or special agent or inspector of the Treasury Department** in connection with internal revenue, by  
31 whatever designation he may be known, **shall be appointed, commissioned, or employed.**  
32

33 The above means that everyone who works for the Internal Revenue Service is private contractor not appointed,  
34 commissioned, or employed by anyone in the government. They operate on commission and their pay derives from the  
35 amount of plunder they steal. See also:

36 [Dept of Justice Admits under Penalty of Perjury that the IRS is Not an Agency of the Federal Government](http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm)  
<http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

- 37 11. Create an environment that encourages irresponsibility, lies, and dishonesty within the bureau that administers the  
38 franchise.

39 11.1. Indemnify these private contractors from liability by giving them “pseudonyms” so that they can disguise their  
40 identify and be indemnified from liability for their criminal acts. The IRS Restructuring and Reform Act, Pub.Law  
41 105-206, Title III, Section 3706, 112 Stat. 778 and Internal Revenue Manual (I.R.M.), Section 1.2.4 both authorize  
42 these pseudonyms.

43 11.2. Place a disclaimer on the website of this private THIEF contractor indemnifying them from liability for the  
44 truthfulness or accuracy of any of their statements or publications. See Internal Revenue Manual (I.R.M.), Section  
45 4.10.7.2.8.

46 “IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their  
47 advisors... While a good source of general information, publications should not be cited to sustain a position.”  
[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]

48 11.3. Omit the most important key facts and information from publications of the franchise administrator that would  
49 expose the proper application of the “tax” and the proper audience. See the following, which is over 2000 pages  
50 of information that are conveniently “omitted” from the IRS website about the proper application of the franchise  
51 and its nature as a “franchise”:

- 11.4. Establish precedent in federal courts that you can't trust anything that anyone in the government tells you, and especially those who administer the franchise. See:  
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>
12. Use the lies and deceptions created in the previous step to promote several false perceptions in the public at large that will expand the market for the franchise. These include:
- 12.1. That the franchise is NOT a franchise, but a mandatory requirement that applies to ALL.
  - 12.2. That participation is mandatory for ALL, instead of only for franchisees called "taxpayers".
  - 12.3. That the IRS is an "agency" of the United States government that has authority to interact directly with the public at large. In fact, it is a "bureau" that can ONLY lawfully service the needs of other federal agencies within the Executive Branch and which may NOT interface directly with the public at large.
  - 12.4. That the statutes implementing the franchise are "public law" that applies to everyone, instead of "private law" that only applies to those who individually consent to participate in the franchise.
13. Create a system to service those who prepare tax returns for others whereby those who accept being "licensed" and regulated get special favors. This system created by the IRS essentially punishes those who do not participate by giving the horrible service and making them suffer inconvenience and waiting long in line if they don't accept the "privilege" of being certified. Once they are certified, if they begin telling people the truth about what the law says and encourage following the law by refusing to volunteer, their credentials are pulled. This sort of censorship is accomplished through:
- 13.1. IRS Enrolled Agent Program.
  - 13.2. Certified Public Accountant (CPA) licensing.
  - 13.3. Treasury Circular 230.
14. Engage in a pattern of "selective enforcement" and propaganda to broaden and expand the scam. For instance:
- 14.1. Refuse to answer simple questions about the proper application of the franchise and the taxes associated with it. See:  
*If the IRS Were Selling Used Cars, Family Guardian Fellowship*  
<http://famguardian.org/Subjects/Taxes/FalseRhetoric/IRSSellingCars.htm>
  - 14.2. Prosecute those who submit false TAX returns, but not those who submit false INFORMATION returns. This causes the audience of "taxpayers" to expand because false reports are connecting innocent third parties to franchises that they are not in fact engaged in.
  - 14.3. Use confusion over the rules of statutory construction and the word "includes" to fool people into believing that those who are "included" in the franchise are not spelled out in the law in their entirety. This leaves undue discretion in the hands of IRS employees to compel ignorant "nontaxpayers" to become franchisees. See the following:  
*Legal Deception, Propaganda, and Fraud, Form #05.014*  
<http://sedm.org/Forms/FormIndex.htm>
  - 14.4. Refuse to define the words used on government forms, use terms that are not defined in the code such as "U.S. citizen", and try to confuse "words of art" found in the law with common terms in order to use the presumptuous behavior of the average American to expand the misperception that everyone has a legal DUTY to become a "franchisee" and a "taxpayer".
  - 14.5. Refuse to accept corrected information returns that might protect innocent "nontaxpayers" so that they are inducted involuntarily into the franchise as well.

The above process is WICKED in the most extreme way. It describes EXACTLY how our public servants have made themselves into our masters and systematically replaced every one of our rights with "privileges" and franchises. The Constitutional prohibition against this sort of corruption is described as follows by the courts:

*"It would be a palpable incongruity to strike down an act of state legislation which, by words of express divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that, as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may not impose conditions which require the relinquishment of Constitutional rights. If the state may compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out of existence."*

[*Frost v. Railroad Commission*, 271 U.S. 583, 46 S.Ct. 605 (1926)]

1           *"A right common in every citizen such as the right to own property or to engage in business of a character not*  
2           *requiring regulation CANNOT, however, be taxed as a special franchise by first prohibiting its exercise and then*  
3           *permitting its enjoyment upon the payment of a certain sum of money."*  
4           *[Stevens v. State, 2 Ark. 291; 35 Am. Dec. 72, Spring Val. Water Works v. Barber, 99 Cal. 36, 33 Pac. 735, 21*  
5           *L.R.A. 416. Note 57 L.R.A. 416]*

6           *"The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an*  
7           *artificial entity which owes its existence and charter power to the State, but the individual's right to live and own*  
8           *property are natural rights for the enjoyment of which an excise cannot be imposed."*  
9           *[Redfield v. Fisher, 292 Oregon 814, 817]*

10           *"Legislature...cannot name something to be a taxable privilege unless it is first a privilege." [Taxation West Key*  
11           *43]... "The Right to receive income or earnings is a right belonging to every person and realization and receipt*  
12           *of income is therefore not a 'privilege', that can be taxed."*  
13           *[Jack Cole Co. v. MacFarland, 337 S.E.2d. 453, Tenn.]*

14       Through the above process of corruption, the separation of powers is completely destroyed and nearly every  
15       American has essentially been "assimilated" into the Executive Branch of the government, leaving the  
16       Constitutional Republic bequeathed to us by our founding fathers vacant and abandoned. Nearly every service  
17       that we expect from government has been systematically converted over the years into a franchise using the  
18       techniques described above. The political and legal changes resulting from the above have been tabulated to show  
19       the "BEFORE" and the "AFTER" so their extremely harmful effects become crystal clear in your mind. This  
20       process of corruption, by the way, is not unique to the United States, but is found in every major industrialized  
21       country on earth.  
22



1 **Table 7: Effect of turning government service into a franchise**

#	Characteristic	<i>DE JURE CONSTITUTIONAL GOVERNMENT</i>	<i>DE FACTO GOVERNMENT BASED ENTIRELY ON FRANCHISES</i>
1	Purpose of government	Protection	Provide “social services” and “social insurance” to government “employees” and officers
2	Nature of government	Public trust Charitable trust	For-profit private corporation (see <a href="#">28 U.S.C. §3002(15)(A)</a> )
3	Citizens	Sovereigns “non-resident non-persons pursuant to <a href="#">8 U.S.C. §1101(a)(21)</a> ”	1. “Employees” or “officers” of the government 2. “Trustees” of the “public trust” 3. “customers” of the corporation 4. Statutory “U.S. citizens” pursuant to <a href="#">8 U.S.C. §1401</a>
4	Effective domicile of citizens	Sovereign state of the Union	Federal territory and the District of Columbia
5	Purpose of tax system	Fund “protection”	1. Socialism. 2. Political favors. 3. Wealth redistribution 4. Consolidation of power and control (corporate fascism)
6	Equal protection	Mandatory	Optional
7	Nature of courts	Constitutional Article III courts in the Judicial Branch	Administrative or “franchise” courts within the Executive Branch
8	Branches within the government	Executive Legislative Judicial	Executive Legislative (Judiciary merged with Executive. See Judicial Code of 1911)
9	Purpose of legal profession	Protect individual rights	1. Protect collective (government) rights. 2. Protect and expand the government monopoly. 3. Discourage reforms by making litigation so expensive that it is beyond the reach of the average citizen. 4. Persecute dissent.
10	Lawyers are	Unlicensed	Privileged and licensed and therefore subject to control and censorship by the government.
11	Votes in elections cast by	“Electors”	“Franchisees” called “registered voters” who are surety for bond measures on the ballot. That means they are subject to a “poll tax”.
12	Driving is	A common right	A licensed “privilege”
13	Marriage is	A common right	A licensed “privilege”
14	Purpose of the military	Protect the sovereign citizens No draft within states of the Union is lawful. See Federalist Paper No. 15	1. Expand the corporate monopoly internationally 2. Protect public servants from the angry populace who want to end the tyranny.
15	Money is	1. Based on gold and silver. 2. Issued pursuant to Article 1, Section 8. Clause 5.	1. A corporate bond or obligation borrowed from the Federal Reserve at interest. 2. Issued pursuant to Article 1, Section 8. Clause 2.

#	Characteristic	DE JURE CONSTITUTIONAL GOVERNMENT	DE FACTO GOVERNMENT BASED ENTIRELY ON FRANCHISES
16	Property of citizens is	Private and allodial	All property is donated to a "public use" and connected with a "public office" to procure the benefits of a franchise
17	Ownership of real property is	Legal	Equitable. The government owns the land, and you rent it from them using property taxes.
18	Purpose of sex	Procreation	Recreation
19	Responsibility	The individual sovereign is responsible for all his actions and choices.	The collective social insurance company is responsible. Personal responsibility is outlawed.

If you would like to know more about the subjects discussed in this section, please refer to the following free memorandums of law on our website focused exclusively on this subject:

1. [Corporatization and Privatization of the Government](http://sedm.org/Forms/FormIndex.htm), Form #05.024  
<http://sedm.org/Forms/FormIndex.htm>
2. [Government Instituted Slavery Using Franchises](http://sedm.org/Forms/FormIndex.htm), Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>

## **9 The United States Government is a "Federal Corporation" franchise**

The U.S. Supreme Court has admitted that all governments are corporations. To wit:

*"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)]*

The U.S. Supreme Court has also held that the "United States" is a corporation:

*At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several individuals (a "corporation aggregate"). 3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am. ed. 1845). The sovereign was considered a corporation. See id., at 170; see also 1 W. Blackstone, Commentaries \*467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as "corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act recodified. See W. Anderson, A Dictionary of Law 261 (1893) ("**All corporations were originally modeled upon a state or nation**"); 1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866) ("**In this extensive sense the United States may be termed a corporation**"); Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("**The United States is a . . . great corporation . . . ordained and established by the American people**") (quoting United [495 U.S. 182, 202] States v. Maurice, 26 F.Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.)); Cotton v. United States, 11 How. 229, 231 (1851) ("**United States is 'a corporation'**"). See generally Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation").  
[Ngiraingas v. Sanchez, 495 U.S. 182 (1990) ]*

The U.S. Code treats ALL GOVERNMENTS throughout the world as corporations who are "residents" of the place they were incorporated, in fact:

[TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART II > Subpart D > § 892](#)  
[§ 892. Income of foreign governments and of international organizations](#)

1                    (a) Foreign governments

2                    (3) Treatment as resident

3                    ***For purposes of this title, a foreign government shall be treated as a corporate resident of its country.*** A foreign  
4                    government shall be so treated for purposes of any income tax treaty obligation of the United States if such  
5                    government grants equivalent treatment to the Government of the United States.

6 According to [28 U.S.C. §1349](#), if the United States government owns more than half of the stock of a corporation,  
7 then it is a federal corporation:

8                    TITLE 28 > PART IV > CHAPTER 85 > § 1349  
9                    [§ 1349. Corporation organized under federal law as party](#)

10                    *The district courts shall not have jurisdiction of any civil action by or against any corporation upon the ground*  
11                    *that it was incorporated by or under an Act of Congress, unless the United States is the owner of more than one-*  
12                    *half of its capital stock.*

13 The U.S. Code also admits that the term “United States” means a federal corporation:

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

20  
21                    (15) "United States" means -  
22                    (A) a Federal corporation;  
23                    (B) an agency, department, commission, board, or other entity of the United States; or  
24                    (C) an instrumentality of the United States.

25 Therefore, the United States government is both a corporation and federal corporation which is a “resident” of the  
26 of place of its incorporation, which is the District of Columbia. The Corpus Juris Secundum (C.J.S.) Legal  
27 Encyclopedia also recognizes that the U.S. government, in relation to a state of the Union, is a “foreign  
28 corporation”:

29                    *"A foreign corporation is one that derives its existence solely from the laws of another state, government, or*  
30                    *country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created*  
31                    *by or under the laws of another state or a corporation created by or under the laws of a foreign country."*

32                    *"A federal corporation operating within a state is considered a domestic corporation rather than a foreign*  
33                    *corporation. The United States government is a foreign corporation with respect to a state."*  
34                    [19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]

35 The Internal Revenue Code defines a corporation as follows:

36                    TITLE 26 > Subtitle F > CHAPTER 79 > § 7701  
37                    [§7701. Definitions](#)

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

40                    (3) Corporation

41                    *The term “corporation” includes associations, joint-stock companies, and insurance companies.*

42 All of the federal corporations indicated in I.R.C. §7701(a)(3) are wholly owned subsidiaries of the U.S.  
43 government, because the only “taxpayers” within the Internal Revenue Code, Subtitle A are “public officers”.  
44 This is further described below:

We can also find the “United States of America” corporation registered with the State of Delaware!

**Figure 1: United States of America, Inc Corporate Registration**

Address: <https://sos-res.state.de.us/tin/controller>

State of Delaware  
The Official Website for the First State

Visit the Governor | General Assembly | Courts | Other Elected Officials | Federal, State & Local Sites

State Directory | Help | Search Delaware: [ ]

Citizen Services | Business Services | Visitor Info.

Department of State: Division of Corporations

**HOME**  
About Agency  
Secretary's Letter  
Newsroom  
Frequent Questions  
Related Links  
Contact Us  
Office Location

**SERVICES**  
Pay Taxes  
File UCC's  
Delaware Laws Online  
Name Reservation  
General Information  
Status  
Validate Certificate

**INFORMATION**  
Corporate Forms  
Corporate Fees  
UCC Forms and Fees  
UCC Searches  
Taxes  
Expedited Services  
Service of Process  
Registered Agents  
Get Corporate Status  
Submitting a Request

[Frequently Asked Questions](#) [View Search Results](#)

Entity Details

**THIS IS NOT A STATEMENT OF GOOD STANDING**

<a href="#">File Number:</a>	2193946	<a href="#">Incorporation Date / Formation Date:</a>	04/19/1989 (mm/dd/yyyy)
<a href="#">Entity Name:</a>	UNITED STATES OF AMERICA, INC.		
<a href="#">Entity Kind:</a>	CORPORATION	<a href="#">Entity Type:</a>	NON-PROFIT OR RELIGIOUS
<a href="#">Residency:</a>	DOMESTIC	<a href="#">State:</a>	DE

**REGISTERED AGENT INFORMATION**

<a href="#">Name:</a>	THE COMPANY CORPORATION		
<a href="#">Address:</a>	2711 CENTERVILLE ROAD SUITE 400		
<a href="#">City:</a>	WILMINGTON	<a href="#">County:</a>	NEW CASTLE
<a href="#">State:</a>	DE	<a href="#">Postal Code:</a>	19808
<a href="#">Phone:</a>	(302)636-5440		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

To contact a Delaware Online Agent [click here](#).

## 10 State corporations

### 10.1 States under the Articles of Confederation (“Republic of ”)

The first official act of separation of America from Britain was the Declaration of Independence issued on July 4, 1776. Following the issuance of that document, the former British colonies assembled into a confederation called the Continental Congress. The President of the Continental Congress was named George Hansen. Therefore, he was the FIRST “President of the United States of America”. Under his leadership, the Continental Congress published the Articles of Confederation on November 15, 1777, which was subsequently ratified by all the former British Colonies on March 1, 1781.

The Articles of Confederation established a corporation called “The United States of America”, which was identified by the U.S. Supreme Court as follows:

*As a result of the separation from Great Britain by the colonies, acting as a unit, the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the colonies were a unit in foreign affairs, acting through a common agency-namely, the Continental Congress, composed of delegates from the thirteen colonies. That agency exercised the powers of war and peace, raised an army, created a navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of*

government change; but sovereignty survives. A political society cannot endure [299 U.S. 304, 317] without a supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect of the colonies ceased, it immediately passed to the Union. See *Penhallow v. Doane*, 3 Dall. 54, 80, 81, Fed.Cas. No. 10925. That fact was given practical application almost at once. The treaty of peace, made on September 3, 1783, was concluded between his Britannic Majesty and the 'United States of America.' 8 Stat., *European Treaties*, 80.

The Union existed before the Constitution, which was ordained and established among other things to form 'a more perfect Union.' Prior to that event, it is clear that the Union, declared by the Articles of Confederation to be 'perpetual,' was the sole possessor of external sovereignty, and in the Union it remained without change save in so far as the Constitution in express terms qualified its exercise. The Framers' Convention was called and exerted its powers upon the irrefutable postulate that though the states were several their people in respect of foreign affairs were one.

[*United States v. Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936)]

The above case distinguishes FOREIGN (international) affairs from DOMESTIC (INTERNAL AFFAIRS) within the states. For the purposes of INTERNAL affairs, the separate states under the Articles of Confederation behaved as independent, sovereign nations in nearly every respect. Each of these sovereign States were self-governing Republics which were legislatively "foreign" and "alien" in respect to any and every act of the Continental Congress. Because the Articles of Confederation identify themselves as "perpetual", then these separate, legislatively "foreign", and sovereign states and Republics continued to exist even after the USA Constitution was ratified. No act of Congress has ever repealed the Articles of Confederation and therefore, these states continue to exist even to this day, as does the corporation called "The United States of America" established by the Articles of Confederation.

The proper name for the Republics under the Articles of Confederation was and is "California, Virginia, Texas,..." Etc. It wasn't until the Constitution was ratified that these same political entities ALSO acquired an ADDITIONAL name as "State of California, State of Virginia, State of Texas..."

In acts of Congress written after the Constitution was ratified, the sovereign and legislatively foreign states under the Articles of Confederation are referred to as the "Republic of \_\_\_\_". These entities are where all EXCLUSIVELY PRIVATE and therefore legislatively foreign property is held, protected, and maintained. As EXCLUSIVELY private property, this property is NOT SUBJECT to the legislative jurisdiction of ANY government:

*When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125\*125 has found expression in the maxim sic utere tuo ut alienum non laedas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things." Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good.*  
[*Munn v. Illinois*, 94 U.S. 113 (1876),  
SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931/](http://scholar.google.com/scholar_case?case=6419197193322400931/)]

Based on the above, the key to whether a government can REGULATE or LEGISLATE for the use of specific property or rights to property then is whether:

1. The owner holds title as a "citizen" who has VOLUNTARILY SUBMITTED himself to the government. NO ONE can FORCE you to become a statutory citizen, and therefore no one can FORCE you to be subject to the CIVIL laws passed by the government you are a "citizen" of. Those who don't VOLUNTEER to become citizens and retain their



status as statutory Non-citizen nationals CAN COMPLAIN if the government tries to regulate their use of EXCLUSIVELY PRIVATE PROPERTY. OR

*"The citizen cannot complain [about the laws or the tax system], 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]]

2. The owner donated the property in its entirety or ANY interest in the property to a public use or public purpose and thereby subjected the used to government regulations.

*"Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public "benefit"]; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation."*  
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

Anyone who has done NEITHER of the above:

1. Retains ABSOLUTE, UNQUALIFIED, FEE SIMPLE ownership over said property.
2. Resides in the Constitutional State, which is where ABSOLUTE OWNERSHIP is exercised over all EXCLUSIVELY PRIVATE PROPERTY.
3. Resides or is domiciled OUTSIDE the "State of \_\_\_\_".
4. Is legislatively foreign and alien in relation to all civil law of the government in question.

## **10.2 States under the USA Constitution ("State of \_\_\_\_")**

This section describes how a specific state, the state of Texas, was divided into two contradictory parts:

1. The federal Statutory State under the USA Constitution.
2. The republic or sovereign state under the Articles of Confederation.

This document provides evidence of how these two states were created and legally separated by our founding fathers. The implications of this process to **Jurisdiction**, the payment of taxes, insurance and the requirement of driver's and marriage licenses is substantial. We won't cover all of the states, but simply use the biggest state as an example. All the other states were done the same way. Our analysis will answer an important question:

*Is the constitutional prohibition found in Article 4, Section 3, Clause 1 against creating a "State within a State" violated by turning a Constitutional State into a statutory corporation or statutory "State" within federal law?*

Let's start by looking at the term "double standard". This is how Black's law Dictionary defines it:

*double standard.*

*"A set of principles permitting greater opportunity or greater lenience for one class of people than for another, usu. based on a difference such as gender or race. "*

**It could also be based on citizenship or rights and privileges or contracts and franchises.** The understanding of these words will be important to those of you who decide to take back control of their life by pursuing further study on this subject. For better understanding of this subject matter please read:

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

1 As for the term “**dual nature**” I believe everyone will agree that it is something having a double character or  
2 purpose.

3 Now we will discover through the law and the legal meaning of certain words the reason for our two-state  
4 dichotomy.

5 *The U.S. Constitution; Article 4, Section 3, Clause 1:*

6 *New States may be admitted by the Congress into this Union; But no new State shall be formed or erected within*  
7 *the jurisdiction of any other state; nor any State be formed by the junction of two or more States, or Parts of*  
8 *States, without the Consent of the Legislatures of the States concerned as well as of the Congress.*

9 The first two sentences of this clause are the ones we will be focusing on. The first sentence seems relatively  
10 harmless. New states may be admitted by the Congress into this Union, right? That is what I thought until I decided  
11 to test my knowledge of certain words. For example:

12 *“NEW. As an element in numerous compound terms and phrases of the law, this word may denote novelty, or the*  
13 *condition of being previously unknown or of recent or fresh origin, but ordinarily it is a purely relative term and*  
14 *is employed in contrasting the date, origin, or character of one thing with the corresponding attributes of another*  
15 *thing of the same kind or class.*  
16 *[Black’s Law Dictionary, Second Edition, 1910]*

17 Most of us understand the first part of the definition of “new,” but how many of us understood the second part?

18 *“it is a purely relative term and is employed in **contrasting the date, origin, or character** of one thing with the*  
19 *corresponding attributes of another thing of the same kind or class.”*

20 “Contrast” means:

21 *to set in opposition in order to emphasize differences,*

22 . . .and “opposition” means

23 *the condition of being in conflict.*

24 Therefore we can safely conclude that the “character” of the “**New**” state is one that is in conflict with the old one  
25 (in our case our Republic) in order to emphasize the differences.

26 Now let’s look at the second sentence of that article; “But no new State shall be formed or erected within the  
27 jurisdiction of any other State.” Like everyone, my first thought is that you can’t form another state within the  
28 boundaries of any one state. But why didn’t they say that? Why did they use the word jurisdiction which mainly  
29 applies to the judicial system of our government? In 1787 the term jurisdiction was defined as:

30 *“The authority by which judicial officers take cognizance of and decide causes.”*  
31 *[Bouvier’s Law Dictionary 3rd Rev. 1914]*

32 Instead of jurisdiction they could have used the word “boundaries” or words “exterior limits.” That would make  
33 more sense to the common man with common knowledge. The basic definition of jurisdiction is the right and  
34 power to interpret and apply the law. This definition is aptly applied to the courts in our judicial system, but how  
35 do we apply that to our sentence? It still seems confusing. Another common, but not legal, definition of jurisdiction  
36 is authority or control. (Am. Heritage Dict. 2nd college Ed.) That makes a little more sense but is still pretty vague.  
37 So now we can say:

38 *“But no new State shall be formed or erected within the authority or control of any other State. “*

39 Until 1999 there was no legal definition of jurisdiction that had any connection with any physical boundaries of  
40 land or any powers of government. ( with the exception of the territorial jurisdiction of a court which was defined

as a geographic area such as a county or judicial district.) You will notice the expansion of the definition in the 7th edition of Black's Law Dictionary printed in 1999. Then in the 8th edition they expanded the definition of jurisdiction even further:

*"Jurisdiction.*

*A government's general power to exercise authority over all persons and things within its territory; esp., a state's power to create interests that will be recognized under common-law principles as valid in other states."*  
[Black's Law Dictionary, Eighth Edition]

No wonder this definition wasn't available when they wrote the Constitution. It never would have been ratified or adopted.

*"The determination of the Framers Convention and the ratifying conventions to preserve complete and unimpaired state self-government in all matters not committed to the general government is one of the plainest facts which emerges from the history of their deliberations. And adherence to that determination is incumbent equally upon the federal government and the states. State powers can neither be appropriated on the one hand nor abdicated on the other. As this court said in Texas v. White, 7 Wall. 700, 725, 'The preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.' Every journey to a forbidden end begins with the first step; and the danger of such a step by the federal government in the direction of taking over the powers of the states is that the end of the journey may find the states so despoiled of their powers, or what may amount to the same thing-so [298 U.S. 238, 296] relieved of the responsibilities which possession of the powers necessarily enjoins, as to reduce them to little more than geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under consideration, it had been thought that any such danger lurked behind its plain words, it would never have been ratified."*  
[Carter v. Carter Coal Co., 298 U.S. 238 (1936) ]

We believe now you can start to understand why they waited 200 years to reveal their secret definition of the word "jurisdiction".

We can now also understand Article 4, Section 3, Clause 1 of the U.S. Constitution to mean:

*"But no contrasting Statutory State (de facto) shall be formed or erected within the territory of any other (de jure) state."*

That makes perfect sense! Or does it? The word use of jurisdiction in this sentence was and is very confusing. Why did they not use the word territory? Here is why.

*"Territory - a part of a country separated from the rest, and subject to a particular jurisdiction. In American law - a portion of the United States, not within the limits of any state, which has not yet been admitted as a state of the Union, but is organized, with a separate legislature, and with executive and judicial officers appointed by the president."*  
[Black's Law Dictionary, Second Edition, 1910]

The reason they didn't use the word territory is because it states plainly the facts and would have given their plan away, whereas the other words they used mean the same thing but are very confusing and hard to understand when we apply our common definitions.

Let's compare the definition of territorial jurisdiction by dates. 1776 – 1999:

*"territorial jurisdiction. Jurisdiction as considered as limited to cases arising or persons residing within a defined territory, as, a county."*  
[Black's Law Dictionary, Second Edition, 1910, p. 673]

In Black's Law 7th Ed., printed in 1999, they expanded the definition to include:

*"2. Territory over which a government, one of its courts, or one of its subdivisions has jurisdiction."*  
[Black's Law Dictionary, Seventh Edition, p. 857]

The reason for the inclusion of this definition is because it now defines the jurisdiction of an incorporated state as compared to the previous definition which could also include a constitutional republic. They now define this Statutory State as a federal state in Black's Law Dictionary.

*"Federated State. An independent central organism, having its own machinery absorbing, in view of international law, all the individual states associated together. "*  
[Black's Law Dictionary, Revised Fourth Edition, p.740]

It is time to look at the word "erect" in that sentence. Most of us would agree that the common definition of this word would be to "construct or establish" and you would be correct in this general sense. But this is a legal document therefore you should know the legal definition of such words. This is how Black's Law Dictionary, Second Ed. defines it:

*"Erect - One of the formal words of incorporation in royal charters. "*  
[Black's Law Dictionary, Second Edition, p. 434]

"We do, incorporate, **erect**, ordain, name, constitute, and establish." Does this sound familiar to anyone? Erect means to incorporate and in general terms incorporate means to create a corporation, but let's look further.

*Incorporate - To unite with or blend indistinguishably into something already in existence.*  
[Am. Heritage Dict., Second Ed.]

*"Incorporate. 1. To create a corporation; to confer a corporate franchise upon determinate persons. 2. To declare that another document shall be taken as part of the document in which the declaration is made as much as if it were set out at length therein. "*  
[Black's Law Dictionary, 2nd Ed.]

The second definition is saying **they can combine their corporate constitution with the republic's constitution.** For **absolute proof of this trick** we have included a highlighted copy of Art. 5, Judicial Department, of the Texas Constitution later so you may see how they did this.

It is now time to translate the first two sentences of Article 4, Section 3, Clause 1 of the U.S. Constitution with the legal definitions provided above. The U.S. Constitution says,

*"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;"*

When we define the words therein and apply the definitions to these two sentences, it reads thus:

*"States that contrast in origin or character to their Republics may be admitted by the Congress into this Union; But this contrasting corporate or federal state shall not have any authority or control, ["jurisdiction"], within the other state or Republic which is under the Articles of Confederation, because this contrasting Statutory State consists of territory or property ceded to the United States [Art. 1, Sect. 8, Cl. 17] that does not come within the limits of the republics and are organized with a separate legislature and with executive and judicial officers appointed by the president. Therefore by erecting or incorporating we will unite and blend indistinguishably into the Republic while combining the constitution of the Republic with our federal state corporate constitution.*

And we shall call this contrasting corporate federal state the "STATE OF TEXAS" or any other "STATE OF \_\_\_\_\_" for that matter.

*"For whatever is hidden is meant to be disclosed, and whatever is concealed is meant to be brought out into the open. "*  
[Mark 4:22, New International Version, 1984]

The Congress has provided themselves with a safety net though in Art. 4, Sect. 3, Cl. 2. The first sentence of this clause is quoted often, mainly for explaining the development and power of our legislative courts. The second sentence in this clause is the one they wrote to safeguard themselves in case you figured out what Art. 4, Sect. 3, Cl. 1 meant. Art. 4, Sect. 3, Cl. 2, second sentence:

1                   “. . .and nothing in this Constitution shall be so CONSTRUED as to PREJUDICE any CLAIMS of the United  
2                   States, or of any particular State.”

3       Let’s use Black’s Law 8th Ed. to define the above sentence; and nothing in this Constitution shall be so (**construed**  
4       - analyze and explain the meaning of the sentence or passage.) as to (**prejudice** - damage or detriment one’s legal  
5       right or claims) any (**claims** - assertion of a legal right.) of the United States, or any particular State.

6       So in common parlance what they are saying is:

7                   *When you are able to determine what the constitution really says and discover that you have been betrayed, you*  
8                   *can’t hold us responsible because this document gives us the authority to govern in this capacity. We assert this*  
9                   *right and you can’t damage it. Besides, you volunteered into our corporation therefore we can legally hold you*  
10                  *responsible for all taxes, rules and regulations in this federal Statutory State of Texas. “Ignorance of the Law is*  
11                  *no excuse.”*

12       Those of you who question the true intentions of the men in charge of formulating our constitution need to read  
13       this:

14                  *Commentaries on the Constitution of the United States (1833),*  
15                  *by Joseph L. Story*  
16                  *Book 3, Chapter 1*  
17                  *Origin and Adoption of the Constitution*

18                  *Judge Storey comments:*

19                  § 276. The convention, at the same time, addressed a letter to congress, expounding their reasons for their acts,  
20                  from which the following extract cannot but be interesting. “It is obviously impracticable (says the address) in  
21                  **the federal government of these states**, to secure all rights of independent sovereignty to each, and yet provide  
22                  for the interest and safety of all. **Individuals, entering into society, must give up a share of liberty to preserve**  
23                  **the rest. The magnitude of the sacrifice must depend, as well on situation and circumstance, as on the object**  
24                  **to be obtained. It is at all times difficult to draw with precision the line between those rights, which must be**  
25                  **surrendered, and those, which may be reserved;** and on the present occasion this difficulty was increased by  
26                  difference among the several states, as to their situation, extent, habits, and particular interests. In all our  
27                  deliberations on this subject, we kept steadily in our view that, which appears to us the greatest interest of every  
28                  true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our  
29                  national existence. This important consideration, seriously and deeply impressed on our minds, led each state in  
30                  the convention to be less rigid on points of inferior magnitude, than might have been otherwise expected, And  
31                  thus the constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and  
32                  concession, which the peculiarity of our political situation rendered indispensable.

33                  (12 Journ. of Congress, 109, 110; Journ. of Convention, 367, 368; 5 Marsh. Life of Wash. 129.) (emphasis added)

34       Are they kidding? Apparently not! Note that the rights and corresponding responsibilities they are referring to  
35       above that had to be surrendered to join the Union are referred to collectively as “State of \_\_\_\_”.

36       We can now confirm through the U.S. Constitution that the “State of Texas” is a federal (NOT “national”)  
37       corporation consisting of property ceded to it by our Republic or sovereign state (recognized in the Articles of  
38       Confederation). This property and the corporation that manages it is what the “State of Texas” consists of. This  
39       “State of Texas” is the “body corporate” that makes up HALF of what all governments are. Recall that in order  
40       to satisfy the legal definition of “government”, one must have BOTH a “body corporate” AND a “body politic”.

41                  Both before and after the time when the Dictionary Act and § 1983 were passed, **the phrase “bodies politic and**  
42                  **corporate” was understood to include the [governments of the] States.** See, e.g., J. Bouvier, 1 A Law Dictionary  
43                  Adapted to the Constitution and Laws of the United States of America 185 (11th ed. 1866); W. Shumaker & G.  
44                  Longsdorf, Cyclopedic Dictionary of Law 104 (1901); Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 447, 1 L.Ed.  
45                  440 (1793) (Iredell, J.); id., at 468 (Cushing, J.); Cotton v. United States, 52 U.S. (11 How.) 229, 231, 13 L.Ed.  
46                  675 (1851) (“**Every sovereign State is of necessity a body politic, or artificial person**”); Poindexter v. Greenhow,  
47                  114 U.S. 270, 288, 5 S.Ct. 903, 29 L.Ed. 185 (1885); McPherson v. Blacker, 146 U.S. 1, 24, 13 S.Ct. 3, 6, 36  
48                  L.Ed. 869 (1892); Heim v. McCall, 239 U.S. 175, 188, 36 S.Ct. 78, 82, 60 L.Ed. 206 (1915). See also United  
49                  States v. Maurice, 2 Brock. 96, 109, 26 F.Cas. 1211 (CC Va.1823) (Marshall, C.J.) (“**The United States is a**  
50                  **government, and, consequently, a body politic and corporate**”); Van Brocklin v. Tennessee, 117 U.S. 151, 154,  
51                  6 S.Ct. 670, 672, 29 L.Ed. 845 (1886) (same). Indeed, the very legislators who passed § 1 referred to States in  
52                  these terms. See, e.g., Cong. Globe, 42d Cong., 1st Sess., 661-662 (1871) (Sen. Vickers) (“What is a State? Is \*79  
53                  it not a **body politic and corporate**?”); id., at 696 (Sen. Edmunds) (“A State is a corporation”).



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

While it is certainly true that the phrase “bodies politic and corporate” referred to private and public corporations, see ante, at 2311, and n. 9, this fact does not draw into question the conclusion that this phrase also applied to the States. Phrases may, of course, have multiple referents. Indeed, each and every dictionary cited by the Court accords a broader realm-one \*\*2317 that comfortably, and in most cases explicitly, includes the sovereign-to this phrase than the Court gives it today. See 1B. Abbott, Dictionary of Terms and Phrases Used in American or English Jurisprudence 155 (1879) (“[T]he term body politic is often used in a general way, as meaning the state or the sovereign power, or the city government, without implying any distinct express incorporation”); W. Anderson, A Dictionary of Law 127 (1893) (“[B]ody politic”: “The governmental, sovereign power: a city or a State”); Black’s Law Dictionary 143 (1891) (“[B]ody politic”: “It is often used, in a rather loose way, to designate the state or nation or sovereign power, or the government of a county or municipality, without distinctly connoting any express and individual corporate charter”); 1A. Burrill, A Law Dictionary and Glossary 212 (2d ed. 1871) (“[B]ody politic”: “A body to take in succession, framed by policy”; “[p]articularly\*80 applied, in the old books, to a Corporation sole”); id., at 383 (“Corporation sole” includes the sovereign in England).  
[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

The “State of Texas” does not include your PRIVATE property, real or tangible, unless you have done any of the following and thereby donated said property to a “public use” by availing yourself of the “benefits” of a government franchise:

1. Registered it with the “State of Texas”.
2. Incorporated within the “State of Texas”.
3. Held title to the property as an officer of the government by associating a government issued identification number with the title holder.

For further evidence of this corporate federal state we will now consider the document that annexed Texas into the Union and see how it coincides perfectly with our interpretation of Article 4, Sect. 3, Cl. 1.

*Joint Resolution  
Annexing Texas to the United States*

Source: Peters, Richard, ed., *The Public Statutes at Large of the United States of America*, v.5, pp. 797-798, Boston, Chas. C. Little and Jas. Brown, 1850

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas, may be erected into a new State to be called the State of Texas, with a republican form of government adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government in order that the same may be admitted as one of the States of this Union.*

2. And be it further resolved, That the foregoing consent of Congress is given upon the following conditions, to wit: First, said state to be formed, subject to the adjustment by this government of all questions of boundary that may arise with other government, --and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action on, or before the first day of January, one thousand eight hundred and forty-six. Second, said state when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines and armaments, and all other means pertaining to the public defense, belonging to the said Republic of Texas, shall retain funds, debts, taxes and dues of every kind which may belong to, or be due and owing to the said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third -- New States of convenient size not exceeding four in number, in addition to said State of Texas and having sufficient population, may, hereafter by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution; and such states as may be formed out of the territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri Compromise Line, shall be admitted into the Union, with or without slavery, as the people of each State, asking admission shall desire; and in such State or States as shall be formed out of said

*territory*, north of said Missouri Compromise Line, slavery, or involuntary servitude (except for crime) shall be prohibited.

3. And be it further resolved, That if the President of the United States shall in his judgment and discretion deem it most advisable, instead of proceeding to submit the foregoing resolution of the *Republic of Texas*, as an overture on the part of the United States for admission, to negotiate with the Republic; then,

Be it resolved, That a *State*, to be formed out of the present *Republic of Texas*, with suitable extent and boundaries, and with two representatives in Congress, until the next appointment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing *States*, as soon as the terms and conditions of such admission, and the cession of the remaining Texian *territory* to the United States shall be agreed upon by the governments of Texas and the United States: And that the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two houses of Congress, as the President may direct.

Approved, March 1, 1845.

Let's analyze and interpret the first paragraph by inserting the definitions above after the key words which have been capitalized.

*"That Congress doth consent that the TERRITORY [a portion of the United States, not within the limits of any state, which has not yet been admitted as a state of the Union, but is organized, with a separate legislature, and with executive and judicial officers appointed by the president. (Blk's Law, 2nd Ed.)] which [Congress shall have Power to exercise exclusive Legislation in all Cases whatsoever, • • • 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; (Art. 1, Sect. 8, Cl. 17)] properly included within and rightfully belonging to the Republic of Texas, may be ERECTED [incorporated as united with or blended indistinguishably into something already in existence (Am. Heritage Dict. 2nd Ed.)] and To declare that another document shall be taken as part of the document in which the declaration is made as much as if it were set out at length therein). [Blk's Law, 2nd Ed.] into a NEW [contrasting the date, origin, or character of one thing with the corresponding attributes of another thing of the same kind or class. (Black's Law Dictionary, 2nd Ed.)] State to be called the State of Texas, with a republican form of government adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government in order that the same may be admitted as one of the States of this Union.*

Can you see how this document corresponds beautifully with Art. 4, Sect. 3, Cl. 1 of the Constitution. These TRAITORS were geniuses! Also, take notice that the word "State" is capitalized in this joint resolution and refers to the corporate or federal State since it is the congress who is authoring this document. (Rules of capitalization and Statutory construction.) The word "state," in blue represents the republic since it is the foreign state in this federal document. These roles will be reversed when you are reading the Texas Constitution because the sovereign authoring that document (Texas Constitution) is the people of the Republic of Texas.

To verify that the government has actually combined the two constitutions, download a copy of the Texas Constitution and or Statutes at

<http://www.constitution.legis.state.tx.us/>

..then type in the find box the word "state." As you click on "Find next" you will notice that the word state is sometimes capitalized and other times it is written with a small "s." According to the rules of grammar the capital "S" denotes the sovereign who is writing the document which would be the Republic, and the small "s" denotes the foreign state, the corporate or federal state.

The following is a highlighted example from Article 5, Section 3 of the Texas Constitution. You will notice even the Republic's Supreme Court is capitalized and not the supreme court of the Statutory State. The de jure state (republic) is in blue, and the de facto state (corporation) is in red. You will find this anomaly throughout the entire Texas Constitution.

TEXAS CONSTITUTION  
ARTICLE 5, JUDICIAL DEPARTMENT

1                   Sec. 3-b. APPEAL FROM ORDER GRANTING OR DENYING INJUNCTION. The Legislature shall have the  
2 power to provide by law, for an appeal direct to the *Supreme Court* of this *State* from an order of any trial court  
3 granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or  
4 unconstitutionality of any statute of this *State*, or on the validity or invalidity of any administrative order issued  
5 by any *state* agency under any statute of this *State*.

6                   *(Added Nov. 5, 1940.)*

7  
8                   Sec. 3-c. JURISDICTION TO ANSWER QUESTIONS OF STATE LAW CERTIFIED FROM FEDERAL  
9 APPELLATE COURT. (a) The *supreme court* and the *court of criminal appeals* have jurisdiction to answer  
10 questions of *state* law certified from a federal appellate court.

11                   (b) The *supreme court* and the court of criminal appeals shall promulgate rules of procedure relating to the  
12 review of those questions.

13                   *(Added Nov. 5, 1985.)*

14  
15                   Sec. 4. COURT OF CRIMINAL APPEALS; JUDGES. (a) The *Court of Criminal Appeals* shall consist of eight  
16 Judges and one Presiding Judge. The Judges shall have the same qualifications and receive the same salaries as  
17 the Associate Justices of the *Supreme Court*, and the Presiding Judge shall have the same qualifications and  
18 receive the same salary as the Chief Justice

19   The conclusion (for the moment) to this story is, THE STATE OF TEXAS IS A STATE OF THE UNION UNDER  
20 THE CONSTITUTION, BUT IT IS NOT SOVEREIGN! IT IS A CORPORATION! THE CONSTITUTION IS  
21 THEIR CORPORATE CHARTER. **THE REPUBLIC OR SOVEREIGN state OF TEXAS IS SOVEREIGN**  
22 **AND IS ONE OF THE STATES OF THE UNITED STATES OF AMERICA UNDER THE ARTICLES**  
23 **OF CONFEDERATION! PLEASE UNDERSTAND THE DIFFERENCE.**

24   For conclusive proof that the “State of Texas” is a corporate federal state please see the Statutes at Large of the  
25 United States of America from Dec. 1, 1845 to March 3, 1851 Volume IX. It states in pertinent part:

26                   *“Chapter I - An Act to extend the Laws of the United States over the State of Texas, and for other Purposes.*

27                   *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
28 *That all the laws of the United States are hereby declared to extend to and over, and to have full force and effect*  
29 *within the State of Texas, admitted at the present session of Congress into the **Confederacy AND Union of the***  
30 *United States. (emphasis added)”*

31                   *[Statutes at Large of the United States of America from Dec. 1, 1845 to March 3, 1851 Volume IX]*

32   Note the language above “into the Confederacy AND Union”. The Confederacy they are talking about is that  
33 established under the Articles of Confederation, which identify themselves as “perpetual” and continue to this  
34 day. The “Union” they are referring to is that established by the USA Constitution.

35   We have been deceived by what is called “words of art.” The men involved in creating the United States  
36 Constitution committed treason and were traitors. That would especially include George Washington. We believe  
37 Benjamin Franklin was quoted as saying: “We have given you a republic if you can keep it.” We don’t know  
38 about you folks, but we think he knew what was going on also! The American people were deceived from the  
39 beginning. But that doesn’t matter now because our Constitutions and our Declaration of Independence say we  
40 can abolish our government any time we want.

41   I believe being armed with this information we can now challenge each and every public official in our government  
42 to either represent our republic, resign or be prosecuted as an enemy of our state. Their choice!

43                   *... “that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to*  
44 *alter or to abolish it, and to institute new Government, laying its Foundation on such Principles and organizing*  
45 *its Powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”*

Remember both of our Constitutions, U.S. and Texas, guarantee us a republican form of government and the common law. The Texas constitution: Article 1, Sec.2. says:

**"INHERENT POLITICAL POWER; REPUBLICAN FORM OF GOVERNMENT.**

*All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient."*  
[Texas Constitution: Article 1, Sec.2]

and the Declaration of Independence says:

*"WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles and organizing its Powers in such form, as to them shall seem most likely to effect their Safety and Happiness."*  
[Declaration of Independence]

All good things come from God. He is the only one you owe allegiance to. Put him first and the rest will fall in place, including government. I have provided you with the evidence. It is now up to you to change your circumstances. No one can do it for you. That is the whole concept of being self-governing and keeping or getting back your Liberty. Those of you who enjoy the subsidies of the U.S. or State governments and remain statutory "U.S. Citizens" cannot complain about paying taxes or the unfairness of the laws and regulations. You can only be governed by your consent as evidenced in the Declaration of Independence.

### **10.3 Territories formed AFTER the ratification of the Constitution ("Territory of ")**

Subsequent to the ratification of the USA Constitution, lands to the west of the colonies were organized into territories by act of Congress. While in the status of being a "territory", they are regarded as corporations:

*At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several individuals (a "corporation aggregate"). 3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am. ed. 1845). The sovereign was considered a corporation. See id., at 170; see also 1 W. Blackstone, Commentaries \*467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as "corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act recodified. See W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were originally modeled upon a state or nation"); I J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation . . . ordained and established by the American people") (quoting United [495 U.S. 182, 202] States v. Maurice, 26 F.Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.)); Cotton v. United States, 11 How. 229, 231 (1851) (United States is "a corporation"). See generally Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation").*  
[Ngiraingas v. Sanchez, 495 U.S. 182 (1990)]

The big question is WHICH of the TWO TYPES of corporations are they in relation to the general/national government?:

1. FEDERAL corporation under the USA Constitution.
2. NATIONAL corporation under the exclusive jurisdiction of Congress, Article 1, Section 8, Clause 17.

In fact, they are the latter: NATIONAL and not FEDERAL corporations. Here is a hint:

*"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every*

1 state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the  
2 definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and  
3 is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the  
4 territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,  
5 Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing  
6 a much greater analogy to a British Crown colony than a republican state of America, and to vest the legislative  
7 power either in a governor and council, or a governor and judges, to be appointed by the President. It was not  
8 until they had attained a certain population that power was given them to organize a legislature by vote of the  
9 people. In all these cases, as well as in territories subsequently organized west of the Mississippi, Congress  
10 thought it necessary either to extend to Constitution and laws of the United States over them, or to declare that  
11 the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of  
12 habeas corpus, as well as other privileges of the bill of rights."  
13 [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

14 AFTER territories organized and voted themselves to statehood:

- 15 1. They changed from NATIONAL corporations to FEDERAL corporations.
- 16 2. They changed from legislatively "DOMESTIC" to legislatively "FOREIGN" in relation to the national government.
- 17 3. They gained EXCLUSIVE jurisdiction over their own INTERNAL affairs.
- 18 4. They transitioned from being EXTERNALLY governed by the District of Columbia to be INTERNALLY governed by  
19 their own elected representatives.
- 20 5. Federal courts within the territories went from courts of GENERAL/EXCLUSIVE jurisdiction to that of SUBJECT  
21 MATTER (SPECIFIC) jurisdiction only.
- 22 6. State courts were erected within the territories having EXCLUSIVE jurisdiction.
- 23 7. Those who were "citizens" within territories went from STATUTORY "nationals and citizens at birth" under 8 U.S.C.  
24 §1401 to:
  - 25 7.1. Statutory "aliens" under 26 U.S.C. §7701(b)(1)(A) .
  - 26 7.2. "nationals" under 8 U.S.C. §1101(a)(21) and in some cases statutory "non-citizen nationals" under 8 U.S.C.  
27 §1452.
  - 28 7.3. Constitutional "Citizens" as mentioned in [Article I, Section 2, Clause 2 of the United States Constitution](#).
  - 29 7.4. Constitutional "citizen of the United States" per the [Fourteenth Amendment](#).

30 The following reference from the Corpus Juris Secundum (CJS) legal encyclopedia confirms that above  
31 conclusions and the proper legal relationship between a Territory ("Territory of\_\_\_\_") and a Constitutional State  
32 ("State of\_\_\_\_") by identifying a FEDERAL/CONSTITUTIONAL "State" as a legislatively "foreign state" in  
33 relation to both "territories" AND ordinary acts of Congress (the "national government"). By "ordinary act of  
34 Congress" is meant the Internal Revenue Code, for instance:

35 "[§1. Definitions, Nature, and Distinctions](#)

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

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

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

53 "*As used in this title, the term 'territories' generally refers to the political subdivisions created by congress,*  
54 *and not within the boundaries of any of the several states."*



The U.S. Supreme Court also identified the territories as NOT being included geographically within the “United States” as used in the USA Constitution OR within the meaning of “State” as used in the USA Constitution:

*It is sufficient to observe in relation to these three fundamental instruments [Articles of Confederation, the United States Constitution, and the Treaty of Peace with Spain], that it can nowhere be inferred that the \*251 territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of states, to be governed solely by representatives of the states; and even the provision relied upon here, that all duties, imposts, and excises shall be uniform ‘throughout the United States,’ is explained by subsequent provisions of the Constitution, that ‘no tax or duty shall be laid on articles exported from any state,’ and ‘no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.’ In short, the Constitution deals with states, their people, and their representatives.*

[. . .]

*“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)]

#### **10.4 State corporations are NOT federal corporations or “persons” under federal law**

Another very important concept we wish to emphasize is that a state-chartered corporation is NOT a “person” or a “corporation” under federal law. This limitation is imposed by the constitutional separation of powers between the state and national governments.

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

*“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)]

Only those domiciled on federal territory can be “persons” under federal civil law. This fact is recognized within Federal Rule of Civil Procedure 17(b). Note that it says in the case of an individual, the individual’s DOMICILE determines the laws under which he or she can be sued:

*Federal Rules of Civil Procedure*  
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, by the law under which it was organized; 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.

The important thing to remember about the above rule is:

1. ALL law that is cited in civil court MUST derive from the domicile of the parties.
2. You can only be domiciled in ONE place at a time. This means that you cannot SIMULTANEOUSLY be domiciled within FEDERAL jurisdiction and STATE jurisdiction at the same time.
3. If one is acting in a representative capacity on behalf of an entity incorporated in a legislatively foreign jurisdiction, the civil law which applies is that of the domicile of the entity and not the person REPRESENTING the entity.
4. The only way that a human being NOT domiciled on federal territory can be subject to federal law is to VOLUNTARILY REPRESENT a federal corporation which itself is domiciled on federal territory and created under FEDERAL and not STATE law. Such is the case of those engaging in a statutory "trade or business" per 26 U.S.C. §7701(a)(26), which is a public office within the FEDERAL and not STATE government. All "taxpayers" are, in fact, such public officers under Internal Revenue Code, Subtitles A and C. This is covered in:

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

If you would like to know more about the subject of domicile, please consult the following:

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

## **10.5 How STATE corporations are ILLEGALLY turned into FEDERAL corporations**

The federal income tax system is an excise and a franchise upon public offices within the U.S. government. This is exhaustively proven in:

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

The separation of powers doctrine forbids the enforcement of federal civil law within states of the Union OR the enforcement of any federal franchise within the borders of a constitutional state. This is exhaustively proven in:

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

The only way that a corporation chartered under the laws of a constitutional state can ALSO be treated as a "corporation" under FEDERAL law is to misrepresent their status on a government form or to apply for federal "benefit" or franchises that they aren't legally allowed to participate in. The reason they are not legally allowed to participate is because:

1. The U.S. government may not authorize or license any activity within a constitutional state in order to tax it, as held by the U.S. Supreme Court:

*"Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to*

trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive 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)]

2. Congress has no civil legislative jurisdiction within the borders of a 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.**" [Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

3. It is often and crime AND a violation of the state constitution for any STATE officer, such as an officer of a STATE corporation, to SIMULTANEOUSLY act as an officer of the federal government.

"No one can serve **two masters**; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon." [Matt. 6:23-25, Bible, NKJV]

This type of crime is called a financial conflict of interest and it applies not only to officers of a STATE corporation, but the JUDGES in both state and federal court as well. This means that judges ALSO cannot simultaneously be STATE "taxpayers" and FEDERAL "taxpayers" if the activity subject to tax is a public office in BOTH governments. See 18 U.S.C. §208, 28 U.S.C. §455, 28 U.S.C. §144, and the state laws listed in:

[The "Trade or Business" Scam, Form #05.001, Section 10.2](#)  
<http://sedm.org/Forms/FormIndex.htm>

4. Even to this day, there is NO definition of "State" within any national franchise which EXPRESSLY includes a CONSTITUTIONAL state or anything other than a federal territory or possession. Therefore, by the rules of statutory construction, CONSTITUTIONAL states are PURPOSEFULLY excluded.

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

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

Consequently, it is ILLEGAL and a criminal impersonation of a public office in the U.S. government pursuant to 18 U.S.C. §912 for a STATE chartered corporation to apply for, use, or receive the "benefits" of use of any national identify number. All such numbers function as the equivalent of a what we call "a de facto license to represent a federal public office". This is covered later in section 17.1. At the point when it commits this crime,

it will be treated AS IF it were ALSO a federal corporation and from that point, will serve TWO government masters rather than only their STATE grantor.

## 10.6 Summary and conclusions

Based on the preceding subsections, we have proven that:

1. “Republic of \_\_\_” means the sovereign state under the Articles of Confederation. The Articles of Confederation have never been repealed and refer to themselves as “perpetual”. They preceded the U.S.A. Constitution.
2. “State of \_\_\_” is a federal (NOT “national”, but “federal”) corporation under the corporate charter, the United States Constitution.
3. The “State of \_\_\_” constitutional corporations are “foreign corporations” in relation to the national government. Another way of stating this is that they are legislatively but not constitutionally foreign.

*"A federal corporation operating within a state is considered a domestic corporation rather than a foreign corporation. The United States government is a foreign corporation with respect to a state."  
[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]*

4. The property held in public trust and managed by the Constitutional federal corporations consists of:
  - 4.1. The authority and powers delegated by the Constitution.
  - 4.2. The community chattel property and land held in trust and on behalf of the national government.
5. The provisions of Art. 4, Section 3, Clause 1 prohibiting the creation of a “State within a State” refers to GEOGRAPHICAL states rather than VIRTUAL CORPORATIONS, or statutory “States” (under federal law).
6. It is a violation of fiduciary duty and a violation of the separation of powers for the officers of the constitutional state corporations to ALSO serve as public officers within the national government. Hence, these public corporations may not be regulated by the national government. Only when individual officers exceed their authority may they be brought within a federal court under the authority of the Fourteenth Amendment and 42 U.S.C. §1983.
7. There are 3 states of Texas, as there are 3 states of all of the original 13 states. The other states came up the commercial side into statehood as commercial territories and therefore never had a sovereign nation statehood.
  - 7.1. The state called “the state of Texas” is the dirt within the outer borders of Texas and the people sojourning on top of the land who came from God in Heaven.
  - 7.2. The state called “the State of Texas” is the people collectively operating in their sovereign commercial capacity through their lawfully elected house, senate, Secretary of State, Department of Treasury, and governor. Today we only have “comptrollers” which are only commercial fascist corporate bean counters of “this state.”
  - 7.3. The state called “this state” is a legal subdivision of “the state of Texas” and of “the United States” called “THE STATE OF TEXAS” and is a communitarian welfare benefit plantation subsidiary of “the United States,” a “district,” as defined on the CIA website, and the benefits are administered though the Texas State Department of Labor, as are the benefits administered in all other states for their respective legal subdivisions, because the benefits of “the United States” delivered are in relationship to the labor of the people/employees/slaves and their ability to be taxed for the payment of the tribute and the interest on the debt of “the United States”, which unapportioned debt service is applied to statutory “U.S. citizens”/”persons”/”employees”/slaves and collected through the clause 4 of the 14th Amendment.
8. The three states, “state of \_\_\_”, “State of \_\_\_”, and “this state”, are NOT equivalent or the same legal “person” because they have different capitalization. It is a maxim of law that nothing similar is the same. Therefore, each is a DIFFERENT entity with different properties, jurisdictions, courts, and officers.

*“Quando duo juro concurrunt in und person, aequum est ac si essent in diversis.  
When two [OR MORE] rights concur in one person, it is the same as if they were in two separate persons. 4 Co. 118.”  
[Bouvier’s Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

9. The several counties of this state are “legal” subdivisions of the state as defined in the Texas Constitution of 1876 at Article 11, Section 1.
10. There can be no sovereign Texas judiciary in Article 5 of the Texas Constitution, because on November 5, 1985 the people amended out of the constitution at Article 5, Section 12, the right of the judiciary to issue writs and process in the name of the lawful collective of the people commercial state called “the State of Texas.” All law now moves only by private contract.

- 1 11. Writs and process are now only issued out of the federal commercial state district called “this state,” “THE STATE OF  
2 TEXAS.” The writs and process from the state called “this state” only apply to people who have become U.S.  
3 persons/citizens by applying for and accepting membership into the Social Security Administration and who have  
4 voluntarily become deemed employees of the government and therefore subject to benefits. See *Ashwander v. TVA*,  
5 297 U.S. 288.
- 6 12. This analysis has examined the corporatization of Texas. Similar techniques were employed in all the other states.  
7 The reader is encouraged to perform a similar analysis for his/her state and submit their research to us for publication.

8 For those who are VISUAL learners, we have constructed the following table to show the CORPORATE  
9 relationships WITHIN each state that have just documented.  
10



1 **Table 8: State corporate entities**

#	Description	CORPORATION NAME			
		"Territory of ____"	"Republic of ____"	"State of ____"	"United States of America"
1	Created by	Act of Congress	Articles of Confederation	United States Constitution	Articles of Confederation
2	Constitution	None	State constitution	USA Constitution	Articles of Confederation
3	Area of concern	INTERNAL affairs	INTERNAL affairs	Federal affairs	EXTERNAL affairs (international relations)
4	Land consists of	Federal territory specified in act of Congress	Property not owned by the national government	None. A virtual entity.	Federal territories and possessions
5	Civil law system	Civil statutory law	Common law	Civil statutory law	Civil statutory law
6	Citizens of its own?	Yes. STATUTORY citizens under 8 U.S.C. §1401	Yes. State citizens or "non-resident non-persons" under 8 U.S.C. §1101(a)(21).	No.	Yes. State citizens or "non-resident non-persons" under 8 U.S.C. §1101(a)(21)f.
7	A "government"?	Yes	Yes	No. No body politic.	No. Does not govern people INTERNALLY. Handles only EXTERNAL affairs.
8	Status of citizens under laws of NATIONAL government	STATUTORY citizens under 8 U.S.C. §1401	STATUTORY "alien" per 26 U.S.C. §7701(b)(1)(A).	NONE. No "citizens".	STATUTORY "alien" per 26 U.S.C. §7701(b)(1)(A).
9	Public officers of its own?	Yes. Appointed by the President and Congress.	Yes. Voted into Office by electors.	No. FORBIDDEN To have public officers because no one can serve SIMULTANEOUSLY in a NATIONAL office and a STATE office without a conflict of interest.	Yes.
10	Name in ordinary acts of Congress	"State" in 4 U.S.C. §110(d).	1. "state" (legislatively foreign state) 2. "Republic of ____"	"State of ____"	"United States of America"

2

3

It is important to note WHICH of the corporations you are operating within. The way to easily determine which it is would be to examine the CONTENT of the perjury statement on the government form you are filling out and submitting to JOIN the program or system.

1. If the perjury statement says “under the laws of the State of \_\_\_\_” as the voter registration or driver’s license forms in California currently do, then:
  - 1.1. You have surrendered the protection of the common law.
  - 1.2. You have DIVORCED yourself from the Republic and surrendered your right to have or to own EXCLUSIVELY PRIVATE property.
  - 1.3. You have agreed to become a public officer within the “State of \_\_\_\_”. Since the “State of \_\_\_\_” has no TERRITORY of its own but only chattel property, it is a VIRTUAL entity that one can only become subject to the LAWS of by contracting into it.
2. The only kind of perjury statement you can sign if you want to maintain your EXCLUSIVELY PRIVATE, legislatively “foreign”, and “alien” status is:
  - 2.1. “under the laws of the REPUBLIC OF \_\_\_\_ and NOT STATE OF \_\_\_\_”.
  - 2.2. From WITHOUT the “United States” and from WITHIN the “United States of America” per 28 U.S.C. §1746(1).

## **11 Corporate “Franchisees” are “residents” and “trustees” of the entity granting the privilege<sup>49</sup>**

Governments cannot create corporate franchises without also bestowing upon themselves the ability to regulate all those who participate in order to fulfill the purposes of the franchise. Private persons are not subject to government jurisdiction by default.

*“The power to “legislate generally upon” [PRIVATE] life, liberty, and property, as opposed to the “power to provide modes of redress” against offensive state [e.g. “public”] 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)]*

Likewise, governments can only lawfully tax those things that they create.

*“What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature, and can be revoked or altered only by the authority that made it. The life-giving principle and the death-doing stroke must proceed from the same hand.”*  
*[VanHorne’s Lessee v. Dorrance, 2 U.S. 304 (1795)]*

*“The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law [including a tax law] involving the power to destroy.”*  
*[Providence Bank v. Billings, 29 U.S. 514 (1830)]*

*“The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power to create; and there is a plain repugnance in conferring on one government [THE FEDERAL GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other, with respect to those very measures, is declared to be supreme over that which exerts the control.”*  
*[Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886)]*

The purpose of offering franchises and incorporating the government is to increase government revenues, power, and control over private citizens at the expense of their liberty, happiness, and property and to their extreme detriment.

*“The sentiments of men are known not only by what they receive, but what they reject also.”*  
*[Thomas Jefferson: Autobiography, 1821. ME 1:28]*

<sup>49</sup> Adapted from Sovereignty Forms and Instructions Manual, Form #10.005, Section 1.21.4.

1 "Government big enough to supply everything you need is big enough to take everything you have. The course  
2 of history shows that as a government grows, liberty decreases."  
3 [Thomas Jefferson]

4 "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."  
5 [Benjamin Franklin]

6 The following subsections will prove that:

- 7 1. When you sign up for a government franchise such as Social Security, Medicare, Unemployment, Employment, etc., you  
8 create a constructive trust and a "res" that is the subject of the trust.  
9 2. The "res" becomes a "resident" within the jurisdiction of the government granting the franchise. This "resident"  
10 effectively is a statutory "alien" with a legal domicile within federal territory.  
11 3. All franchisees are treated as officers of a federal corporation subject to federal law.  
12 4. All franchisees are treated as "public officers" within the federal corporation subject to the penalty provisions of the  
13 I.R.C. pursuant to [26 U.S.C. §6671\(b\)](#) and criminal provisions pursuant to [26 U.S.C. §7343](#).

14 Notice in the above that we use the phrase "are treated as" rather than "become". It is our contention that federal  
15 franchises cannot be used to create new public offices anywhere outside the District of Columbia, but rather add  
16 additional privileges to EXISTING public offices lawfully created under Title 5 of the U.S. Code. In fact, we  
17 prove elsewhere and in the following that offering franchises to otherwise PRIVATE human beings domiciled  
18 outside of federal territory is a criminal act of bribery that amounts to treason and a destruction of the separation  
19 of powers doctrine:

<p><i>Reasonable Belief About Income Tax Liability</i>, Form #05.007, Section 2 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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## 20 **11.1 Why franchisees are all privileged "aliens" and NOT sovereign nonresident nationals**

21 The Original Thirteenth Amendment to the United States Constitution, lawfully ratified in 1812 made it not only  
22 an offense, but an expatriating act to confer, retain, or receive any title of nobility. That amendment was proposed  
23 in 1810 and officially adopted in 1812. The Original Thirteenth Amendment reads as follows:

24 *"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall*  
25 *without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind*  
26 *whatever, from any emperor, king, prince, or foreign power, **such person shall cease to be a citizen of the united***  
27 ***States, and shall be incapable of holding any office of trust or profit under them, or either of them.**"*  
28 *[Original 13th Amendment to the Constitution for the united states of America]*

29 To lose one's citizenship and nationality is called "expatriation" within the legal field.

30 *"**Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.**" Perkins v. Elg.,*  
31 *1939, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320. In order to be relieved of the duties of allegiance, consent of*  
32 *the sovereign is required. Mackenzi v. Hare, 1915, 239 U.S. 299, 36 S.Ct. 106, 60 L.Ed. 297. Congress has*  
33 *provided that the right of expatriation is a natural and inherent right of all people, and has further made a*  
34 *legislative declaration as to what acts shall amount to an exercise of such right. The enumerated methods set out*  
35 *in the chapter are expressly made the sole means of expatriation."*

36 *"...municipal law determines how citizenship may be acquired..."*

37 *"The renunciations not being given a result of free and intelligent choice, but rather because of mental fear,*  
38 *intimidation and coercion, they were held void and of no effect."*  
39 *[Tomoya Kawakita v. United States, 190 F.2d. 506 (1951)]*

40 Those who have been expatriated from a state become "aliens" in relation to that state. If they are also  
41 domiciliated, meaning they have a domicile on federal territory, they become privileged "residents" (aliens) in  
42 relation to both the de jure state and the Statutory State.

How does all this relate to the effect of participating in franchises upon one's status in relation to the de jure constitutional government? Well, the practical effect upon one's status in relation to the government of signing up for, accepting the benefits of, or participating in any government franchise are all the following:

1. You accept the equivalent of a title of nobility in violation of the Constitution.

*Articles of Confederation  
Article VI.*

*No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, **office or title** of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any **title of nobility**.*

---

*United States Constitution  
Article I, Section 9, Clause 8*

***No Title of Nobility shall be granted by the United States:** And no Person **holding any Office** of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or **Title, of any kind whatever, from any King, Prince, or foreign State.***

---

*United States Constitution  
Article I, Section. 10*

*No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or **grant any Title of Nobility.***

2. You surrender the privileges and immunities of constitutional citizenship in exchange for the disabilities and privileges of alienage as mandated by the Original Thirteenth Amendment.
3. You become a privileged "resident alien" in relation to the existing government under the terms of the franchise agreement.

***"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 citizens 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, p. 87;  
SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-LawOfNations.pdf>]

4. You may not be treated as a constitutional "citizen" in relation to the government under the terms of the franchise agreement and may not claim any of the "benefits" or protections of being a constitutional "citizen". Instead, you become a STATUTORY citizen who is privileged and who is domiciled on federal territory not protected by the United States Constitution. It is furthermore proven in the following references that your status as a statutory "U.S. citizen" under 8 U.S.C. §1401 is in fact, yet another franchise that has nothing to do with domicile or residence:
  - 4.1. *Federal Jurisdiction*, Form #05.018, Section 5  
<http://sedm.org/Forms/FormIndex.htm>
  - 4.2. *Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006, Sections 3 through 3.3.  
<http://sedm.org/Forms/FormIndex.htm>

However, news of the adoption of the Original Thirteenth Amendment has been silenced because it would undermine and destroy nearly everything that our present government does, which is implemented almost entirely using franchises and privileges. If the Original Thirteenth Amendment remained on the books, NO ONE could call themselves an American or a Constitutional citizen and we would all be aliens in our own land because almost everyone participates in government franchises of one kind or another at this time. In a real de jure and

1 constitutional government, there is no such thing as franchises or the titles of nobility they create because everyone  
2 is equal.

3 You can find the complete story behind the ratification of the Original Thirteenth Amendment and its subsequent  
4 mysterious “disappearance” from the Constitution in the following document on our website:

*Government Instituted Slavery Using Franchises*, Form #05.030, Section 6  
<http://sedm.org/Forms/FormIndex.htm>

5 Consistent with this section, Article IV of the Articles of Confederation also says that paupers and vagabonds are  
6 not entitled to the privileges and immunities of citizenship.

7 “... the free inhabitants of each of these states, paupers, vagabonds and fugitives from Justice excepted, shall be  
8 entitled to all privileges and immunities of free citizens in the several states”  
9 [Articles of Confederation, Article IV]

10 Here is the definition of “paupers and vagabonds”:

11 “**Vagabond**. A vagrant or homeless wanderer **without means of honest livelihood**. *Neering v. Illinois Cent. R.*  
12 *Co.*, 383 Ill. 366, 50 N.E.2d. 497, 502. *One who wanders from place to place, having no fixed dwelling, or, if he*  
13 *has one, not abiding in it; a wanderer, especially such a person who is lazy and generally worthless without*  
14 *means of honest livelihood.*”  
15 [Black’s Law Dictionary, Sixth Edition, p. 1548]

16  
17 “**Vagrant**. At common law, wandering or going about from place to place by idle person who had **no lawful or**  
18 **visible means of support and who subsisted on charity and did not work, though able to do so**. *State v. Harlowe*,  
19 *174 Wash. 227, 24 P.2d. 601*. A general term, including, in English law, the several classes of idle and disorderly  
20 persons, rogues, and vagabonds, and incorrigible rogues. *One who wanders from place to place; an idle wander,*  
21 *specifically, one who has no settled habitation, nor any fixed income or livelihood*. A vagabond; a tramp. *A*  
22 *person able to work who spends his time in idleness or immorality, having no property to support him and*  
23 *without some visible and known means of fair, honest, and reputable livelihood*. *State v. Oldham*, 224 N.C.  
24 *415, 30 S.E.2d. 318, 319*. *One who is apt to become a public charge through his own laziness*. *People, on*  
25 *Complaint of McDonough, v. Gesino, Sp.Sess., 22 N.Y.S.2d. 284, 285*. See *Vagabond; Vagrancy*.”  
26 [Black’s Law Dictionary, Sixth Edition, p. 1548]

27 Incidentally, the above also happens to describe most of the people who work for the government. Most are do-  
28 nothing no-loads who effectively are “retired on duty” (R.O.D.). Based on the above, those who must draw from  
29 the government through charity or socialist welfare programs as a private citizen cannot have the rights or  
30 privileges of constitutional citizenship under the original Articles of Confederation, and that is exactly what  
31 happens to those who participate in our present Social Security or the government’s tax system: They become  
32 privileged statutory “resident aliens” or statutory “citizens” domiciled on federal territory rather than  
33 constitutional citizens.

34 Those participating in government franchises essentially elect the government as their “*parens patriae*”, or  
35 government parent. The Corpus Juris Secundum (C.J.S.) Legal Encyclopedia also agrees with this section by  
36 affirming that those who are children or dependents or of unsound mind assume the domicile of the sovereign  
37 who is their “caretaker” or “parent”.

38 PARTICULAR PERSONS  
39 Infants  
40 §20 In General

41 An infant, being non sui juris, cannot fix or change his domicile unless emancipated. **A legitimate child's**  
42 **domicile usually follows that of the father**. In case of separation or divorce of parents, the child has the domicile  
43 of the parent who has been awarded custody of the child.  
44 [Corpus Juris Secundum (C.J.S.), Domicile, §20 (2003);  
45 SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>]



As long as we are called "children of God" and are dependent exclusively on Him, we assume His domicile, which is the Kingdom of God. If we elect government as our parent or caretaker through franchises, we fire God as our provider and caretaker, become wards of the corporate government, and become government dependents who are "persons", "resident aliens", "public officers", "trustees", and franchisees of the government subject to their jurisdiction and who are their "property" and responsibility. In short, we become cattle and chattel of the government.

The considerations in this section are the reason why:

1. No social benefit program entitles those participating to an enforceable right under equity as against the government.

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

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

2. Disputes relating to franchise "benefits" must be settled in administrative franchise courts in which you are unequal in relation to the government and approach them more as a beggar and an employee than a sovereign.

Why, you might ask, is this? Because they couldn't succeed in their dastardly plan to convert all your rights in to privileges if you retained your sovereignty and equity in relation to them under the terms of the franchise. They want to transport you to the plunder zone, which is the federal zone, and destroy and plunder you rather than protect you, in fact. They want to eliminate all constitutional courts and replace them with franchise courts and make you into a government "employee" or "public officer" called a statutory "U.S. citizen". That is why the U.S. Supreme Court referred to Social Security as a "statutory scheme". They weren't lying, folks!

## **11.2 Creation of the "Resident" entity**

When two parties execute a franchise agreement or contract between them, they are engaging in "commerce". The practical consequences of the franchise agreement are the following:

1. The main source of jurisdiction for the government is over commerce.
2. The mutual consideration passing between the parties provides the nexus for government jurisdiction over the transaction.
3. Parties to the franchise agreement cannot engage in a franchise without implicitly surrendering governance over disputes to the government granting the franchise. In that sense, their effective domicile shifts to the location of the seat of the government granting the franchise.
4. The parties to the franchise agreement mutually and implicitly surrender their sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), [28 U.S.C. §1605](#)(a)(2), which says that commerce within the legislative jurisdiction of the "United States" constitutes constructive consent to be sued in the courts of the United States. This is discussed in more detail in the previous section.

Another surprising result of engaging in franchises and public benefits that most people overlook is that the commerce it represents, in fact, can have the practical effect of making a "nonresident" party "resident" for the purposes of judicial jurisdiction. Here is the proof:

*In International Shoe Co. v. Washington, 326 U.S. 310 (1945), the Supreme Court held that a court may exercise personal jurisdiction over a defendant consistent with due process only if he or she has "certain minimum contacts" with the relevant forum "such that the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'" Id. at 316 (quoting Milliken v. Meyer, 311 U.S. 457, 463 (1940)). **Unless a defendant's contacts with a forum are so substantial, continuous, and systematic that the defendant can be deemed to be "present" in that forum for all purposes, a forum may exercise only "specific" jurisdiction - that is, jurisdiction based on the relationship between the defendant's forum contacts and the plaintiff's claim.** The parties agree that only specific jurisdiction is at issue in this case.*

**In this circuit, we analyze specific jurisdiction according to a three-prong test:**

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;  
(2) the claim must be one which arises out of or relates to the defendant's forum-related activities; and  
(3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

*Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d. 797, 802 (9th Cir. 2004) (quoting *Lake v. Lake*, 817 F.2d. 1416, 1421 (9th Cir. 1987)). The first prong is determinative in this case. We have sometimes referred to it, in shorthand fashion, as the "purposeful availment" prong. *Schwarzenegger*, 374 F.3d. at 802. Despite its label, this prong includes both purposeful availment and purposeful direction. It may be satisfied by purposeful availment of the privilege of doing business in the forum; by purposeful direction of activities at the forum; or by some combination thereof.

We have typically treated "purposeful availment" somewhat differently in tort and contract cases. In tort cases, we typically inquire whether a defendant "purposefully direct[s] his activities" at the forum state, applying an "effects" test that focuses on the forum in which the defendant's actions were felt, whether or not the actions themselves occurred within the forum. See *Schwarzenegger*, 374 F.3d. at 803 (citing *Calder v. Jones*, 465 U.S. 783, 789-90 (1984)). By contrast, in contract cases, we typically inquire whether a defendant "purposefully avails itself of the privilege of conducting activities" or "consummate[s] [a] transaction" in the forum, focusing on activities such as delivering goods or executing a contract. See *Schwarzenegger*, 374 F.3d. at 802. However, this case is neither a tort nor a contract case. Rather, it is a case in which Yahoo! argues, based on the *First Amendment*, that the French court's interim orders are unenforceable by an American court. [*Yahoo! Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme*, 433 F.3d. 1199 (9th Cir. 01/12/2006) ]

Legal treatises on domicile also confirm that those who are "wards" or "dependents" of the state or the government assume the same domicile or "residence" as their care giver. The practical effect of this is that by participating in government franchises, we become "wards" of the government in receipt of welfare payments such as Social Security, Medicare, etc. As "wards" under "guardianship" of the government, we assume the same domicile as the government who is paying us the "benefits", which means the District of Columbia. Our domicile is whatever the government, meaning the "court" wants it to be for their convenience:

PARTICULAR PERSONS  
§ 24. Wards

While it appears that an infant ward's domicile or residence ordinarily follows that of the guardian, it does not necessarily do so,<sup>50</sup> as so a guardian has been held to have no power to control an infant's domicile as against her mother.<sup>51</sup> Where a guardian is permitted to remove the child to a new location, the child will not be held to have acquired a new domicile if the guardian's authority does not extend to fixing the child's domicile. Domicile of a child who is a ward of the court is the location of the court.<sup>52</sup>

Since a ward is not sui juris, he cannot change his domicile by removal,<sup>53</sup> nor or does the removal of the ward to another state or county by relatives or friends, affect his domicile.<sup>54</sup> Absent an express indication by the court, the authority of one having temporary control of a child to fix the child's domicile is ascertained by interpreting the court's orders.<sup>55</sup>  
[*Corpus Juris Secundum* (C.J.S.), *Domicile*, §24 (2003);  
SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>]

This change in domicile of those who participate in government franchises and thereby become "wards" of the government is also consistent with the U.S. Supreme Court's view of the government's relationship to those who participate in government franchises. It calls the government a "parens patriae" in relation to them!:

"The proposition is that the United States, as the grantor of the franchises of the company, the author of its charter, and the donor of lands, rights, and privileges of immense value, and as parens patriae, is a trustee, invested with power to enforce the proper use of the property and franchises granted for the benefit of the public."

<sup>50</sup> Ky.--*City of Louisville v. Sherley's Guardian*, 80 Ky. 71.

<sup>51</sup> Ky.--*Garth v. City Sav. Bank*. 86 S.W. 520, 120 Ky. 280, 27 Ky.L. 675.

<sup>52</sup> Wash.-*Matter of Adoption of Buehl*, 555 P.2d. 1334, 87 Wash.2d. 649.

<sup>53</sup> Cd.-*In re Henning's Estate*, 60 P. 762, 128 C. 214.

<sup>54</sup> Md.-*Sudler v. Sudler*, 88 A. 26, 121 Md. 46.

<sup>55</sup> Wash.-*Matter of Adoption of Buehl*, 555 P.2d. 1334, 87 Wash.2d. 649.

PARENS PATRIAE. Father of his country; parent of the country. In England, the king. In the United States, the state, as a sovereign—referring to the sovereign power of guardianship over persons under disability; In re Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.  
[Black's Law Dictionary, Sixth Edition, p. 1269]

One Congressman during the debates over the proposal of the Social Security Act in 1933 criticized the very adverse effects of the franchise upon people's rights, including that upon the domicile of those who participate, when he said:

Mr. Logan: "...Natural laws can not be created, repealed, or modified by legislation. Congress should know there are many things which it can not do..."

"It is now proposed to make the Federal Government the guardian of its citizens. If that should be done, the Nation soon must perish. There can only be a free nation when the people themselves are free and administer the government which they have set up to protect their rights. Where the general government must provide work, and incidentally food and clothing for its citizens, freedom and individuality will be destroyed and eventually the citizens will become serfs to the general government..."  
[Congressional Record - Senate, Volume 77- Part 4, June 10, 1933, Page 12522;  
SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Sovereignty-CongRecord-Senate-JUNE101932.pdf>]

The Internal Revenue Code franchise agreement itself contains provisions which recognize this change in effective domicile to the District of Columbia within 26 U.S.C. §7408(d) and 26 U.S.C. §7701(a)(39).

TITLE 26 > Subtitle F > CHAPTER 79 > § 7701  
§ 7701. Definitions

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

(39) Persons residing outside United States

If any citizen or resident of the United States does not reside in (and is not found in) any United States judicial district, such citizen or resident shall be treated as residing ["domiciled"] in the District of Columbia for purposes of any provision of this title relating to—

(A) jurisdiction of courts, or  
(B) enforcement of summons.

TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408  
§7408. Action to enjoin promoters of abusive tax shelters, etc.

(d) Citizens and residents outside the United States

If any citizen or resident of the United States does not reside in, and does not have his principal place of business in, any United States judicial district, such citizen or resident shall be treated for purposes of this section as residing in the District of Columbia.

The only legitimate purpose of all law and government is "protection". A person who selects or consents to have a "domicile" or "residence" within the jurisdiction of the government granting the protection franchise has effectively contracted to procure "protection" of that "sovereign" or "state". In exchange for the promise of protection by the "state", they are legally obligated to give their "allegiance and support", thus nominating a Master who will be above them.

"Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance."  
[Minor v. Happersett, 88 U.S. (21 Wall.) 162, 166-168 (1874)]

Allegiance implies subservience to a superior sovereign. All allegiance must be voluntary and any consequences arising from compelled allegiance may not be enforced in a court of law. When you revoke your voluntary consent to the government's jurisdiction and the "domicile" or "residence" contract, you change your status from that of a "domiciliary" or "resident" (alien) pursuant to 26 U.S.C. §7701(b)(1)(A) or "inhabitant" or "U.S. person" pursuant to 26 U.S.C. §7701(a)(30) to that of a "transient foreigner". Transient foreigner is then defined below:

*"Transient foreigner. One who visits the country, without the intention of remaining."  
[Black's Law Dictionary, Sixth Edition, p. 1498]*

Note again the language within the definition of "domicile" from Black's Law Dictionary relating to the word "transient", which confirms that what makes your stay "permanent" is consent to the jurisdiction of the "state" located in that place:

*"Domicile. [...] 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."  
[Black's Law Dictionary, Sixth Edition, p. 485]*

Since your Constitutional right to contract is unlimited, then you can have as many "residences" as you like, but you can have only one legal "domicile", because your allegiance must be undivided, or you will have a conflict of interest and allegiance.

*"No one can serve **two masters**; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon."  
[Matt. 6:23-25, Bible, NKJV]*

*"The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous, sovereign...."  
[Talbot v. Janson, 3 U.S. 133 (1795)]*

Now do you understand the reasoning behind the following maxim of law? You become a "subject" and a "resident" under the jurisdiction of a government's civil law by demanding its protection! If you want to "fire" the government as your "protector", you MUST quit demanding anything from it by filling out government forms or participating in its franchises:

*Protectio trahit subjectionem, subjectio projectionem.  
Protection draws to it subjection, subjection, protection. Co. Litt. 65.  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

Remember, "resident" is a combination of two word roots: "res", which is legally defined as a "thing", and "ident", which stands for "identified".

***Res.** Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res," according to the modern civilians, is meant everything that may form an object of rights, in opposition to "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.*

***Res is everything that may form an object of rights and includes an object, subject-matter or status.** In *re Riggle's Will*, 11 A.D.2d. 51 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or status, considered as the defendant in an action, or as an object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character are said to be in rem. (See *In personam*; *In Rem*.) "Res" may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled "*In re* \_\_\_\_\_".  
[Black's Law Dictionary, Sixth Edition, pp. 1304-1306]*

1 The “object, subject matter, or status” they are talking about above is the ALL CAPS incarnation of your legal  
2 birth name and the government-issued number, usually an SSN, which is associated with it. Those two things  
3 constitute the “straw man” or “trust” or “res” which you implicitly agree to represent at the time you sign up for  
4 any franchise, benefit, or “public right”. When the government attacks someone for a tax liability or a debt, they  
5 don’t attack you as a private person, but rather the collection of rights that attach to the ALL CAPS trust name  
6 and associated Social Security Number. They start by placing a lien on the number, which actually is THEIR  
7 number and not YOURS. 20 C.F.R. §422.103(d) says the number is THEIR property. They can lien their  
8 property, which is public property in your temporary use and custody as a “trustee” of the “public trust”.  
9 Everything that number is connected to acts as private property donated temporarily to a public use to procure the  
10 benefits of the franchise. It is otherwise illegal to mix public property, such as the Social Security Number, with  
11 private property, because that would constitute illegal and criminal embezzlement in violation of [18 U.S.C. §912](#).

12 “Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;”  
13 and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which a  
14 man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it  
15 to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, that  
16 if he devotes it to a public use, he gives to the public a right to control that  
17 USE; and third, that whenever the public needs require, the public may take it upon payment of due  
18 compensation.  
19 [Budd v. People of State of New York, [143 U.S. 517](#) (1892)]

20 Below is how the U.S. Supreme Court describes the practical effect of creating the trust and placing its “residence”  
21 or “domicile” within the jurisdiction the specific government or “state” granting the franchise:

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

30 The implication is that you cannot be sovereign if either you or the entities you voluntarily represent have a  
31 “domicile” or “residence” in any man-made government or in any place other than Heaven or the Kingdom of  
32 Heaven on Earth. If you choose a “domicile” or “residence” any place on earth, then you become a “subject” in  
33 relation to that place and voluntarily forfeit your sovereignty. This is NOT the status you want to have! A  
34 “resident” by definition MUST therefore be within the legislative jurisdiction of the government, because the  
35 government cannot lawfully write laws that will allow them to recognize or act upon anything that is NOT within  
36 their legislative jurisdiction.

37 All law is territorial in nature, and can act only upon the territory under the exclusive control of the government  
38 or upon its franchises, contracts, and real and chattel property, which are “property” under its management and  
39 control pursuant to Article 4, Section 3, Clause 2 of the United States Constitution. The only lawful way that  
40 government laws can reach beyond the territory of the sovereign who controls them is through explicit, informed,  
41 mutual consent of the individual parties involved, and this field of law is called “private law”.

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



A person who is “subject” to government jurisdiction cannot be a “sovereign”, because a sovereign is not subject to the law, but the AUTHOR of the law. Only citizens are the authors of the law because only “citizens” can vote.

“Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power.”  
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

### 11.3 Creation of the “Trustee” entity

“Government is competent when all who compose it work as trustees for the whole people. It can make constant progress when it keeps abreast of all the facts. It can obtain justified support and legitimate criticism when the people receive true information of all that government does.

“If I know aught of the will of our people, they will demand that these conditions of effective government shall be created and maintained. They will demand a nation uncorrupted by cancers of injustice and, therefore, strong among the nations in its example of the will to peace.  
[Franklin D. Roosevelt, Second Inaugural Address, January 20, 1937;  
SOURCE: <http://www.bartleby.com/124/pres50.html>]

All biological people start out as “sovereigns” who are foreign to nearly every subject matter of federal and state legislation:

“In common usage, the term ‘person’ does not include the sovereign, and statutes employing the word are ordinarily construed to exclude it.”  
[Wilson v. Omaha Indian Tribe, 442 U.S. 653, 667 (1979)]

The United States maintains it does not, invoking the Court’s “longstanding interpretive presumption that ‘person’ does not include the sovereign,” a presumption that “may be disregarded only upon some affirmative showing of statutory intent to the contrary.” Brief for United States as Amicus Curiae 7-8 (quoting Vermont Agency of Natural Resources v. United States ex rel. Stevens, 529 U.S. 765, 780-781 (2000)); see Will, 491 U.S. at 64.  
[Inyo County, California v. Paiute Shoshone Indians, 538 U.S. 701 (2003)]

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

When you exercise your right to contract by signing up for a government franchise or “public right”, there is an implied waiver of sovereign immunity in respect to the other party to the contract and a new legal “person” is created who is within the jurisdiction of the franchise agreement. The legal “person” who is created by the contract is a “public officer” within the government granting the privilege or franchise. An example of such a statutory person is found in the penalty provisions of the Internal Revenue Code:

[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.

The legal “person” described above is a person who consented to the franchise agreement and who may therefore become the lawful object of government enforcement activity. It otherwise constitutes an unconstitutional bill of attainder to administratively penalize anyone without their consent, as indicated in Article 1, Section 10 and Article 1, Section 9, Clause 3 of the U.S. Constitution.

U.S. Constitution  
Article 1, Section 9, Clause 3

“No State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts.” A bill of attainder is a legislative act which inflicts punishment without a judicial trial.

**Bill of attainder.** Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to **inflict punishment on them without a judicial trial.** *United States v. Brown*, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492; *United States v. Lovett*, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252. An act is a "bill of attainder" when the punishment is death and a "bill of pains and penalties" when the punishment is less severe; both kinds of punishment fall within the scope of the constitutional prohibition. U.S.Const. Art. I, Sect 9, Cl. 3 (as to Congress); Art. I, Sec. 10 (as to state legislatures).  
[Black's Law Dictionary, Sixth Edition, p. 165]

This "public officer" entity created by the exercise of your right to contract is alluded to in Bouvier's Maxims of Law, which states on the subject:

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

The rights they are talking about are "private rights" and "public rights" coexisting in the same physical person. This public officer is also a "trustee" of the "public trust", because public service is a "public trust":

**"Trustee.** Person holding property in trust. Restatement, Second, Trusts, §3(3). The person appointed, or required by law, to execute a trust. One in whom an implied agreement to administer or exercise it for the benefit or to the use of another. One who holds legal title to property "in trust" for the benefit of another person (beneficiary) and who must carry out specific duties with regard to the property. The trustee owes a fiduciary duty to the beneficiary. *Reineck v. Smith, Ill.*, 289 U.S. 172, 53 S.Ct. 570, 77 L.Ed. 1109."  
[Black's Law Dictionary, Sixth Edition, p. 1514]

American Jurisprudence identifies a franchise as a temporary conveyance of "public property" to the franchisee for use and safekeeping for the benefit of the public at large:

*"In a legal or narrower sense, the term "franchise" is more often used to designate a right or privilege conferred by law,<sup>56</sup> and the view taken in a number of cases is that to be a franchise, the right possessed must be such as cannot be exercised without the express permission of the sovereign power<sup>57</sup> —that is, a privilege or immunity of a public nature which cannot be legally exercised without legislative grant.<sup>58</sup> It is a privilege conferred by government on an individual or a corporation to do that "which does not belong to the citizens of the country generally by common right."<sup>59</sup> For example, a right to lay rail or pipes, or to string wires or poles along a public*

<sup>56</sup> *People ex rel. Fitz Henry v. Union Gas & E. Co.* 254 Ill. 395, 98 N.E. 768; *State ex rel. Bradford v. Western Irrigating Canal Co.* 40 Kan 96, 19 P 349; *Milbau v. Sharp*, 27 N.Y. 611; *State ex rel. Williamson v. Garrison (Okla)* 348 P.2d. 859; *Ex parte Polite*, 97 Tex.Crim. 320, 260 S.W. 1048.

The term "franchise" is generic, covering all the rights granted by the state. *Atlantic & G. R. Co. v. Georgia*, 98 U.S. 359, 25 L.Ed. 185.

A franchise is a contract with a sovereign authority by which the grantee is licensed to conduct a business of a quasi-governmental nature within a particular area. *West Coast Disposal Service, Inc. v. Smith (Fla App)* 143 So.2d. 352.

<sup>57</sup> The term "franchise" is generic, covering all the rights granted by the state. *Atlantic & G. R. Co. v. Georgia*, 98 U.S. 359, 25 L.Ed. 185.

A franchise is a contract with a sovereign authority by which the grantee is licensed to conduct a business of a quasi-governmental nature within a particular area. *West Coast Disposal Service, Inc. v. Smith (Fla App)* 143 So.2d. 352.

<sup>58</sup> *State v. Real Estate Bank*, 5 Ark. 595; *Brooks v. State*, 3 Boyce (Del.) 1, 79 A. 790; *Belleville v. Citizens' Horse R. Co.* 152 Ill. 171, 38 N.E. 584; *State ex rel. Clapp v. Minnesota Thresher Mfg. Co.* 40 Minn 213, 41 N.W. 1020.

<sup>59</sup> *New Orleans Gaslight Co. v. Louisiana Light & H. P. & Mfg. Co.*, 115 U.S. 650, 29 L.Ed. 516, 6 S.Ct. 252; *People's Pass. R. Co. v. Memphis City R. Co.* 10 Wall (U.S.) 38, 19 L.Ed. 844; *Bank of Augusta v. Earle*, 13 Pet (U.S.) 519, 10 L.Ed. 274; *Bank of California v. San Francisco*, 142 Cal. 276, 75 P. 832; *Higgins v. Downward*, 8 Houst (Del.) 227, 14 A. 720, 32 A. 133; *State ex rel. Watkins v. Fernandez*, 106 Fla. 779, 143 So. 638, 86 A.L.R. 240; *Lasher v. People*, 183 Ill. 226, 55 N.E. 663; *Inland Waterways Co. v. Louisville*, 227 Ky. 376, 13 S.W.2d. 283; *Lawrence v. Morgan's L. & T. R. & S. S. Co.* 39 La. Ann. 427, 2 So. 69; *Johnson v. Consolidated Gas E. L. & P. Co.* 187 Md. 454, 50 A.2d. 918, 170 A.L.R. 709; *Stoughton v. Baker*, 4 Mass. 522; *Poplar Bluff v. Poplar Bluff Loan & Bldg. Asso. (Mo.App.)* 369 S.W.2d. 764; *Madden v. Queens County Jockey Club*, 296 N.Y. 249, 72 N.E.2d. 697, 1 A.L.R.2d. 1160, cert den 332 U.S. 761, 92 L.Ed. 346, 68 S.Ct. 63; *Shaw v. Asheville*, 269 N.C. 90, 152 S.E.2d. 139; *Victory Cab Co. v. Charlotte*, 234 N.C. 572, 68 S.E.2d. 433; *Henry v. Bartlesville Gas & Oil Co.* 33 Okla. 473, 126 P. 725; *Elliott v. Eugene*, 135 Or. 108, 294 P. 358; *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 153 S.E. 537; *State v. Scougal*, 3 SD 55, 51 N.W. 858; *Utah Light & Traction Co. v. Public Serv. Com.* 101 Utah 99, 118 P.2d. 683.

A franchise represents the right and privilege of doing that which does not belong to citizens generally, irrespective of whether net profit accruing from the exercise of the right and privilege is retained by the franchise holder or is passed on to a state school or to political subdivisions of the state. *State ex rel. Williamson v. Garrison (Okla)* 348 P.2d. 859.

street, is not an ordinary use which everyone may make of the streets, but is a special privilege, or franchise, to be granted for the accomplishment of public objects<sup>60</sup> which, except for the grant, would be a trespass.<sup>61</sup> In this connection, the term "franchise" has sometimes been construed as meaning a grant of a right to use public property, or at least the property over which the granting authority has control.<sup>62</sup>"

[American Jurisprudence 2d., Franchises, §1: Definitions (1999)]

An example of the conveyance of "public property" for temporary use is the Social Security Number, which is identified as property NOT of the user, but of the Social Security Administration and the "public":

Title 20: Employees' Benefits  
PART 422—ORGANIZATION AND PROCEDURES  
Subpart B—General Procedures  
§422.103 Social security numbers.

(d) Social security number cards.

A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See §422.104 regarding the assignment of social security number cards to aliens.) Social security number cards are the property of SSA and must be returned upon request.

The conveyance of the Social Security Card and associated number to a private person makes that person into a "trustee" and "fiduciary" over the "public property" and creates an obligation to use everything it connects or attaches to ONLY for a "public purpose" and exclusively for the benefit of the public, who are the beneficiaries of the "public trust". He holds temporary "title" to the card while it is in his possession and loses title when he returns it to the government. SSA Form SS-5 is the method for requesting temporary custody of the public property called the Social Security Card and becoming a "trustee" over said property. You will note that the form is entitled "Application for Social Security Card" and NOT "Application for Social Security Benefits".

The ONLY definition of "income" found within the Internal Revenue Code, Section 643 is entirely consistent with the notion that it can only be earned by "trustees" or fiduciaries participating in federal franchises. The Social Security Trust, in fact, is the real "taxpayer". Those representing the trust by using the number, which is "public

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Where all persons, including corporations, are prohibited from transacting a banking business unless authorized by law, the claim of a banking corporation to exercise the right to do a banking business is a claim to a franchise. The right of banking under such a restraining act is a privilege or immunity by grant of the legislature, and the exercise of the right is the assertion of a grant from the legislature to exercise that privilege, and consequently it is the usurpation of a franchise unless it can be shown that the privilege has been granted by the legislature. People ex rel. Atty. Gen. v. Utica Ins. Co. 15 Johns (NY) 358.

<sup>60</sup> New Orleans Gaslight Co. v. Louisiana Light & H. P. & Mfg. Co., 115 U.S. 650, 29 L.Ed. 516, 6 S.Ct. 252; People's Pass. R. Co. v. Memphis City R. Co. 10 Wall (U.S.) 38, 19 L.Ed. 844; Bank of Augusta v. Earle, 13 Pet (U.S.) 519, 10 L.Ed. 274; Bank of California v. San Francisco, 142 Cal. 276, 75 P. 832; Higgins v. Downward, 8 Houst (Del.) 227, 14 A. 720, 32 A. 133; State ex rel. Watkins v. Fernandez, 106 Fla. 779, 143 So. 638, 86 A.L.R. 240; Lasher v. People, 183 Ill. 226, 55 N.E. 663; Inland Waterways Co. v. Louisville, 227 Ky. 376, 13 S.W.2d. 283; Lawrence v. Morgan's L. & T. R. & S. S. Co. 39 La. Ann. 427, 2 So. 69; Johnson v. Consolidated Gas E. L. & P. Co. 187 Md. 454, 50 A.2d. 918, 170 A.L.R. 709; Stoughton v. Baker, 4 Mass. 522; Poplar Bluff v. Poplar Bluff Loan & Bldg. Asso. (Mo.App.) 369 S.W.2d. 764; Madden v. Queens County Jockey Club, 296 N.Y. 249, 72 N.E.2d. 697, 1 A.L.R.2d. 1160, cert den 332 U.S. 761, 92 L.Ed. 346, 68 S.Ct. 63; Shaw v. Asheville, 269 N.C. 90, 152 S.E.2d. 139; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433; Henry v. Bartlesville Gas & Oil Co. 33 Okla. 473, 126 P. 725; Elliott v. Eugene, 135 Or. 108, 294 P. 358; State ex rel. Daniel v. Broad River Power Co., 157 S.C. 1, 153 S.E. 537; State v. Scougal, 3 SD 55, 51 N.W. 858; Utah Light & Traction Co. v. Public Serv. Com. 101 Utah 99, 118 P.2d. 683.

A franchise represents the right and privilege of doing that which does not belong to citizens generally, irrespective of whether net profit accruing from the exercise of the right and privilege is retained by the franchise holder or is passed on to a state school or to political subdivisions of the state. State ex rel. Williamson v. Garrison (Okla) 348 P.2d. 859.

Where all persons, including corporations, are prohibited from transacting a banking business unless authorized by law, the claim of a banking corporation to exercise the right to do a banking business is a claim to a franchise. The right of banking under such a restraining act is a privilege or immunity by grant of the legislature, and the exercise of the right is the assertion of a grant from the legislature to exercise that privilege, and consequently it is the usurpation of a franchise unless it can be shown that the privilege has been granted by the legislature. People ex rel. Atty. Gen. v. Utica Ins. Co. 15 Johns (NY) 358.

<sup>61</sup> People ex rel. Foley v. Stapleton, 98 Colo. 354, 56 P.2d. 931; People ex rel. Central Hudson Gas & E. Co. v. State Tax Com. 247 N.Y. 281, 160 N.E. 371, 57 A.L.R. 374; People v. State Tax Comrs. 174 N.Y. 417, 67 N.E. 69, affd 199 U.S. 1, 50 L.Ed. 65, 25 S.Ct. 705.

<sup>62</sup> Young v. Morehead, 314 Ky. 4, 233 S.W.2d. 978, holding that a contract to sell and deliver gas to a city into its distribution system at its corporate limits was not a franchise within the meaning of a constitutional provision requiring municipalities to advertise the sale of franchises and sell them to the highest bidder.

A contract between a county and a private corporation to construct a water transmission line to supply water to a county park, and giving the corporation the power to distribute water on its own lands, does not constitute a franchise. Brandon v. County of Pinellas (Fla App) 141 So.2d. 278.

property”, must implicitly agree to all the provisions within the trust indenture codified in Internal Revenue Code, Subtitle A and 42 U.S.C. Chapter 7.

[TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter J > PART I > Subpart A > § 643](#)  
[§ 643. Definitions applicable to subparts A, B, C, and D](#)

(b) *Income*

*For purposes of this subpart and subparts B, C, and D, **the term “income”, when not preceded by the words “taxable”, “distributable net”, “undistributed net”, or “gross”, means the amount of income of the estate or trust for the taxable year determined under the terms of the governing instrument and applicable local law.** Items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable local law shall not be considered income.*

As we alluded to in the previous section, when you sign up to the government franchise, a trust is created in which you as the natural person become the “trustee” and “public officer” or “fiduciary” serving on behalf of the government. The entities created by exercising your right to contract with the government offering the franchise usually consist of a “public office”, which is a position of trust created for the exercise of powers under the franchise agreement. For instance, in exchange for exercising your First Amendment right to politically associate and thereby registering to vote in a community, you become a “public officer”. This is confirmed by [18 U.S.C. §201\(a\)\(1\)](#):

[TITLE 18 > PART I > CHAPTER 11 > §201](#)  
[§201. Bribery of public officials and witnesses](#)

(a) *For the purpose of this section—*

*(1) **the term “public official” means** Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, **or a juror**;*

The franchise agreement then functions as the equivalent of a trust, and you become essentially an “employee” or “officer” of the trust. The trust, in turn, is a wholly owned subsidiary of the federal corporation called the “United States”, and which is defined in [28 U.S.C. §3002\(15\)\(A\)](#).

[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.

A person who is acting as an “officer” or “public officer” of the United States federal corporation then becomes “an officer of a corporation” who is subject to the laws applying to the place of incorporation of that corporation, which is the District of Columbia in the case of the federal government. [Federal Rule of Civil Procedure 17\(b\)](#) recognizes this result explicitly by stating that the laws which apply are those of the place where the corporation itself is domiciled:

[Federal Rules of Civil Procedure](#)  
[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 [a federal corporation called the “United States”, in this case], by the law under which it was organized; 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.

When you signed up to become the “trustee” of the trust by making application for the franchise or public benefit, the trust becomes a “resident” in the eyes of the government: it becomes a “thing” that is now “identified” and which is within their legislative jurisdiction and completely subject to it. Hence, it is a “RES-IDENT” within government jurisdiction. Notice that a “res” is defined above as the “object of a trust above”. They created the trust and you are simply the custodian and “trustee” over it as a “public officer”. As the Creator of the trust, they and not you have full control and discretion over it and all those who participate in it. That trust is the “public trust” created by the Constitution and all laws passed pursuant to it.

Executive Order No. 12731  
"Part 1 -- PRINCIPLES OF ETHICAL CONDUCT

"Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:

**"(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.**

TITLE 5--ADMINISTRATIVE PERSONNEL  
CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS  
PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH--  
Table of Contents  
Subpart A--General Provisions  
Sec. 2635.101 Basic obligation of public service.

**(a) Public service is a public trust.**

Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

All those who swear an oath as “public officers” are also identified as “trustees” of the “public trust”:

*“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.”* <sup>63</sup>  
**Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.** <sup>64</sup> **That is, a public officer occupies a fiduciary relationship to the political**

<sup>63</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>64</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.



entity on whose behalf he or she serves.<sup>65</sup> and owes a fiduciary duty to the public.<sup>66</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>67</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>68</sup> [63C American Jurisprudence 2d., Public Officers and Employees, §247 (1999)]

Here is another example. Any bank which accepts federal FDIC insurance becomes a “financial agent for the United States”.

[Code of Federal Regulations]  
[Title 31, Volume 2]  
[Revised as of July 1, 2006]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 31CFR202.2]  
TITLE 31--MONEY AND FINANCE: TREASURY  
CHAPTER II--FISCAL SERVICE, DEPARTMENT OF THE TREASURY  
PART 202\_DEPOSITARIES AND FINANCIAL AGENTS OF THE FEDERAL GOVERNMENT \I\  
Sec. 202.2 Designations.

(a) Financial institutions of the following classes are designated as Depositaries and Financial Agents of the Government if they meet the eligibility requirements stated in paragraph (b) of this section:

(1) Financial institutions insured by the Federal Deposit Insurance Corporation.

(2) Credit unions insured by the National Credit Union Administration.

(3) Banks, savings banks, savings and loan, building and loan, and homestead associations, credit unions created under the laws of any State, the deposits or accounts of which are insured by a State or agency thereof or by a corporation chartered by a State for the sole purpose of insuring deposits or accounts of such financial institutions, United States branches of foreign banking corporations authorized by the State in which they are located to transact commercial banking business, and Federal branches of foreign banking corporations, the establishment of which has been approved by the Comptroller of the Currency.

(b) In order to be eligible for designation, a financial institution is required to possess, under its charter and the regulations issued by its chartering authority, either general or specific authority to perform the services outlined in Sec. 202.3(b). A financial institution is required also to possess the authority to pledge collateral to secure public funds.

[44 FR 53066, Sept. 11, 1979, as amended at 46 FR 28152, May 26, 1981;  
62 FR 45521, Aug. 27, 1997]

The “privilege” or “benefit” of either receiving FDIC insurance, or recognition by the Comptroller of the Currency, or being established as a federal corporation makes the financial institute into a “Financial Agent of the Federal Government”, e.g. a TRUSTEE!

The same analogy applies to the Social Security program. When you sign up, you become a “trustee” over the “res” created by your application, and the assets committed to that res consist of all your private property donated to the res of the trust and thereby donated to a “public use” to procure the benefits of the franchise, which consists of deferred employment compensation to the trustee for managing the trust. The U.S. Supreme Court has said that when a man donates his property to a “public use”, he implicitly gives the public the right to control that use.

“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. **That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit; second, that if he devotes it to a public use, he gives to the public a right to control that**

<sup>65</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>66</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>67</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>68</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

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

If you would like to see all the proof that the Social Security system operates as a trust and you operate as a “trustee” and not “beneficiary” of that trust, read the following amazing document, which also provides a vehicle to RESIGN as trustee:

Resignation of Compelled Social Security Trustee, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

## **11.4 Example: Christianity**

The very same principles as government operates under with respect to “resident” also apply to Christianity as well. When we become Christians, we consent to the contract or covenant with God called the Bible. That covenant requires us to accept Jesus Christ as our Lord and Savior. This makes us a “resident” of Heaven and “pilgrims and sojourners” (transient foreigners) on earth:

*"For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ"*  
[[Philippians 3:20](#), Bible, NKJV]

*"Now, therefore, you are no longer strangers and foreigners [in relation to the Kingdom of Heaven], but fellow citizens with the saints and members of the household of God."*  
[[Ephesians 2:19](#), Bible, NKJV]

*"These all died in faith, not having received the promises, but having seen them afar off were assured of them, embraced them and confessed that they were strangers and pilgrims [transient foreigners] on the earth."*  
[[Hebrews 11:13](#), Bible, NKJV]

*"Beloved, I beg you as sojourners and pilgrims, abstain from fleshly lusts which war against the soul..."*  
[[1 Peter 2:11](#), Bible, NKJV]

For those who consent to the Bible covenant with God the Father, Jesus becomes our protector, spokesperson, Counselor, and Advocate before the Father. We become a Member of His family!

*Jesus' Mother and Brothers Send for Him*

*While He was still talking to the multitudes, behold, His mother and brothers stood outside, seeking to speak with Him. Then one said to Him, "Look, Your mother and Your brothers are standing outside, seeking to speak with You."*

*But He answered and said to the one who told Him, "Who is My mother and who are My brothers?" And He stretched out His hand toward His disciples and said, "Here are My mother and My brothers! For whoever does the will of My Father in heaven is My brother and sister and mother."*  
[[Matt. 12:46-50](#), Bible, NKJV]

By doing God's will on Earth and accepting His covenant or private contract with us, which is the Bible, He becomes our Father and we become His children. The law of domicile says that children assume the same domicile as their parents and are legally dependent on them:

*A person acquires a domicile of origin at birth.<sup>69</sup> The law attributes to every individual a domicile of origin,<sup>70</sup> which is the domicile of his parents,<sup>71</sup> or of the father,<sup>72</sup> or of the head of his family:<sup>73</sup> or of the person on whom*

<sup>69</sup> U.S.—Mississippi Bank of Choctaw Indians v. Holyfield, Missl, 109 S.Ct. 1597, 490 U.S. 30, 104 L.Ed.2d. 29.

<sup>70</sup> Mass.—Commonwealth v. Davis, 187 N.E. 33, 284 Mass. 41. N.Y.—In re Lydig's Estate, 180 N.Y.S. 843, 191 A.D. 117.

<sup>71</sup> Ga.—McDowell v. Gould, 144 S.E. 206, 166 Ga. 670. Iowa—In re Jones' Estate, 182 N.W. 227, 192 Iowa 78, 16 A.L.R. 1286.

<sup>72</sup> U.S.—Shishko v. State Farm. Ins. Co., D.C.Pa., 553 F.Supp. 308, affirmed 722 F.2d. 734 and Appeal of Shishko, 722 F.2d. 734.

<sup>73</sup> N.Y.—Cohen v. Delaware, L. & W.R. Co., 269 N.Y.S. 667, 160 Misc. 450.

he is legally dependent,<sup>74</sup> at the time of his birth. While the domicile of origin is generally the place where one is born<sup>75</sup> or reared,<sup>76</sup> may be elsewhere.<sup>77</sup> The domicile of origin has also been defined as the primary domicile of every person subject to the common law.<sup>78</sup>  
[Corpus Juris Secundum (C.J.S.), Domicile, §7, p. 36 (2003);  
SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>]

The legal dependence they are talking about is God's Law, which then becomes our main source of protection and dependence on God. We as believers then recognize Jesus' existence as a "thing" we "identify" in our daily life and in return, He recognizes our existence before the Father. Here is what He said on this subject as proof:

*Confess Christ Before Men*

"Therefore whoever confesses Me [recognizes My legal existence under God's law, the Bible, and acknowledges My sovereignty] before men, him I will also confess before My Father who is in heaven. But whoever denies Me before men, him I will also deny before My Father who is in heaven."  
[Matt. 10:32-33, Bible, NKJV]

Below are some scriptural references that prove that all those who have availed themselves of the salvation franchise become "fiduciaries" of God.

"Not everyone who says to Me, 'Lord, Lord,' shall enter the kingdom of heaven, but he who does the will of My Father in heaven."  
[Jesus in [Matt. 7:21](#), Bible, NKJV]

"He who has [understands and learns] My commandments [laws in the Bible (OFFSITE LINK)] and keeps them, it is he who loves Me. And he who loves Me will be loved by My Father, and I will love him and manifest Myself to him."  
[[John 14:21](#), Bible, NKJV]

"And we have known and believed the love that God has for us. God is love, and he who abides in love [obedience to God's Laws] abides in [and is a FIDUCIARY of] God, and God in him."  
[[1 John 4:16](#), Bible, NKJV]

"Now by this we know that we know Him [God], if we keep His commandments. He who says, "I know Him," and does not keep His commandments, is a liar, and the truth is not in him. But whoever keeps His word, truly the love of God is perfected in him. By this we know that we are in Him [His fiduciaries]. He who says he abides in Him [as a fiduciary] ought himself also to walk just as He [Jesus] walked."  
[[1 John 2:3-6](#), Bible, NKJV]

All of the following phrases above prove the existence of a fiduciary relation and/or agency:

"... he who does the will of My Father in heaven."

"God is love, and he who abides in love [obedience to God's Laws] abides in [and is a FIDUCIARY of] God, and God in him."

"But whoever keeps His word, truly the love of God is perfected in him. By this we know that we are in Him [His fiduciaries]."

In conclusion, you CAN'T claim to love God and therefore be a recipient of His gift of salvation WITHOUT becoming His fiduciary, steward, agent, and ambassador on a foreign mission to an alien planet: Earth! Furthermore, the Bible also implies that we CANNOT serve as an agent or fiduciary of ANYONE except the true and living God!:

<sup>74</sup> N.C.—Hall v. Wake County Bd. Of Elections, 187 S.E.2d. 52, 280 N.C. 600.

<sup>75</sup> U.S.—Gregg v. Louisiana Power and Light Co., C.A.La., 626 F.2d. 1315.

<sup>76</sup> Ky.—Johnson v. Harvey, 88 S.W.2d. 42, 261 Ky. 522.

<sup>77</sup> S.C. Cribbs v. Floyud, 199 S.E. 677, 188 S.C. 443.

<sup>78</sup> N.Y.—In re McElwaine's Will, 137 N.Y.S. 681, 77 Misc. 317.

1 "You shall have no other gods before Me.

2 "You shall not make for yourself a carved image--any likeness of anything that is in heaven above, or that is in  
3 the earth beneath, or that is in the water under the earth; **5you shall not bow down to them nor Serve**  
4 **[worship or act as an AGENT for] them.** For I, the LORD your God, am a jealous God,  
5 visiting the iniquity of the fathers upon the children to the third and fourth generations of those who hate Me,  
6 <sup>6</sup>but showing mercy to thousands, to those who love Me and keep My commandments."  
7 [Exodus 20:3-4, Bible, NKJV]

8 The above is also confirmed by the following scripture:

9 "Do not fear, for you will not be ashamed; neither be disgraced, for you will not be put to shame; for you will  
10 forget the shame of your youth, and will not remember the reproach of your widowhood anymore. **For your**  
11 **Maker is your husband, the Lord of hosts is His name; and your Redeemer is the Holy One of Israel; He is**  
12 **called the God of the whole earth,** for the Lord has called you like a woman forsaken and grieved in spirit, like  
13 a youthful wife when you were refused," says your God. "For a mere moment I have forsaken you, but with great  
14 mercies I will gather you. With a little wrath I hid My face from you for a moment; but with everlasting kindness  
15 I will have mercy on you," says the Lord, your Redeemer."  
16 [Isaiah 54:4-8, Bible, NKJV]

17 The California Family Code identifies those who are married as the equivalent of business partners with a fiduciary  
18 duty towards each other. Therefore, they are agents, fiduciaries, and "trustees" of each other acting in the other's  
19 best interest, not unlike we must act in relation to God as one of his children, stewards, and agents:

20 California Family Code  
21 Section 721

22 (b) Except as provided in Sections 143, 144, 146, 16040, and 16047 of the Probate Code, in transactions between  
23 themselves, a husband and wife are subject to the general rules governing fiduciary relationships which control  
24 the actions of persons occupying confidential relations with each other. This confidential relationship imposes a  
25 duty of the highest good faith and fair dealing on each spouse, and neither shall take any unfair advantage of the  
26 other. This confidential relationship is a fiduciary relationship subject to the same rights and duties of nonmarital  
27 business partners, as provided in Sections 16403, 16404, and 16503 of the Corporations Code, including, but not  
28 limited to, the following:  
29 [SOURCE: [http://www.leginfo.ca.gov/cgi-](http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=3893365889+0+0+0&WAISection=retrieve)  
30 [bin/waisgate?WAISdocID=3893365889+0+0+0&WAISection=retrieve](http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=3893365889+0+0+0&WAISection=retrieve)]

31 The above family code is a franchise, because you cannot become subject to it without first voluntarily applying  
32 for and accepting a "marriage license". There is no such thing in California as "common law marriage", and so  
33 you can't come under the jurisdiction of the California Family Code franchise without explicitly consenting in  
34 writing. This licensed marriage creates a fiduciary duty and "trustee" relation between the THREE parties, one  
35 of whom is the government. This is further explained in the document below:

<p><u>Sovereign Christian Marriage</u>, Form #13.009 <a href="http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm">http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm</a></p>
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## 36 **11.5 Example: Opening a Bank Account**

37 Let's use a simple example to illustrate our point in relation to the world. You want to open a checking account  
38 at a bank. You go to the bank to open the account. The clerk presents you with an agreement that you must sign  
39 before you open the account. If you won't sign the agreement, then the clerk will tell you that they can't open an  
40 account for you. Before you sign the account agreement, the bank doesn't know anything about you and you  
41 don't have an account there, so you are the equivalent of an "alien". An "alien" is someone the bank will not  
42 recognize or interact with or help. They can only lawfully help "customers", not "aliens". After you exercise  
43 your right to contract by signing the bank account agreement, then you now become a "resident" of the bank. You  
44 are a "resident" because:

1. You are a “thing” that they can now “identify” in their computer system and their records because you have an “account” there. They now know your name and “account number” and will recognize you when you walk in the door to ask for help.
2. They issued you an ATM card and a PIN so you can control and manage your “account”. These things that they issued you are the “privileges” associated with being party to the account agreement. No one who is not party to such an agreement can avail themselves of such “privileges”.
3. The account agreement gives you the “privilege” to demand “services” from the bank of one kind or another. The legal requirement for the bank to perform these “services” creates the legal equivalent of “agency” on their part in doing what you want them to do. In effect, you have “hired” them to perform a “service” that you want and need.
4. The account agreement gives the bank the legal right to demand certain behaviors out of you of one kind or another. For instance, you must pay all account fees and not overdraw your account and maintain a certain minimum balance. The legal requirement to perform these behaviors creates the legal equivalent of “agency” on your part in respect to the bank.
5. The legal obligations created by the account agreement give the two parties to it legal jurisdiction over each other defined by the agreement or contract itself. The contract fixes the legal relations between the parties. If either party violates the agreement, then the other party has legal recourse to sue for exceeding the bounds of the “contractual agency” created by the agreement. Any litigation that results must be undertaken consistent with what the agreement authorizes and in a mode or “forum” (e.g. court) that the agreement specifies.

## 11.6 Summary

The government does things exactly the same way as how Christianity itself functions: They have created a civil religion that is a substitute for and a violation of God’s law and plan for society. In that sense, they are a counterfeit of God’s Biblical plan and a cheap, satanic imitation. Satan has always been an imitator of God’s creation. The only difference is the product they deliver. The bank delivers financial services, and the government delivers “protection” and “social” services. The account number is the social security number. You can’t have or use a Social Security Number and avail yourself of its benefits without consenting to the jurisdiction of the franchise agreement and trust document that authorized its’ issuance, which is the Social Security Act found in Title 42 of the U.S. Code.

CALIFORNIA CIVIL CODE  
DIVISION 3. OBLIGATIONS  
PART 2. CONTRACTS  
CHAPTER 3. CONSENT  
[Section 1589](#)

*1589. A voluntary acceptance of the benefit of a [government benefit] transaction is equivalent to a consent to all the obligations [and legal liabilities] arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

Therefore, you can’t avail yourself of the “privileges” associated with the Social Security account agreement without also being a “resident” of the “United States”, which means an alien who has signed a contract to procure services from the government. That contract can be explicit, which means a contract in writing, or implicit, meaning that it is created through your behavior. For instance, if you drive on the roads within a state, that act implied your consent to be bound by the vehicle code of that state. In that sense, driving a car became a voluntary exercise of your right to contract.

A mere innocent act can imply or trigger “constructive consent” to a legal contract, and in many cases, you may not even be aware that you are exercising your right to contract. Watch out! For instance, the criminal code in your state behaves like a contract. The “police” are simply there to enforce the contract. As a matter of fact, their job was created by that contract. This is called the “police power” of the state. If you do not commit any of the acts in the criminal or penal code, then you are not subject to it and it is “foreign” to you. You become the equivalent of a “resident” within the criminal code and subject to the legislative jurisdiction of that code ONLY by committing a “crime” identified within it. That “crime” triggers “constructive consent” to the terms of the contract and all the obligations that flow from it, including prison time and a court trial. This analysis helps to establish that in a free society, all law is a contract of one form or another, because it can only be passed by the consent of the majority of those who will be subject to it. The people who will be subject to the laws of a “state”



are those with a “domicile” or “residence” within the jurisdiction of that “state”. Those who don’t have such a “domicile” or “residence” and who are therefore not subject to the civil laws of that state are called “transient foreigners”. This is a very interesting subject that we find most people are simply fascinated with, because it helps to emphasize the “voluntary nature” of all law.

## 12 Legal standing and status of corporations in Federal Courts

### 12.1 Corporations are statutory but not constitutional “citizens”

In law, all corporations are considered to be statutory but not constitutional “citizens” or “residents” of the place they were incorporated and of that place ONLY:

*"A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only."*

*[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]*

*"It is very true that a corporation can have no legal existence [STATUS such as STATUTORY “citizen” or “resident”] 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)]*

Statutory citizenship, however, does not derive from citizenship under the constitution of a state of the Union. The types of “citizens” spoken of in the United States Constitution are ONLY biological people and not artificial creations such as corporations. Here is what the Annotated Fourteenth Amendment published by the Congressional Research Service has to say about this subject:

*“Citizens of the United States within the meaning of this Amendment must be natural and not artificial persons; a corporate body is not a citizen of the United States.”<sup>14</sup>*

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

*[Annotated Fourteenth Amendment, Congressional Research Service.*

*SOURCE: [http://www.law.cornell.edu/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]*

### 12.2 Corporations cannot sue in a CONSTITUTIONAL federal court and may only sue in a STATUTORY franchise court

Provisions of the United States Constitution dealing with the capacity to sue or be sued in federal court dictate that ONLY CONSTITUTIONAL “citizens” or “residents” may entertain suits in Article III federal court:

*U.S. Constitution, Article III, Section 2*

*The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;-- between a State and Citizens of another State;--between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.*

1 The U.S. Supreme Court has repeatedly held that the “citizen” or “resident” they are talking about in the above  
2 provision is CONSTITUTIONAL and not STATUTORY in nature.

3 *It is important that the style and character of this party litigant, as well as the source and manner of its existence,*  
4 *be borne in mind, as both are deemed material in considering the question of the jurisdiction of this court, and of*  
5 *the Circuit Court. It is important, too, to be remembered, that the question here raised stands wholly unaffected*  
6 *by any legislation, competent or incompetent, which may have been attempted in the organization of the courts*  
7 *of the United States; but depends exclusively upon the construction of the 2d section of the 3d article of the*  
8 *Constitution, which defines the judicial power of the United States; first, with respect to the subjects embraced*  
9 *within that power; and, secondly, with respect to those whose character may give them access, as parties, to the*  
10 *courts of the United States. In the second branch of this definition, we find the following enumeration, as*  
11 *descriptive of those whose position, as parties, will authorize their pleading or being impleaded in those courts;*  
12 *and this position is limited to "controversies to which the United States are a party; controversies 97\*97 between*  
13 *two or more States, — between citizens of different States, — between citizens of the same State, claiming lands*  
14 *under grants of different States, — and between the citizens of a State and foreign citizens or subjects."*

15 *Now, it has not been, and will not be, pretended, that this corporation can, in any sense, be identified with the*  
16 *United States, or is endowed with the privileges of the latter; or if it could be, it would clearly be exempted from*  
17 *all liability to be sued in the Federal courts. Nor is it pretended, that this corporation is a State of this Union;*  
18 *nor, being created by, and situated within, the State of New Jersey, can it be held to be the citizen or subject of a*  
19 *foreign State. It must be, then, under that part of the enumeration in the article quoted, which gives to the*  
20 *courts of the United States jurisdiction in controversies between citizens of different States, that either the*  
21 *Circuit Court or this court can take cognizance of the corporation as a party; and this is, in truth, the sole*  
22 *foundation on which that cognizance has been assumed, or is attempted to be maintained. The proposition,*  
23 *then, on which the authority of the Circuit Court and of this tribunal is based, is this: The Delaware and*  
24 *Raritan Canal Company is either a citizen of the United States, or it is a citizen of the State of New Jersey.*  
25 *This proposition, startling as its terms may appear, either to the legal or political apprehension, is undeniably*  
26 *the basis of the jurisdiction asserted in this case, and in all others of a similar character, and must be*  
27 *established, or that jurisdiction wholly fails. Let this proposition be examined a little more closely.*

28 *The term citizen will be found rarely occurring in the writers upon English law; those writers almost universally*  
29 *adopting, as descriptive of those possessing rights or sustaining obligations, political or social, the term subject,*  
30 *as more suited to their peculiar local institutions. But, in the writers of other nations, and under systems of polity*  
31 *deemed less liberal than that of England, we find the term citizen familiarly reviving, and the character and the*  
32 *rights and duties that term implies, particularly defined. Thus, Vattel, in his 4th book, has a chapter, (cap. 6th,) the title of which is: "The concern a nation may have in the actions of her citizens." A few words from the text of*  
33 *that chapter will show the apprehension of this author in relation to this term. "Private persons," says he, "who*  
34 *are members of one nation, may offend and ill-treat the citizens of another; it remains for us to examine what*  
35 *share a state may have in the actions of her citizens, and what are the rights and obligations of sovereigns in that*  
36 *respect." And again: "Whoever uses a citizen ill, indirectly offends the state, which is bound to protect this*  
37 *citizen." The meaning of the term citizen 98\*98 or subject, in the apprehension of English jurists, as indicating*  
38 *persons in their natural character, in contradistinction to artificial or fictitious persons created by law, is*  
39 *further elucidated by those jurists, in their treatises upon the origin and capacities and objects of those artificial*  
40 *persons designated by the name of corporations. Thus, Mr. Justice Blackstone, in the 18th chapter of his 1st*  
41 *volume, holds this language: "We have hitherto considered persons in their natural capacities, and have treated*  
42 *of their rights and duties. But, as all personal rights die with the person; and, as the necessary forms of investing*  
43 *a series of individuals, one after another, with the same identical rights, would be inconvenient, if not*  
44 *impracticable; it has been found necessary, when it is for the advantage of the public to have any particular*  
45 *rights kept on foot and continued, to constitute artificial persons, who maintain a perpetual succession, and*  
46 *enjoy a kind of legal immortality. These artificial persons are called corporations."*  
47

48 *This same distinguished writer, in the first book of his Commentaries, p. 123, says, "The rights of persons are*  
49 *such as concern and are annexed to the persons of men, and when the person to whom they are due is regarded,*  
50 *are called simply rights; but when we consider the person from whom they are due, they are then denominated,*  
51 *duties," And again, cap. 10th of the same book, treating of the PEOPLE, he says, "The people are either aliens,*  
52 *that is, born out of the dominions or allegiance of the crown; or natives, that is, such as are born within it." Under*  
53 *our own systems of polity, the term, citizen, implying the same or similar relations to the government and to*  
54 *society which appertain to the term, subject, in England, is familiar to all. Under either system, the term used is*  
55 *designed to apply to man in his individual character, and to his natural capacities; to a being, or agent,*  
56 *possessing social and political rights, and sustaining, social, political, and moral obligations. It is in this*  
57 *acceptation only, therefore, that the term, citizen, in the article of the Constitution, can be received and*  
58 *understood. When distributing the judicial power, that article extends it to controversies between citizens of*  
59 *different States. This must mean the natural physical beings composing those separate communities, and can,*  
60 *by no violence of interpretation, be made to signify artificial, incorporeal, theoretical, and invisible creations.*  
61 *A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible,*  
62 *cannot be a citizen of a State, or of the United States, and cannot fall within the terms or the power of the*  
63 *above-mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States.*  
64 *Against this position it may be urged, that the 99\*99 converse thereof has been ruled by this court, and that this*  
65 *matter is no longer open for question. In answer to such an argument, I would reply, that this is a matter involving*  
66 *a construction of the Constitution, and that wherever the construction or the integrity of that sacred instrument*

1 is involved, I can hold myself trammelled by no precedent or number of precedents. That instrument is above all  
2 precedents; and its integrity every one is bound to vindicate against any number of precedents, if believed to  
3 trench upon its supremacy. Let us examine into what this court has propounded in reference to its jurisdiction in  
4 cases in which corporations have been parties; and endeavor to ascertain the influence that may be claimed for  
5 what they have heretofore ruled in support of such jurisdiction. The first instance in which this question was  
6 brought directly before this court, was that of the Bank of the United States v. Deveaux, 5 Cranch, 61. An  
7 examination of this case will present a striking instance of the error into which the strongest minds may be led,  
8 whenever they shall depart from the plain, common acceptance of terms, or from well ascertained truths, for the  
9 attainment of conclusions, which the subtlest ingenuity is incompetent to sustain. This criticism upon the decision  
10 in the case of the Bank v. Deveaux, may perhaps be shielded from the charge of presumptuousness, by a  
11 subsequent decision of this court, hereafter to be mentioned. In the former case, the Bank of the United States,  
12 a corporation created by Congress, was the party plaintiff, and upon the question of the capacity of such a  
13 party to sue in the courts of the United States, this court said, in reference to that question, "The jurisdiction  
14 of this court being limited, so far as respects the character of the parties in this particular case, to controversies  
15 between citizens of different States, both parties must be citizens, to come within the description. That invisible,  
16 intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen, and  
17 consequently cannot sue or be sued in the courts of the United States, unless the rights of the members in this  
18 respect can be exercised in their corporate name. If the corporation be considered as a mere faculty, and not  
19 as a company of individuals, who, in transacting their business, may use a legal name, they must be excluded  
20 from the courts of the Union." The court having shown the necessity for citizenship in both parties, in order to  
21 give jurisdiction; having shown farther, from the nature of corporations, their absolute incompatibility with  
22 citizenship, attempts some qualification of these indisputable and clearly stated positions, which, if intelligible at  
23 all, must be taken as wholly subversive of the positions so laid down. After stating the requisite of citizenship, and  
24 showing that a corporation 100\*100 cannot be a citizen, "and consequently that it cannot sue or be sued in the  
25 courts of the United States," the court goes on to add, "unless the rights of the members can be exercised in their  
26 corporate name." Now, it is submitted that it is in this mode only, viz. in their corporate name, that the rights of  
27 the members can be exercised; that it is this which constitutes the character, and being, and functions of a  
28 corporation. If it is meant beyond this, that each member, or the separate members, or a portion of them, can take  
29 to themselves the character and functions of the aggregate and merely legal being, then the corporation would  
30 be dissolved; its unity and perpetuity, the essential features of its nature, and the great objects of its existence,  
31 would be at an end. It would present the anomaly of a being existing and not existing at the same time. This  
32 strange and obscure qualification, attempted by the court, of the clear, legal principles previously announced by  
33 them, forms the introduction to, and apology for, the proceeding, adopted by them, by which they undertook to  
34 adjudicate upon the rights of the corporation, through the supposed citizenship of the individuals interested in  
35 that corporation. They assert the power to look beyond the corporation, to presume or to ascertain the residence  
36 of the individuals composing it, and to model their decision upon that foundation. In other words, they affirm that  
37 in an action at law, the purely legal rights, asserted by one of the parties upon the record, may be maintained by  
38 showing or presuming that these rights are vested in some other person who is no party to the controversy before  
39 them.

40 Thus stood the decision of the Bank of the United States v. Deveaux, wholly irreconcilable with correct definition,  
41 and a puzzle to professional apprehension, until it was encountered by this court, in the decision of the Louisville  
42 and Cincinnati Railroad Company v. Letson, reported in 2 Howard, 497. In the latter decision, the court, unable  
43 to untie the judicial entanglement of the Bank and Deveaux, seem to have applied to it the sword of the conqueror;  
44 but, unfortunately, in the blow they have dealt at the ligature which perplexed them, they have severed a portion  
45 of the temple itself. They have not only contravened all the known definitions and adjudications with respect to  
46 the nature of corporations, but they have repudiated the doctrines of the civilians as to what is imported by the  
47 term subject or citizen, and repealed, at the same time, that restriction in the Constitution which limited the  
48 jurisdiction of the courts of the United States to controversies between "citizens of different States." They have  
49 asserted that, "a corporation created by, and transacting business in a State, is to be deemed an inhabitant of the  
50 State, capable of being treated 101\*101 as a citizen, for all the purposes of suing and being sued, and that an  
51 averment of the facts of its creation, and the place of transacting its business, is sufficient to give the circuit  
52 court's jurisdiction.

53 The first thing which strikes attention, in the position thus affirmed, is the want of precision and perspicuity in its  
54 terms. The court affirm that a corporation created by, and transacting business within a State, is to be deemed  
55 an inhabitant of that State. But the article of the Constitution does not make inhabitancy a requisite of the  
56 condition of suing or being sued; that requisite is citizenship. Moreover, although citizenship implies the right  
57 of residence, the latter by no means implies citizenship. Again, it is said that these corporations may be treated  
58 as citizens, for the purpose of suing or being sued. Even if the distinction here attempted were comprehensible, it  
59 would be a sufficient reply to it, that the Constitution does not provide that those who may be treated as citizens,  
60 may sue or be sued, but that the jurisdiction shall be limited to citizens only; citizens in right and in fact. The  
61 distinction attempted seems to be without meaning, for the Constitution or the laws nowhere define such a  
62 being as a quasi citizen, to be called into existence for particular purposes; a being without any of the attributes  
63 of citizenship, but the one for which he may be temporarily and arbitrarily created, and to be dismissed from  
64 existence the moment the particular purposes of his creation shall have been answered. In a political, or legal  
65 sense, none can be treated or dealt with by the government as citizens, but those who are citizens in reality. It  
66 would follow, then, by necessary induction, from the argument of the court, that as a corporation must be treated  
67 as a citizen, it must be so treated to all intents and purposes, because it is a citizen. Each citizen (if not under old  
68 governments) certainly does, under our system of polity, possess the same rights and faculties, and sustain the  
69 same obligations, political, social, and moral, which appertain to each of his fellow-citizens. As a citizen, then,

of a State, or of the United States, a corporation would be eligible to the State or Federal legislatures; and if created by either the State or Federal governments, might, as a native-born citizen, aspire to the office of President of the United States — or to the command of armies, or fleets, in which last example, so far as the character of the commander would form a part of it, we should have the poetical romance of the spectre ship realized in our Republic. And should this incorporeal and invisible commander not acquit himself in color or in conduct, we might see him, provided his arrest were practicable, sent to answer his delinquencies before a court-martial, and subjected to the penalties 102\*102 of the articles of war. Sir Edward Coke has declared, that a corporation cannot commit treason, felony, or other crime; neither is it capable of suffering a traitor's or felon's punishment; for it is not liable to corporeal penalties — that it can perform no personal duties, for it cannot take an oath for the due execution of an office; neither can it be arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of the law now treated as antiquated and obsolete. His lordship did not anticipate an improvement by which a corporation could be transformed into a citizen, and by that transformation be given a physical existence, and endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from the decisions of the cases of the Bank of the United States v. Deveaux, and of the Cincinnati and Louisville Railroad Company v. Letson, afford some illustration of the effects which must ever follow a departure from the settled principles of the law. These principles are always traceable to a wise and deeply founded experience; they are, therefore, ever consentaneous, and in harmony with themselves and with reason; and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion. Conducted by these principles, consecrated both by time and the obedience of sages, I am brought to the following conclusions: 1st. That by no sound or reasonable interpretation, can a corporation — a mere faculty in law, be transformed into a citizen, or treated as a citizen. 2d. That the second section of the third article of the Constitution, investing the courts of the United States with jurisdiction in controversies between citizens of different States, cannot be made to embrace controversies to which corporations and not citizens are parties; and that the assumption, by those courts, of jurisdiction in such cases, must involve a palpable infraction of the article and section just referred to. 3d. That in the cause before us, the party defendant in the Circuit Court having been a corporation aggregate, created by the State of New Jersey, the Circuit Court could not properly take cognizance thereof; and, therefore, this cause should be remanded to the Circuit Court, with directions that it be dismissed for the want of jurisdiction.

[Rundle Et Al v. Delaware and Raritan Canal Company, 55 U.S. 80 (1852)]

### **12.3 Only PRIVATE natural beings can sue in CONSTITUTIONAL court and they must privately invoke the RIGHTS of the corporation franchise in doing so**

The following case mentioned in the above case also establishes that when someone sues in an Article III CONSTITUTIONAL court, they must do so in their own name as a natural being and invoke rights associated with the corporation. They cannot sue as a corporation, even if they are officers:

"Aliens, or citizens of different states, are not less susceptible of these apprehensions, nor can they be supposed to be less the objects of constitutional provision, because they are allowed to sue by a corporate name. That name, indeed, cannot be an alien or a citizen; but the persons whom it represents may be the one or the other; and the controversy is, in fact and in law, between those persons suing in their corporate character, by their corporate name, for a corporate right, and the individual against whom the suit may be instituted. Substantially \*88 and essentially, the parties in such a case, where the members of the corporation are aliens, or citizens of a different state from the opposite party, come within the spirit and terms of the jurisdiction conferred by the constitution on the national tribunals."

[. . .]

If the constitution would authorize congress to give the courts of the union jurisdiction in this case, in consequence of the character of the members of the corporation, then the judicial act ought to be construed to give it. For the term citizen ought to be understood as it is used in the constitution, and as it is used in other laws. That is, to describe the real persons who come into court, in this case, under their corporate name.

That corporations composed of citizens are considered by the legislature as citizens, under certain [STATUTORY but not CONSTITUTIONAL] circumstances, is to be strongly inferred from the registering act. It never could be intended that an American registered vessel, abandoned to an insurance company composed of citizens, should lose her character as an American vessel; and yet this would be the consequence of declaring that the members of the corporation were, to every intent and purpose, out of view, and merged in the corporation.



The court feels itself authorized by the case in 12 Mod. on a question of jurisdiction, to look to 92\*92 the character of the individuals who compose the corporation, and they think that the precedents of this court, though they were not decisions on argument, ought not to be absolutely disregarded."  
[Bank of United States v. Deveaux, 9 U.S. 61(1809)]

We wish to emphasize that if you face a corporation in a federal court and they plead in their own name instead of as individuals representing the corporation, then you can only do so in an Article IV, Section 3, Clause 2 franchise court and against a FEDERAL corporation domiciled in the District of Columbia and NOT within any state of the Union. Examples of such Article IV and/or franchise courts include:

1. "United States District Courts". Only "District Courts of the United States" as identified in Article III are CONSTITUTIONAL courts. There are no such courts remaining after they were disestablished in the early 1900's.

*The term 'District Courts of the United States,' as used in the rules, without an addition expressing a wider connotation, has its historic significance. **It describes the constitutional courts created under article 3 of the Constitution. Courts of the Territories are legislative [FRANCHISE] courts, properly speaking, and are not District Courts of the United States.** We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Courts of the United States does not make it a 'District Court of the United States.'* Reynolds v. United States, 98 U.S. 145, 154; The City of Panama, 101 U.S. 453, 460; In re Mills, 135 U.S. 263, 268, 10 S.Ct. 762; McAllister v. United States, 141 U.S. 174, 182, 183 S., 11 S.Ct. 949; Stephens v. Cherokee Nation, 174 U.S. 445, 476, 477 S., 19 S.Ct. 722; Summers v. United States, 231 U.S. 92, 101, 102 S., 34 S.Ct. 38; United States v. Burroughs, 289 U.S. 159, 163, 53 S.Ct. 574. Not only did the promulgating order use the term District Courts of the United States in its historic and proper sense, but the omission of provision for the application of the rules to the territorial courts and other courts mentioned in the authorizing act clearly shows the limitation that was intended.  
[Mookini v. United State, 303 U.S. 201 (1938)]

2. Circuit Courts of the United States acting in their appellate jurisdiction. These are presumed to be LEGISLATIVE FRANCHISE courts because no enactment of congress EXPRESSLY establishes them with Article III jurisdiction. The only capacity in which they can act as Article III courts is under Supreme Court Rule 17, when a traveling supreme court justice hears the case.

Rule 17.  
Procedure in an Original Action

1. This Rule applies only to an action invoking the Court's original jurisdiction under Article III of the Constitution of the United States. See also 28 U.S.C. §1251 and U.S. Const., Amdt. 11. A petition for an extraordinary writ in aid of the Court's appellate jurisdiction shall be filed as provided in Rule 20.

3. U.S. Supreme Court in its APPELLATE jurisdiction from lower district courts. Only when acting in the ORIGINAL jurisdiction can it act in an Article III capacity.

[TITLE 28 > PART IV > CHAPTER 81 > § 1251](#)  
[§ 1251. Original jurisdiction](#)

(a) The Supreme Court shall have original and exclusive jurisdiction of all controversies between two or more States.

(b) The Supreme Court shall have original but not exclusive jurisdiction of:

- (1) All actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of foreign states are parties;
- (2) All controversies between the United States and a State;
- (3) All actions or proceedings by a State against the citizens of another State or against aliens.

4. United States Tax Court. This court is an Article I franchise court per 26 U.S.C. §7441.

The subject of whether a court is an Article III CONSTITUTIONAL court or an Article IV STATUTORY/FRANCHISE court is exhaustively dealt with in the following document:

[Government Instituted Slavery Using Franchises](#), Form #05.030, Section 21  
<http://sedm.org/Forms/FormIndex.htm>



The content of this section explains why:

1. Corporations are considered franchises of the government and officers of the corporation are public officers: Because the common law and constitutional law do not permit them to be regulated so they must join the government and be regulated through franchise contracts.
2. You cannot sue the government, which is a corporation, without its consent: It DOESN'T PHYSICALLY EXIST and therefore can only act through REAL agents and officers!
3. When the government violates your right, you have to sue the HUMAN BEING who injured you and not the "government" or "United States" as a legal person.
4. The IRS cannot lawfully enforce against PRIVATE people and can only enforce against those who HAVE and who USE government license numbers. The SSN and TIN act as de facto licenses to exercise the functions of a public office within the "U.S. Inc." federal corporation identified in 28 U.S.C. §3002(15)(A).
5. The "United States" government is identified as a "foreign corporation" in relation to a Constitutional State: because all those inside the state are statutory aliens and it is "foreign" not only in CONSTITUTIONAL STATE courts, but also CONSTITUTIONAL FEDERAL courts! Anything that DOESN'T LEGALLY EXIST is ALWAYS "foreign".

*"The United States government is a foreign corporation with respect to a state"*  
[19 Corpus Juris Secundum (C.J.S.), Corporations, §§883-884 (2003)]

6. When the government prosecutes a crime, it must do so in the name of a specific, flesh and blood injured person.
7. When the government sues in federal civil court, they name "United States of America" as the Plaintiff, which is a PRIVATE corporation incorporated in the state of Delaware rather than a de jure government. See:

SEDM Exhibit #08.007  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

Keep in mind also the following crucial facts if you face the government in a federal CONSTITUTIONAL court as defendant or respondent:

1. Because only INDIVIDUALS can sue in federal court under diversity of citizenship, then their case has to be dismissed since they are not a natural being.
2. If they defend your request to dismiss the case against you in federal civil court by stating that the court is an Article IV legislative franchise court, then they also have to satisfy the burden of proving that:
  - 2.1. The matter involves a public right.
  - 2.2. You were lawfully elected or appointed to a public office and are therefore surety for the office exercising the right.
  - 2.3. You were domiciled on federal territory at the time you were elected or appointed, so that you could "alienate" an otherwise "inalienable right" and become a public officer.

## 12.4 Legal status of shareholders of corporations

All those who own stock in a corporation are considered as being contractors of the government.

*The court held that the first company's charter was a contract between it and the state, within the protection of the constitution of the United States, and that the charter to the last company was therefore null and void., Mr. Justice DAVIS, delivering the opinion of the court, said that, if anything was settled by an unbroken chain of decisions in the federal courts, it was that an act of incorporation was a contract between the state and the stockholders, 'a departure from which now would involve dangers to society that cannot be foreseen, would shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect which has always been felt for the judicial department of the government.'*  
[New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885) ]

## 13 How Legitimate De Jure Governments are transformed into De Facto Private Corporations

This section will explain in greater detail the techniques described at the end of section 1 for transforming a legitimate de jure government into a de facto private corporation.

## 13.1 Background

Going along with the notion of corporatization of the government is privatization of the government. By privatization, we mean that:

1. Franchises are used to UNLAWFULLY recruit and procure new public officers of the private corporate government. When people sign up for franchises, they:
  - 1.1. Change their status and their domicile from foreign to domestic in relation to the national government under Federal Rule of Civil Procedure 17(b).
  - 1.2. Abandon the body politic and join the body corporate as an officer of the federal corporation participating in franchises. The Beast is really just a for-profit de facto corporation impersonating a de jure government. As the Bible would say "It has a form of godliness, but denies the power [of the PEOPLE who created it] thereof."
  - 1.3. Abandon the rights protected by the Constitution and voluntarily exchange them for statutory privileges as a public officer in the government. Since all governments are corporations, then those receiving government benefits are "officers of a corporation" under 26 U.S.C. §6671(b) and 26 U.S.C. §7343. It is otherwise illegal to pay PUBLIC funds to private persons, so you must become a "public officer" and a "public person" to receive payments or "benefits" from the government.
2. Statutory "U.S. citizens" and "permanent residents" with a domicile in the "United States" are treated as de facto officers of a private federal corporation.
  - 2.1. They hired on as "employees" (5 U.S.C. §2105(a)) and public officers the minute they filled out a government form describing themselves as "U.S. citizens".
  - 2.2. Choosing the "U.S. citizen" status is the method by which they politically and legally associated with the body corporate but NOT the body politic.
  - 2.3. All the statutes passed by the corporation are special law and private law that can only lawfully apply to officers of the corporation called statutory "U.S. citizens" under 8 U.S.C. §1401. In that sense, nearly all law is just corporate policy disguised to look like public law that applies to those who don't work for the corporation. See:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>
  - 2.4. Government agencies will summarily deny service to those who are not officers of the corporation called by impeding or refusing the processing of any government form submitted that does not describe the applicant as an officer of the corporation called a statutory "U.S. citizen".
  - 2.5. Information returns such as IRS Forms W-2, 1042-S, 1098, and 1099 connected with tax administration are being used to involuntarily "elect" formerly private parties into public office within the federal government without their consent. Since these returns are filed annually, people are "elected" annually into public office within the private corporate government. 26 U.S.C. §6041(a) says these information returns can only be lawfully filed for those engaged in a "trade or business", which in turn is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". If you don't rebut these usually false reports, then you just got elected and will not only NOT receive compensation, but will have to PAY for the "privilege" of occupying said public office under the terms of the Internal Revenue Code, Subtitles A and C public officer kickback program, franchise, and "employment" agreement. See:

*Correcting Erroneous Information Returns*, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>
3. The state and federal governments we have now are private, for-profit corporations that are PRETENDING to be "public trusts" for the equal benefit of all, but really only benefit the rulers:
  - 3.1. These corporations are no longer tied to a territory or land mass. After the Civil War and the enactment of the first federal income tax in 1862 and the corporatization of the U.S. government in 1871, all the states of the Union rewrote their constitutions to remove references to their territorial boundaries and became corporations with no territory. In a sense, they divorced themselves from the land and became a strictly political entity. Everything they do is a consequence of contract and consent, and contracts know no place. These contracts consist of franchise agreements, and all franchises are the subject of a contract<sup>79</sup>:

<sup>79</sup> Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196; Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; Arkansas-Missouri Power Co. v. Brown, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; Chicago General R. Co. v. Chicago, 176 Ill. 253, 52 N.E. 880; Louisville v. Louisville Home Tel. Co., 149 Ky. 234, 148 S.W. 13; State ex rel. Kansas City v. East Fifth Street R. Co., 140 Mo. 539, 41 S.W. 955; Baker v. Montana Petroleum Co., 99 Mont. 465, 44 P.2d. 735; Re Board of Fire Comrs. 27 N.J. 192, 142 A.2d. 85; Chrysler Light & P. Co. v. Belfield, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; Franklin County v. Public Utilities Com., 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; State ex rel. Daniel v. Broad River Power Co., 157 S.C. 1, 153 S.E. 537; Rutland Electric Light Co. v. Marble City Electric Light Co., 65 Vt. 377, 26 A. 635; Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413.

1                   *Debitum et contractus non sunt nullius loci.*  
2                   *Debt and contract [franchise agreement, in this case] are of no particular place.*

3  
4                   *Locus contractus regit actum.*  
5                   *The place of the contract [franchise agreement, in this case] governs the act.*

6  
7                   *[Bouvier's Maxims of Law, 1856;*  
8                   *SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviarsMaxims.htm>]*

9                   Note that the de jure constitutions from before the Civil War were not repealed, but simply replaced with new ones  
10                  no longer tied to specific territorial boundaries, making them “bodies corporate” and removing the status of “body  
11                  politic” from them.

12                3.2. These de facto corporations are called the “State of \_\_\_\_\_” or the “United States”. The corporate charter is called:

13                  3.2.1. The United States Constitution instead of the “United States of America Constitution” in the case of the federal  
14                  government.

15                  3.2.2. The new State constitutions as opposed to the old de jure constitutions.

16                3.3. Those who are “employees” and “officers” of this corporation are the only ones with a “domicile” or “residence”  
17                  within this private, for-profit corporation. All such “persons” doing business with this corporation are required to  
18                  present a “license” to act in the capacity of officer of this corporation, and this de facto license is called a Social  
19                  Security Number (SSN) of the Taxpayer Identification Number (TIN). The instructions for IRS Form 1042-S admit  
20                  that you only need the number when you are engaging in a “trade or business”, which is then defined in 26 U.S.C.  
21                  §7701(a)(26) as “the functions of a public office”:

22                               *Box 14, Recipient's U.S. Taxpayer Identification Number (TIN)*

23                               **You must obtain a U.S. taxpayer identification number (TIN) for:**

- 24                               •   Any recipient whose income is effectively connected with the conduct of a trade or business in the  
25                               United States.  
26                               *Note.* For these recipients, exemption code 01 should be entered in box 6.  
27                               •   Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a  
28                               foreign country and the United States, unless the income is an unexpected payment (as described in  
29                               Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations  
30                               that are actively traded; dividends from any redeemable security issued by an investment company  
31                               registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties  
32                               from units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly  
33                               offered and are registered with the Securities and Exchange Commission under the Securities Act of  
34                               1933; and amounts paid with respect to loans of any of the above securities.  
35                               •   Any nonresident alien individual claiming exemption from tax under section 871(f) for certain  
36                               annuities received under qualified plans.  
37                               •   A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt  
38                               organization under section 501(c ) or as a private foundation.  
39                               •   Any *QI*.  
40                               •   Any *WP* or *WT*.  
41                               •   Any nonresident alien individual claiming exemption from withholding on compensation for  
42                               independent personal services [services connected with a “trade or business”].  
43                               •   Any foreign grantor trust with five or fewer grantors.  
44                               •   Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

45                               *If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must*  
46                               *include the TIN on Form 1042-S.*

47                               *[IRS Form 1042-S Instructions (2006), p. 14]*

48                3.4. Government forms, such as tax and court forms, which ask you to declare that you are “within the State of \_\_\_\_\_” or  
49                  “within the United States” under penalty of perjury are really asking you to indicate that you are an officer serving  
50                  WITHIN the government and therefore subject to the direct, statutory supervision of the government without the  
51                  need for implementing regulations. It would otherwise be illegal for them to directly enforce federal or state statutes  
52                  against private individuals, because the ability to regulate private conduct is repugnant to the Constitution.

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40 S.Ct. 179, disapproved on other grounds *Victoria v. Victoria Ice, Light & Power Co.* 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds *Richmond v. Virginia Ry. & Power Co.* 141 Va. 69, 126 S.E. 353.

1                   *"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes*  
2 *of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States*  
3 *v. Reese, 92 U.S. 214, 218 (1876) ; United States v. Harris, 106 U.S. 629, 639 (1883) ; James v. Bowman, 190*  
4 *U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified,*  
5 *see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964) ; United States v. Guest, 383 U.S.*  
6 *745 (1966) , their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been*  
7 *questioned."*  
8 *[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997) ]*

- 9     4. The goal of the state and federal governments has shifted from the equal benefit of all in the public under a charitable  
10 "public trust" to the private benefit of a few under a "private trust" . If you don't have a license number and participate  
11 in any government franchise, you don't even exist legally and they won't talk to you or service you. Equal protection,  
12 on the other hand, requires that they must service EVERYONE, including those without "employment" (public office)  
13 account numbers called Social Security Numbers (SSNs) or Taxpayer Identification Numbers (TINs). In effect, those  
14 having or using licenses to act as public officers in the form of Social Security Numbers and Taxpayer Identification  
15 Numbers are in receipt of an unconstitutional "title of nobility" and enjoy special privileges not enjoyed by private  
16 persons. This, of course, violates the intent of the U.S. Constitution, which forbids "titles of nobility" in Art. 1, Section  
17 9, Clause 8 and Article 1, Section 10.
- 18     5. What courts call "public service" is really "private service" or simply "private employment".
- 19         5.1. We never had a real judicial branch. Our federal courts have always been Executive Branch agencies that administer  
20 federal franchises.
- 21         5.2. Our federal courts are really nothing but legislatively created corporate "franchise courts" and "corporate arbitration  
22 boards" established under Article 4, Section 3, Clause 2 of the constitution, not Article III constitutional courts.

23 See:

<p>24         <i>What Happened to Justice?</i>, Form #06.012 25         <a href="http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm">http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm</a></p>
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- 26     6. Government and especially courts are illegally abusing sovereign immunity to protect and extend the private, for-profit  
27 corporate franchise monopolies represented by our present de facto state and federal corporate/private  
28 pseudo=governments:
- 29         6.1. Sovereign immunity can only lawfully be used to protect a public purpose, not a private purpose.
- 30         6.2. Courts and executive branch agencies are lying to the public by labeling what they do as a "public purpose" that is  
31 susceptible to protection under the judicial doctrine of sovereign immunity.
- 32     7. Both State and Federal de facto Governments have abandoned the republics established by Article 4, Section 4 and the  
33 Articles of Confederation and unconstitutionally moved all their operations to federal territory and implemented nearly  
34 all of the services they offer exclusively through fee-based franchises. The Constitution identifies itself as "the law of  
35 the land" and "the land" they are talking about is ONLY federal territory! This devious scheme to replace "rights" with  
36 "privileges":
- 37         7.1. Can only lawfully operate on federal territory not protected by the Bill of Rights. The Declaration of Independence  
38 says our rights are "unalienable", which means that they cannot be bargained away in relation to the government in  
39 places where they exist and therefore cannot be forfeited under the terms of a franchise agreement. Consequently,  
any attempt to offer franchises to persons domiciled on land protected by the Bill of Rights constitutes a criminal  
conspiracy against rights in violation of 42 U.S.C. §1983 and 18 U.S.C. §241.

40                   *"We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator***  
41 ***with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*  
42 *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*  
43 *--"*  
44 *[Declaration of Independence]*

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

- 47         7.2. Has shifted the basis for operating the government from that of "equal protection" to "unequal privilege".  
48 Everything that happens on federal territory is privileged and requires statutory authorization from the government  
49 because there are not rights on most federal territory, but only statutory privileges.
- 50         7.3. Compels those who require any kind of government service to commit perjury on a government form and declare  
51 themselves to be domiciled on federal territory by identifying themselves to be a statutory "U.S. citizen" pursuant  
52 to 8 U.S.C. §1401, a statutory "resident" (alien) pursuant to 26 U.S.C. §7701(b)(1)(A), or a statutory "U.S. person"  
53 pursuant to 26 U.S.C. §7701(a)(30). This allows formerly "private" men and women to take on a "public" character  
54 and thereby become a "person", an "individual" as defined in 5 U.S.C. §552a(a)(2), and "federal personnel" as

defined in 5 U.S.C. §552a(a)(13) who may then and only then lawfully participate in this enfranchised form of government as a “public officer”.

- 7.4. Destroys the separation of powers between what is “public” and what is “private” and between the states of the Union and the federal government. The constitution is supposed to separate what is “public” from what is “private” in order mainly to protect what is private from the encroachments of the government. Everything that is “public” occurs on federal territory and your devious lawyer “public servants” must move you to federal territory and make you into a “public officer” before they can legislate for you or enforce the legislation against you. See the following for how they do this:

Federal Enforcement Authority Within States of the Union, Form #05.032  
<http://sedm.org/Forms/FormIndex.htm>

- 7.5. Causes nearly all Americans to effectively become “public officers” within the government by virtue of their participation in federal franchises and makes them subject to law that is exclusively intended for the government rather than private individuals. See:

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

7.5.2. Proof That There Is a “Straw Man”, Form #05.042  
<http://sedm.org/Forms/FormIndex.htm>

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

For details on how all government services have shifted over to franchises, see:

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

8. The meaning of the word “state” has been systematically shifted from “We the People” collectively within a jurisdiction to the people working as public officers exclusively within the private corporation called “State of \_\_\_\_\_”. Attorneys admitted to practice law now take an oath to the government and not the “state” which it serves. In that sense:
- 8.1. Persons within the government are no longer obligated to recognize the sovereignty of the People as human beings.
- 8.2. The source of sovereignty has shifted from “We the People” to the public servants, thereby creating a dulocracy. The words “so much license and privilege” in the definition should be a clue that the tables were turned upside down using franchises.

*“Dulocracy. A government where servants and slaves have so much license and privilege that they domineer.”*  
[Black’s Law Dictionary, Sixth Edition, p. 501]

- 8.3. Attorneys have a conflict of interest and no longer serve “the state” in its classical de jure meaning.

*“State. A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. United States v. Kusche, D.C.Cal., 56 F.Supp. 201 207, 208. The organization of social life which exercises sovereign power in behalf of the people. Delany v. Moralitis, C.C.A.Md., 136 F.2d. 129, 130. In its largest sense, a “state” is a body politic or a society of men. Beagle v. Motor Vehicle Acc. Indemnification Corp., 44 Misc.2d. 636, 254 N.Y.S.2d. 763, 765. A body of people occupying a definite territory and politically organized under one government. State ex re. Maisano v. Mitchell, 155 Conn. 256, 231 A.2d. 539, 542. A territorial unit with a distinct general body of law. Restatement, Second, Conflicts, §3. Term may refer either to body politic of a nation (e.g. United States) or to an individual government unit of such nation (e.g. California).”*  
[Black’s Law Dictionary, Sixth Edition, p. 1407]

*“I do solemnly swear or affirm to support the Constitution of the United States. That **I will bear true faith and allegiance to the government** [not “the State”, but the “government”] of the United States. That I will maintain respect due to the courts of justice, and judicial officers, and that **I will demean myself** as an attorney proctor, advocate, solicitor, and counselor of this court uprightly. (So help me God)*

*“I certify that I am a member in good standing of the Bar of the State of California.”*  
[Oath taken by attorneys admitted to practice law in United States District Court, Southern California District;  
SOURCE: <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/PetForAdmToPractice-USDC.pdf>]

9. The purpose for the existence of our so-called “government” is the financial and personal benefit of those who serve in it and “invest” in it through payroll deductions, and not the “public” at large. In that sense, so-called “government



employees” are engaging in a “private purpose” rather than a “public purpose”. Anything you must surrender rights or obtain a license to participate in and which results in a government subsidy, or “social insurance” constitutes a “private” and not “public” purpose.

**“Public purpose.** In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax, police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for instance, federal benefit recipients as individuals]. “Public purpose” that will justify expenditure of public money generally means such an activity as will serve as benefit to community as a body and which at same time is directly related function of government. *Pack v. Southwestern Bell Tel. & Tel. Co.*, 215 Tenn. 503, 387 S.W.2d. 789, 794.

The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; **the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals.** A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public purpose or public business.”  
[Black’s Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

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

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

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

## 13.2 **Rules for Changing a Republic Based on Equality to a Monarchy Based on Inequality and Privilege**

Those who had opposed the Constitution thought their fears justified by the conduct of the government that began to function in 1789. Under the aggressive leadership of Alexander Hamilton, the secretary of the treasury, economic measures were taken that favored the few, while an effective party machine was organized and the army strengthened in such a way as to suggest an intent to control rather than to represent the many. The whole tone of Washington's administration was aristocratic, favoring as it did the educated, the wealthy, the clergy, and the press, who were fearful of "mob rule" and preferred to see what Hamilton called "gentlemen of principle and property" in command. As Hamilton had at his service a newspaper --- John Fenno's *Gazette of the United States* --- to support his policies, his opponents, led by Jefferson and Madison, decided to establish a rival newspaper, the *National Gazette*. Philip Freneau, an experienced journalist of known democratic leanings, was chosen to edit the paper. The editorial, reprinted here, is typical of those in which Freneau criticized the Hamiltonian program from 1791 to 1793.

Rules for changing a limited republican government into an unlimited hereditary one.

1. It being necessary, in order to effect the change, to get rid of constitutional shackles and popular prejudices, all possible means and occasions are to be used for both these purposes.

1 2. Nothing being more likely to prepare the vulgar mind for aristocratical ranks and hereditary powers than titles,  
2 endeavor in the offset of the government to confer these on its most dignified officers. If the principal magistrate  
3 should happen to be particularly venerable in the eyes of the people, take advantage of that fortunate circumstance  
4 in setting the example.

5 3. Should the attempt fail through his republican aversion to it, or from the danger of alarming the people, do not  
6 abandon the enterprise altogether, but lay up the proposition in record. Time may gain it respect, and it will be  
7 there always ready, cut and dried, for any favorable conjuncture that may offer.

8 4. In drawing all bills, resolutions, and reports, keep constantly in view that the limitations in the Constitution are  
9 ultimately to be explained away. Precedents and phrases may thus be shuffled in, without being adverted to by  
10 candid or weak people, of which good use may afterward be made.

11 5. As the novelty and bustle of inaugurating the government will for some time keep the public mind in a heedless  
12 and unsettled state, let the press during this period be busy in propagating the doctrines of monarchy and  
13 aristocracy. For this purpose it will be particularly useful to confound a mobbish democracy with a representative  
14 republic, that by exhibiting all the turbulent examples and enormities of the former, an odium may be thrown on  
15 the character of the latter. Review all the civil contests, convulsions, factions, broils, squabbles, bickerings, black  
16 eyes, and bloody noses of ancient, middle, and modern ages; caricature them into the most frightful forms and  
17 colors that can be imagined; and unfold one scene of the horrible tragedy after another till the people be made, if  
18 possible, to tremble at their own shadows. Let the discourses on Davila then contrast with these pictures of terror  
19 the quiet of hereditary succession, the reverence claimed by birth and nobility, and the fascinating influence of  
20 stars, and ribands, and garters, cautiously suppressing all the bloody tragedies and unceasing oppressions which  
21 form the history of this species of government. No pains should be spared in this part of the undertaking, for the  
22 greatest will be wanted, it being extremely difficult, especially when a people have been taught to reason and feel  
23 their rights, to convince them that a king, who is always an enemy to the people, and a nobility, who are perhaps  
24 still more so, will take better care of the people than the people will take of themselves.

25 6. But the grand nostrum will be a public debt, provided enough of it can be got and it be medicated with the  
26 proper ingredients. If by good fortune a debt be ready at hand, the most is to be made of it. Stretch it and swell it  
27 to the utmost the items will bear. Allow as many extra claims as decency will permit. Assume all the debts of your  
28 neighbors --- in a word, get as much debt as can be raked and scraped together, and when you have got all you  
29 can, "advertise" for more, and have the debt made as big as possible. This object being accomplished, the next  
30 will be to make it as perpetual as possible; and the next to that, to get it into as few hands as possible. The more  
31 effectually to bring this about, modify the debt, complicate it, divide it, subdivide it, subtract it, postpone it, let  
32 there be one-third of two-thirds, and two-thirds of one-third, and two-thirds of two-thirds; let there be 3 percents,  
33 and 4 percents, and 6 percents, and present 6 percents, and future 6 percents. To be brief, let the whole be such a  
34 mystery that a few only can understand it; and let all possible opportunities and informations fall in the way of  
35 these few, to clinch their advantages over the many.

36 7. It must not be forgotten that the members of the legislative body are to have a deep stake in the game. This is  
37 an essential point, and happily is attended with no difficulty. A sufficient number, properly disposed, can  
38 alternately legislate and speculate, and speculate and legislate, and buy and sell, and sell and buy, until a due  
39 portion of the property of their constituents has passed into their hands to give them an interest against their  
40 constituents, and to ensure the part they are to act. All this, however, must be carried on under cover of the closest  
41 secrecy; and it is particularly lucky that dealings in paper admit of more secrecy than any other. Should a discovery  
42 take place, the whole plan may be blown up.

43 8. The ways in which a great debt, so constituted and applied, will contribute to the ultimate end in view are both  
44 numerous and obvious. (1) The favorite few, thus possessed of it, whether within or without the government, will  
45 feel the staunchest fealty to it, and will go through thick and thin to support it in all its oppressions and usurpations.  
46 (2) Their money will give them consequence and influence, even among those who have been tricked out of it.

1 (3) They will be the readiest materials that can be found for a hereditary aristocratic order, whenever matters are  
2 ripe for one. (4) A great debt will require great taxes; great taxes, many taxgatherers and other officers; and all  
3 officers are auxiliaries of power. (5) Heavy taxes may produce discontents; these may threaten resistance; and in  
4 proportion to this danger will be the pretense for a standing army to repel it. (6) A standing army, in its turn, will  
5 increase the moral force of the government by means of its appointments, and give it physical force by means of  
6 the sword, thus doubly forwarding the main object.

7 9. The management of a great funded debt and an extensive system of taxes will afford a plea, not to be neglected,  
8 for establishing a great incorporated bank. The use of such a machine is well understood. If the Constitution,  
9 according to its fair meaning, should not authorize it, so much the better. Push it through by a forced meaning and  
10 you will get in the bargain an admirable precedent for future misconstructions.

11 In fashioning the bank, remember that it is to be made particularly instrumental in enriching and aggrandizing the  
12 elect few, who are to be called in due season to the honors and felicities of the kingdom preparing for them, and  
13 who are the pillars that must support it. It will be easy to throw the benefit entirely into their hands, and to make  
14 it a solid addition of 50, or 60, or 70 percent to their former capitals of 800 percent, or 900 percent, without costing  
15 them a shilling; while it will be so difficult to explain to the people that this gain of the few is at the cost of the  
16 many, that the contrary may be boldly and safely pretended. The bank will be pregnant with other important  
17 advantages. It will admit the same men to be, at the same time, members of the bank and members of the  
18 government. The two institutions will thus be soldered together, and each made the stronger. Money will be put  
19 under the direction of the government, and government under the direction of money. To crown the whole, the  
20 bank will have a proper interest in swelling and perpetuating the public debt and public taxes, with all the blessings  
21 of both, because its agency and its profits will be extended in exact proportion.

22 10. "Divide and govern" is a maxim consecrated by the experience of ages, and should be as familiar in its use to  
23 every politician as the knife he carries in his pocket. In the work here to be executed, the best effects may be  
24 produced by this maxim, and with peculiar facility. An extensive republic made up of lesser republics necessarily  
25 contains various sorts of people, distinguished by local and other interests and prejudices. Let the whole group be  
26 well examined in all its parts and relations, geographical and political, metaphysical and metaphorical; let there  
27 be first a northern and a southern section, by a line running east and west, and then an eastern and western section,  
28 by a line running north and south. By a suitable nomenclature, the landholders cultivating different articles can be  
29 discriminated from one another, all from the class of merchants, and both from that of manufacturers.

30 One of the subordinate republics may be represented as a commercial state, another as a navigation state, another  
31 as a manufacturing state, others as agricultural states; and although the great body of the people in each be really  
32 agricultural, and the other characters be more or less common to all, still it will be politic to take advantage of  
33 such an arrangement. Should the members of the great republic be of different sizes, and subject to little jealousies  
34 on that account, another important division will be ready formed to your hand. Add again the divisions that may  
35 be carved out of personal interests, political opinions, and local parties. With so convenient an assortment of votes,  
36 especially with the help of the marked ones, a majority may be packed for any question with as much ease as the  
37 odd trick by an adroit gamester, and any measure whatever be carried or defeated, as the great revolution to be  
38 brought about may require.

39 It is only necessary, therefore, to recommend that full use be made of the resource; and to remark that, besides the  
40 direct benefit to be drawn from these artificial divisions, they will tend to smother the true and natural one, existing  
41 in all societies, between the few who are always impatient of political equality and the many who can never rise  
42 above it; between those who are to mount to the prerogatives and those who are to be saddled with the burdens of  
43 the hereditary government to be introduced --- in one word, between the general mass of the people, attached to  
44 their republican government and republican interests, and the chosen band devoted to monarchy and Mammon. It  
45 is of infinite importance that this distinction should be kept out of sight. The success of the project absolutely  
46 requires it.

1 11. As soon as sufficient progress in the intended change shall have been made, and the public mind duly prepared  
2 according to the rules already laid down, it will be proper to venture on another and a bolder step toward a removal  
3 of the constitutional landmarks. Here the aid of the former encroachments and all the other precedents and way-  
4 paving maneuvers will be called in of course. But, in order to render success the more certain, it will be of special  
5 moment to give the most plausible and popular name that can be found to the power that is to be usurped. It may  
6 be called, for example, a power for the common safety or the public good, or, "the general welfare." If the people  
7 should not be too much enlightened, the name will have a most imposing effect. It will escape attention that it  
8 means, in fact, the same thing with a power to do anything the government pleases "in all cases whatsoever." To  
9 oppose the power may consequently seem to the ignorant, and be called by the artful, opposing the "general  
10 welfare," any may be cried down under that deception.

11 As the people, however, may not run so readily into the snare as might be wished, it will be prudent to bait it well  
12 with some specious popular interest, such as the encouragement of manufactures, or even of agriculture, taking  
13 due care not even to mention any unpopular object to which the power is equally applicable, such as religion, etc.  
14 By this contrivance, particular classes of people may possibly be taken in who will be a valuable reinforcement.

15 With respect to the patronage of agriculture there is not indeed much to be expected from it. It will be too quickly  
16 seen through by the owners and tillers of the soil, that to tax them with one hand and pay back a part only with  
17 the other is a losing game on their side. From the power over manufactures more is to be hoped. It will not be so  
18 easily perceived that the premium bestowed may not be equal to the circuitous tax on consumption which pays it.  
19 There are particular reasons, too, for pushing the experiment on this class of citizens.

20 (1) As they live in towns and can act together, it is of vast consequence to gain them over to the interest of  
21 monarchy. (2) If the power over them be once established, the government can grant favors or monopolies, as it  
22 pleases; can raise or depress this or that place, as it pleases; can gratify this or that individual, as it pleases; in a  
23 word, by creating a dependence in so numerous and important a class of citizens, it will increase its own  
24 independence of every class and be more free to pursue the grand object in contemplation. (3) The expense of this  
25 operation will not in the end cost the government a shilling, for the moment any branch of manufacture has been  
26 brought to a state of tolerable maturity the exciseman will be ready with his constable and his search warrant to  
27 demand a reimbursement, and as much more can be squeezed out of the article. All this, it is to be remembered,  
28 supposes that the manufacturers will be weak enough to be cheated, in some respects, out of their own interests,  
29 and wicked enough, in others, to betray those of their fellow citizens; a supposition that, if known, would totally  
30 mar the experiment. Great care, therefore, must be taken to prevent it from leaking out.

31 12. The expediency of seizing every occasion of external danger for augmenting and perpetuating the standing  
32 military force is too obvious to escape. So important is this matter that for any loss or disaster whatever attending  
33 the national arms, there will be ample consolation and compensation in the opportunity for enlarging the  
34 establishment. A military defeat will become a political victory, and the loss of a little vulgar blood contribute to  
35 ennoble that which flows in the veins of our future dukes and marquesses.

36 13. The same prudence will improve the opportunity afforded by an increase of military expenditures for  
37 perpetuating the taxes required for them. If the inconsistency and absurdity of establishing a perpetual tax for a  
38 temporary service should produce any difficulty in the business, Rule 10 must be resorted to. Throw in as many  
39 extraneous motives as will make up a majority, and the thing is effected in an instant. What was before evil will  
40 become good as easily as black could be made white by the same magical operation.

41 14. Throughout this great undertaking it will be wise to have some particular model constantly in view. The work  
42 can then be carried on more systematically, and every measure be fortified, in the progress, by apt illustrations  
43 and authorities. Should there exist a particular monarchy against which there are fewer prejudices than against  
44 any other; should it contain a mixture of the representative principle so as to present on one side the semblance of  
45 a republican aspect; should it, moreover, have a great, funded, complicated, irredeemable debt, with all the  
46 apparatus and appurtenances of excises, banks, etc., upon that a steady eye is to be kept. In all cases it will assist,

1 and in most its statute book will furnish a precise pattern by which there may be cut out any moneyed or  
2 monarchical project that may be wanted.

3 15. As it is not to be expected that the change of a republic into a monarchy, with the rapidity desired, can be  
4 carried through without occasional suspicions and alarms, it will be necessary to be prepared for such events. The  
5 best general rule on the subject is to be taken from the example of crying "Stop thief" first --- neither lungs nor  
6 pens must be spared in charging every man who whispers, or even thinks, that the revolution on foot is meditated,  
7 with being himself an enemy to the established government and meaning to overturn it. Let the charge be reiterated  
8 and reverberated till at last such confusion and uncertainty be produced that the people, being not able to find out  
9 where the truth lies, withdraw their attention from the contest.

10 Many other rules of great wisdom and efficacy might be added; but it is conceived that the above will be  
11 abundantly enough for the purpose. This will certainly be the case if the people can be either kept asleep so as not  
12 to discover, or be thrown into artificial divisions so as not to resist, what is silently going forward. Should it be  
13 found impossible, however, to prevent the people from awakening and uniting; should all artificial distinctions  
14 give way to the natural division between the lordly minded few and the well-disposed many; should all who have  
15 common interest make a common cause and show an inflexible attachment to republicanism in opposition to a  
16 government of monarchy and of money, why then \* \* \*

17 Reprinted from The Annals of America.

### 18 **13.3 Bankruptcy: The De Jure United States is Bankrupt and has been replaced by a de facto** 19 **private corporation**<sup>80</sup>

20 The United States went "Bankrupt" in 1933 and was declared so by President Roosevelt by Executive Orders  
21 6073, 6102, 6111 and Executive Order No. 6260, [See: Senate Report 93-549, pgs. 187 & 594 under the "Trading  
22 With The Enemy Act" [Sixty-Fifth Congress, Sess. I, Chs. 105, 106, October 6, 1917], and as codified at 12  
23 U.S.C.A. §95a. The several States of the Union then pledged the faith and credit thereof to the aid of the National  
24 Government, and formed numerous socialist committees, such as the "Council Of State Governments," "Social  
25 Security Administration" etc., to purportedly deal with the economic "Emergency." These Organizations operated  
26 under the "Declaration Of INTERdependence" of January 22, 1937, and published some of their activities in "The  
27 Book Of The States." The 1937 Edition of The Book Of The States openly declared that the people engaged in  
28 such activities as the Farming/Husbandry Industry had been reduced to mere feudal "Tenants" on their Land.  
29 [Book Of The States, 1937, pg. 155] This of course was compounded by such activities as price fixing wheat and  
30 grains [7 U.S.C.A. §1903], quota regulation 17 U.S.C.A. §1371], and livestock products [7 U.S.C.A. §1903],  
31 which have been held consistently below the costs of production; interest on loans and inflation of the paper "Bills  
32 of Credit"; leaving the food producers and others in a state of peonage and involuntary servitude, constituting the  
33 taking of private property, for the benefit and use of others, without just compensation.

34 Note: The Council Of State Governments has now been absorbed into such things as the "National Conference  
35 Of Commissioners On Uniform State Laws," whose Headquarters Office is located at 676 North Street, Clair  
36 Street, Suite 1700, Chicago, Illinois 60611, and "all" being "members of the Bar," and operating under a different  
37 "Constitution And By-Laws" has promulgated, lobbied for, passed, adjudicated and ordered the implementation  
38 and execution of their purported statutory provisions, to "help implement international treaties of the United States  
39 or where world uniformity would be desirable." [See: 1990/91 Reference Book, National Council Of  
40 Commissioners On Uniform State Laws, pg. 2] This is apparently what Robert Bork meant when he wrote "we  
41 are governed not by law or elected representatives but by an unelected, unrepresentative, unaccountable committee  
42 of lawyers applying no will but their own." [See: The Tempting Of America. Robert H. Bork. pg. 130]

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<sup>80</sup> Adapted from: <http://usa-the-republic.com/emergency%20powers/United%20States%20Bankrupt.html>. For additional information on this subject, see the writings of John Nelson.



1 The United States thereafter entered the second World War during which time the "League of Nations" was  
2 reinstituted under pretense of the "United Nations" and the "Bretton Woods Agreement." [See: 60 Stat. 1401]  
3 The United States as a corporate body politic (artificial), came out of World War II in worse economic shape than  
4 when it entered, and in 1950 declared Bankruptcy and "Reorganization." The Reorganization is located in Title  
5 5 of United States Codes Annotated. The "Explanation" at the beginning of 5 U.S.C.A. is most informative  
6 reading. The "Secretary of Treasury" was appointed as the "Receiver" in Bankruptcy. [See: Reorganization Plan  
7 No. 26. 5 U.S.C.A. §903. Public Law 94-564, Legislative History, pg. 5967] The United States went down the  
8 road and periodically filed for further Reorganization. Things and situations worsened, having done what they  
9 were Commanded NOT to do, [See: Madison's Notes, Constitutional Convention, August 16, 1787, Federalist  
10 Paper No. 44 and in 1965 passed the "Coinage Act of 1965" completely debasing the Constitutional Coin (gold &  
11 silver i.e. Dollar)]. [See: 18 U.S.C.A. §§331 & 332, U.S. v. Marigold, 50 U.S. 560, 13 L.Ed. 257] At the signing  
12 of the Coinage Act on July 23, 1965, Lyndon B. Johnson stated in his Press Release that:

13 *"When I have signed this bill before me, we will have made the first fundamental change in our coinage in 173*  
14 *years. The Coinage Act of 1965 supersedes the Act of 1792. And that Act had the title: An Act Establishing a*  
15 *Mint and Regulating the Coinage of the United States ..."*

16 *"Now I will sign this bill to make the first change in our coinage system since the 18th Century. To those members*  
17 *of Congress, who are here on this historic occasion, I want to assure you that in making this change from the*  
18 *18th Century we have no idea of returning to it."*

19 It is important to take cognizance of the fact that NO Constitutional Amendment was ever obtained to  
20 FUNDAMENTALLY "CHANGE," amend, abridge, or abolish the Constitutional mandates, provisions, or  
21 prohibitions, but due to internal and external diversions surrounding the Viet Nam War, etc., the usurpation and  
22 breach went basically unchallenged and unnoticed by the general public at large, who became "a wealthy man's  
23 cannon fodder or cheap source of slave labor." [See: Silent Weapons For Quiet Wars, TM-SW7905.1, pgs. 6, 7,  
24 8, 9, 12, 13 and 56] Congress was clearly delegated the Power and Authority to regulate and maintain the true  
25 and inherent "value" of the Coin within the scope and purview of Article I, Section 8, Clauses 5 & 6 and Article  
26 I, Section 10, Clause 1, of the ordained Constitution (1787), and further, under a corresponding duty and obligation  
27 to maintain said gold and silver Coin and Foreign Coin at and within the necessary and proper "equal weights and  
28 measures" clause. [See also: Bible, Deuteronomy, Chapter 25, verses 13 through 16, Public Law 97-289, 96 Stat.  
29 1211]

30 Those exercising the Offices of the several States, in equal measure, knew such "De Facto Transitions" were  
31 unlawful and unauthorized, but sanctioned, implemented and enforced the complete debauchment and the  
32 resulting "governmental, social, industrial economic change" in the "De Jure" States and in United States of  
33 America [See: Public Law 94-564, Legislative History, pg. 5936, 5945, 31 U.S.C.A. §314, 31 U.S.C.A. §321,  
34 31 U.S.C.A. §5112, C. (Colorado) R.S. 11-61-101, C.R.S. 39-22-103.5 and C.R.S. 18-11-203, and were and are  
35 now under the delusion that they can do both directly and indirectly what they were absolutely prohibited from  
36 doing. [See also, Federalist Paper No. 44, Craig vs. Missouri, 4 Peters 903]

37 In 1966, Congress being severely compromised, passed the "Federal Tax Lien Act of 1966, by which the entire  
38 taxing and monetary system i.e. "Essential Engine" [See: Federalist Paper No. 31] was placed under the Uniform  
39 Commercial Code (U.C.C.). [See: Public Law 89-719, Legislative History, pg. 3722, also see: C. (Colorado) R.S.  
40 5-1-106] The Uniform Commercial Code (U.C.C.) was, of course, promulgated by the National Conferences Of  
41 Commissioners On Uniform State Laws in collusion with the American Law Institute for the "banking and  
42 business interests." [See: Handbook Of The National Conference Of Commissioners On Uniform State Laws,  
43 (1966) Ed. pgs, 152 & 153] The United States being engaged in numerous U.N. conflicts, including the Korean  
44 and the Viet Nam conflicts, which were under the direction of the United Nations [See: 22 U.S.C.A. §287d], and  
45 agreeing to foot the bill [See: 22 U.S.C.A. §287j], and not being able to honor their obligations and re-  
46 hypothecated debt credit, openly and publicly dishonored and disavowed their "Notes" and "obligations" [12  
47 U.S.C.A. §411] i.e. "Federal Reserve Notes" through Public Law 90-262, Section 2, 82 Stat. 50 (1968) to wit:

48 *"Sec. 2. The first sentence of section 15 of the Federal Reserve Act (12 U.S.C. 391) is amended by striking 'and*  
49 *the funds provided in this Act for the redemption of Federal Reserve notes'."*

Things steadily grew worse and on March 28, 1970; President Nixon issued Proclamation No. 3972, declaring an "emergency" because the Postal Employees struck against the de facto government(?) for higher pay, due to inflation of the paper "Bills of Credit." [See: Senate Report No. 93-549. pg. 596] Nixon placed the U.S. Postal Department under control of the "Department of Defense." [See: Department Of The Army Field Manual. FM 41-10 (1969 ed.)]

*"The System has been faltering for a decade, but the bench mark date of the collapse is put at August 15, 1971. On this day, President Nixon reversed U.S. international monetary policy by officially declaring the non-convertibility of the U.S. dollar [F.R.N.] into gold."*  
[See: Public Law 94-564, Legislative History, pg. 5937 & Senate Report No. 93-549, Foreword, pg. III. Proclamation No. 4074, pg. 597, 31 U.S.C.A. §314 & 31 U.S.C.A. §5112]

On September 21, 1973. Congress passed Public Law 93-110, amending the Bretton Woods Par Value Modification Act, 82 Stat. 116, [31 U.S.C.A. §412], and reiterated the "Emergency," [12 U.S.C.A. §95a], and Section 8 of the Bretton Woods Agreements Act of 1945 [22 U.S.C.A. §286f], and which included "reports of foreign currency transactions." [Also see: Executive Order No. 10033] This Act further declared in Section 2(b) that:

*"No provision of any law in effect on the date of enactment of this Act, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold."*

On January 19, 1976, Marjorie S. Holt noted for the record, a second "Declaration Of INTERdependence" and clearly identified the U.N. as a "Communist" organization, and that they were seeking both production and monetary control over the Union and the People through International Organization promoting the "One World Order," [8 U.S.C.A. §1101(40)] also see [50 U.S.C.A. §§781 & 783]

The social/economic situation worsened as noted in the Complaint/Petition filed in the U.S. Court of Claims, Docket No. 41-76, on February 11, 1976, by 44 Federal Judges. [Atkins et al. vs. U.S.] Atkins et al. complained that "As a result of inflation, the compensation of federal judges has been substantially diminished each year since 1969, causing direct and continuing monetary harm to plaintiffs ... the real value of the dollar decreased by approximately 34.5 percent from March 15th, 1969 to October 1, 1975. As a result, plaintiffs have suffered an unconstitutional deprivation of earnings," and in the prayer for relief claimed "damages for the constitutional violations enumerated above, measured as the diminution of his earnings for the entire period since March 9, 1969." It is quite apparent that the persons holding and enjoying Offices of Public Trust, Honor and for-profit knew of the emergency emergent problem and sought protection for themselves, to the damage and injury of the People and Children, who were classified as "a club that has many other members" who "have no remedy." And knowing that "heinous" acts had been committed, stated that they [judges/lawyers] would not apply the Law, nor would any substantive remedy be applied ("checked more or less, but never stopped) "until all of us [judges] are dead." Such persons Fraudulently swore an Oath to uphold, defend and preserve the sovereignty of the Nation and several Republican States of the Union, and breached the Duty to protect the People/Citizens and their Posterity from fraud, imposition, avarice and stealthy encroachment. [See: Atkins et al. vs. U.S., 556 F.2d. 1028, pg. 1072, 1074, The Tempting Of America, supra, pgs. 155-159, also see: 5 U.S.C.A. §§5305 & 5335, Senate Report No. 93-549, pgs. 69-71, C. (Colorado) R.S. 24-75-101] This is verified in Public Law 94-564, Legislative History, pg. 5944, which states:

*"Moving to a floating exchange rate for international commerce means private enterprise and not central governments bear the risk of currency fluctuations."*

Numerous serious debates were held in Congress, including but not limited to, Tuesday, July 27, 1976 [See: Congressional Record - House, July 27, 1976] concerning the International Financial Institutions and their operations. Representative, Ron Paul, Chairman of the House Banking Committee, made numerous references to the true practices of the "International" financial institutions, including but not limited to, the conversion of 27,000.000 (27 million) in gold, contributed by the United States as part of its "quota obligations," which the International Monetary Fund (Governor-Secretary of Treasury) sold [See: Public Law 94-564, Legislative History,

pg. 5945 & 5946] under some very questionable terms and concessions. [Also see: The Ron Paul Money Book, (1991), by Ron Paul, Plantation Publishing. 837 W. Plantation, Clute, Texas 77531]

On October 28, 1977 the passage of Public Law 95-147, [91 Stat. 1227] declared most banking institutions, including State banks, to be under direction and control of the corporate "Governor" of the International Monetary Fund [See: Public Law 94-564, Legislative History, pg. 5942, United States Government Manual 1990/91, pgs. 480-481]. The Act further declared that:

*"(2) Section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(b)) is amended by striking out the phrase 'stabilizing the exchange value of the dollar' ... "*

*" (c) The joint resolution entitled 'Joint resolution to assure uniform value to the coins and currencies of the United States', approved June 5, 1933 (31 U.S.C. 463) shall not apply to obligations issued on or after the date of enactment of this section."*

The United States, as Corporator, [22 U.S.C.A. §286e, et seq.] and "State" [C. (Colorado) R.S. 24-36-104, C.R.S. 24-60-1301(h)] had declared "Insolvency." [See: 26 U.S.C. §165(g)(1), U.C.C. §1-201(23), C.R.S. 39-22-103.5, Westfall vs. Braley, 10 Ohio 188, 75 Am. Dec. 509, Adams vs. Richardson, 337 S.W.2d. 911, Ward v. Smith, 7 Wall. 447] A permanent state of "Emergency" was instituted, formed and erected within the Union through the contrivances, fraud, and avarice of the International Financial Institutions, Organizations, Corporations and Associations, including the Federal Reserve, their "fiscal and depository agent." [22 U.S.C.A. §286d] This has led to such "Emergency" legislation is the "Public Debt Limit- Balance Budget And Emergency Deficit Control Act of 1985," Public Law 99-177, etc.

The government, by becoming a corporator, [See: 22 U.S.C.A. §286e] lays down its sovereignty and takes on that of a private citizen. It can exercise no power which is not derived from the corporate charter. [See: The Bank of the United States vs. Planters Bank of Georgia, 6 L.Ed. (9 Wheat) 244, U.S. v. Burr, 309 U.S. 242] The real party of interest is not the de jure "United States of America" or "State," but "The Bank" and "The Fund." [22 U.S.C.A. §286, et seq., C. (Colorado) R.S. 11-60- 103] The acts committed under fraud, force, and seizures are many times done under "Letters of Marque and Reprisal" i.e. "recapture." [See: 31 U.S.C.A. §5323] Such principles as "Fraud and Justice never dwell together" [Wingate's Maxims 680], and "A right of action cannot arise out of fraud." [Broom's Maxims 297, 729; Cowper's Reports 343; 5 Scott's New Reports 558; 10 Mass. 276; 38 Fed. 800] And do not rightfully contemplate the thought concept, as "Due Process," "Just Compensation" and Justice itself. Honor is earned by honesty and integrity, not under false and fraudulent pretenses, nor will the color of the cloth one wears cover-up the usurpations, lies, trickery, and deceptions. When Black is fraudulently declared to be White, not all will live in darkness. As astutely observed by Will Rogers, "there are men running governments who shouldn't be allowed to play with matches," and is as applicable today as Jesus' statements about Lawyers.

The contrived "emergency" has created numerous abuses and usurpations, and abridgments of delegated Powers and Authority. As stated in Senate Report 93-549:

*"These proclamations give force to 470 provisions of Federal law. These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners. This vast range of powers, taken together, confer enough authority to rule the country without reference to normal constitutional process."*

*"Under the powers delegated by these statutes, the President may; seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and in a plethora of particular ways, control the lives of all American citizens."*

[See: Foreword, pg. III,

SOURCE: <http://www.famguardian.org/Subjects/LawAndGovt/Articles/SenateReport93-549.htm>]

The "Introduction," on page 1, begins with a phenomenal declaration, to wit:

1 *"A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years,*  
2 *freedoms and governmental procedures guaranteed by the Constitution have in varying degrees been abridged*  
3 *by laws brought into force by states of national emergency ..."*

4 According to the research done in 16 American Jurisprudence, 2nd Edition, Constitution, Sections 71 and 82  
5 (1999), no "emergency" justifies a violation of any Constitutional provision. Arguendo, "Supremacy Clause" and  
6 "Separation of Powers," it is clearly admitted in Senate Report No. 93-549 that abridgment has occurred. The  
7 statements heard in the Federal and State Tribunals, on numerous occasions, that Constitutional arguments are  
8 "immaterial," "frivolous," etc., are based upon the concealment, furtherance, and compounding of the Frauds and  
9 "Emergency" created and sustained by the "Expatriated," ALIENS of the United Nations and its Organizations,  
10 Corporations, and Associations. [See: Letter, Insight Magazine, February 18, 1991, pg. 7, Lowell L. Flanders,  
11 President, U.N. Staff Union, New York]. Please note that, [8 U.S.C.A. §1481] is one of the controlling Statutes  
12 on expatriation, as is [22 U.S.C.A. §§611, 612, & 613] and [50 U.S.C.A. §781].

13 The Internal Revenue Service entered into a "service agreement" with the U.S. Treasury Department [See: Public  
14 Law 94-564; Legislative History, pg. 5967; Reorganization Plan No. 26] and the Agency for International  
15 Development, pursuant to Treasury Delegation Order No. 91. The Agency For International Development is an  
16 International paramilitary operation [See: Department Of The Army Field Manual, (1969) FM 41-10, pgs. 1-4,  
17 Sec. 1-7(b) & 1-6, Section 1-10(7)(c)(1), 22 U.S.C.A. §284], and includes such activities as "Assumption of full  
18 or partial executive, legislative, and judicial authority over a country or area." [See: FM 41-10, pg. 1-7, Section  
19 110(7)(c)(4)] also see, Agreement Between The United Nations And The United States Of America Regarding  
20 The Headquarters Of The United Nations, Section 7(d) & (8), 22 U.S.C.A. §287 (1979 Ed.) at pg. 241. It is to be  
21 further observed that the "Agreement" regarding the Headquarters District of the United Nations was NOT agreed  
22 to [See: Congressional Record - Senate, December 13, 1967, Mr. Thurnond], and is illegally in the Country in the  
23 first instant.

24 The International Organizational intents, purposes, and activities include complete control of "Public Finance" i.e.  
25 "control, supervision, and audit of indigenous fiscal resources, budget practices, taxation. expenditures of public  
26 funds, currency issues, and banking agencies and affiliates." [See: FM 41-10, pgs. 2-30 through 2-31, Section  
27 251. Public Finance] This of course complies with "Silent Weapons For Quiet Wars" Research Technical Manual  
28 TM-SW7905.1, which discloses a declaration of war upon the American people (See: pgs. 3 & 7), monetary  
29 control by the Internationalist, through information etc., solicited and collected by the Internal Revenue Service  
30 [See: TM-S\W7905.1, pg. 48, also see, 22 U.S.C.A. §286F & Executive Order No. 10033, 26 U.S.C.A.  
31 §6103(k)(4)] and who is operating and enforcing the seditious International program. [See: TM-S\W7905.1, pg.  
32 52] The 1985 Edition of the Department Of The Army Field Manual, FM 41-10 further describes the International  
33 "Civil Affairs" operations. At page 3-6 it is admitted that the A.I.D. is autonomous and under direction of the  
34 International Development Cooperation Agency, and at pages 3-8, that the operation is "paramilitary." The  
35 International Organization(s) intents and purposes was to promote, implement, and enforce a "DICTATORSHIP  
36 OVER FINANCE IN THE UNITED STATES." [See: Senate Report No. 93-549, pg. 186]

37 It appears from the documentary evidence that the Internal Revenue Service Agents etc., are "Agents of a Foreign  
38 Principal" within the meaning and intent of the "Foreign Agents Registration Act of 1938." They are directed and  
39 controlled by the corporate "Governor" of "The Fund" also known as "Secretary of Treasury" [See: Public Law  
40 94-564, supra, pg. 5942, United States Government Manual 1990/91, pgs. 480-481, 26 U.S.C.A. §7701(a)(11),  
41 Treasury Delegation Order No. 150-10, and the corporate "Governor" of "The Bank" 22 U.S.C.A. §§286 and  
42 286a, acting as "information service employees [22 U.S.C.A. §611(c)(ii)], and have been and do now "solicit,  
43 collect, disburse or dispense contribution [Tax - pecuniary contribution, Black's Law Dictionary 5th edition],  
44 loans, money or other things of value for or in interest of such foreign principal 22 U.S.C.A. §611(c)(iii), and they  
45 entered into agreements with a Foreign Principal pursuant to Treasury Delegation Order No. 91 i.e. the "Agency  
46 For International Development." [See: 22 U.S.C.A. §611(c)(2)] The Internal Revenue Service is also an agency  
47 of the International Criminal Police Organization and solicits and collects information for 150 Foreign Powers.  
48 [See: 22 U.S.C.A. §263a, United States Government Manual 1990/91, pg. 385, see also, The Ron Paul Money  
49 Book, pgs. 250-251] It should be further noted that Congress has appropriated, transferred, and converted vast



1 sums to Foreign Powers [See: 22 U.S.C.A. §262c(b)] and has entered into numerous Foreign Taxing Treaties  
2 (conventions) [See: 22 U.S.C.A. §285g, 22 U.S.C.A. §287j] and other Agreements which are solicited and  
3 collected pursuant to 26 U.S.C. §6103(k)(4). Along with the other documentary evidence submitted herewith,  
4 this should absolve any further doubt as to the true character of the party. Such restrictions as "For the general  
5 welfare and common defense of the United States" [See: Constitution (1787), Article 1, Section 8, Clause 1]  
6 apparently aren't applicable, and the fraudulent re-hypothecated debt credit will be merely added to the insolvent  
7 nature of the continual "emergency," and the reciprocal social/economic repercussions laid upon present and  
8 future generations.

9 Among other reasons for lack of authority to act, such as a Foreign Agents Registration Statement, 22 U.S.C.A.  
10 §612 and 18 U.S.C.A. §§219 & 951, military authority cannot be imposed into civil affairs. [See: Department Of  
11 The Army Pamphlet 27100-70, Military Law Review, Vol. 70] The United Nations Charter, Article 2, Section 7,  
12 further prohibits the U.N. from "intervening in matters which are essentially within the domestic jurisdiction of  
13 any state ...." Korea, Viet Nam, Ethiopia, Angola, Kuwait, etc., etc., are evidence enough of the "BAD FAITH"  
14 of the United Nations and its Organizations, Corporations and Associations, not to mention the seizing of two  
15 daycare centers in the State of Minnesota by their agents, and holding the children as collateral hostages for  
16 payment/ransom of their fraudulent, dishonored, re-hypothecated debt credit, worthless securities. Such is the  
17 "Rule of Law" "as envisioned by the Founders" of the United Nations. Such is Communist terrorism, despotism  
18 and tyranny. ALL WERE AND ARE OUTLAWED HERE.

19 I hope this communication finds you well' and mentally strong for the occasion. It is quite apparent that the  
20 "Treasonous" and "Seditious" are brewing up a storm of untold magnitude. Bush's public address of September  
21 11, 1991 [See: Weekly Compilation Of Presidential Documents] should further qualify what is being said here.  
22 He admitted "Interdependence" [See also: Public Law 94-564, Legislative History, pg. 5950], "One World Order"  
23 [See also: Extension Of Remarks, January 19, 1976, Marjorie S. Holt, 8 U.S.C.A. §1101(40)], affiliation and  
24 collusion with the Soviet Union Oligarchy [50 U.S.C.A. §781], direction by the U.N., 22 U.S.C.A. §611, etc..  
25 You might also find it interesting that Treasury Delegation Order No. 92 states that the I.R.S. is trained under  
26 direction of the Division of "Human Resources" (U.N.) and the Commissioner (INTERNATIONAL), by the  
27 "Office Of Personnel Management." In the 1979 Edition of 22 U.S.C.A. §287, the United Nations, at pg. 248,  
28 you will find Executive Order No. 10422. The Office of Personnel Management is under direction of the Secretary  
29 General of the United Nations. And as stated previously, the I.R.S. is also a member in a one hundred fifty (150)  
30 Nation pact called the "International Criminal Police Organization" found at [22 U.S.C.A. §263a]. The  
31 "Memorandum & Agreement" between the Secretary of Treasury/Corporate Governor of "The Fund" and "The  
32 Bank" and the Office of the U.S. Attorney General would indicate that the Attorney General and his associate are  
33 soliciting and collecting information for Foreign Principals. [See also, United States Government Manual  
34 1990/91, pg. 385, also see, The Ron Paul Money Book, supra, pgs. 250, 251]

35 It is worthy of note that each and every Attorney/Representative, Judge or Officer is required to file a "Foreign  
36 Agents Registration Statement" pursuant to [22 U.S.C.A. §§611(c)(I)(iv) & 612], if representing the interests of a  
37 Foreign Principal or Power. [See: 22 U.S.C.A. §613, Rabinowitz vs. Kennedy, 376 U.S. 605, 11 L.Ed.2d. 940,  
38 18 U.S.C.A. §§219 & 951]

39 On January 17, 1980, the President and Senate confirmed another "Constitution," namely, the "Constitution Of  
40 The United Nations Industrial Development Organization," found at Senate, Treaty Document No. 97-19, 97th  
41 Congress, 1st Session. A perusal of this Foreign Constitution should more than qualify the internationalist intents.  
42 The "Preamble," Article 1, "Objectives," and Article 2, "Functions," clearly evidences their intent to direct,  
43 control, finance and subsidize all "natural and human resources" and "agro-related as well as basic industries,"  
44 through "dynamic social and economic changes" "with a view to assisting in the establishment of a new  
45 international economic order." The high-flown rhetoric is obviously of "Communist" origin and intents. An  
46 unelected, unrepresentative, unaccountable oligarchy of expatriates and aliens, who fraudulently claim, in the  
47 Preamble, that they intend to establish "rational and equitable international economic relations," yet openly  
48 declared that they no longer "stabilize the value of the dollar" nor "assure the value of the coin and currency of



1 the United States" is purely misrepresentation, deceit and fraud. [See: Public Law 95-147, 91 Stat. 1227, at pg.  
2 1229] This was augmented by [Public Law 101-167], 103 Stat. 1195, which discloses massive appropriations of  
3 re-hypothecated debt for the general welfare and common defense of other Foreign Powers, including  
4 "Communist" countries or satellites, International control of natural and human resources, etc. etc.. A "Resource"  
5 is a claim of "property" "and when related to people constitutes 'slavery'."

6 It is now necessary to ask, "Which Constitution they are operating under?" The "Constitution For The Newstates  
7 Of The United States." This effort was the subject matter of the book entitled: "The Emerging Constitution" by  
8 Rexford G. Tugwell, which was accomplished under the auspices of the Rockefeller tax-exempt foundation called  
9 the "Center For The Study of Democratic Institutions." The People and Citizens of the Nation were forewarned  
10 against formation of "Democracies." "Democracies have every been the spectacles of turbulence and contention;  
11 have ever been found incompatible with personal security or the rights of property; and have in general, been as  
12 short in their lives as they have been violent in their deaths." [See: Federalist Paper No. 10, also see, The Law,  
13 Fredrick Bastiat, Code Of Professional Responsibility, Preamble] This Alien Constitution, however, has nothing  
14 to do with democracy in reality. It is the basis of and for a despotic, tyrannical oligarch. Article I, "Rights and  
15 Responsibilities," Sections 1 and 15 evidence their knowledge of the "emergency." The Rights of expression,  
16 communication, movement, assembly, petition and Habeas Corpus are all excepted from being exercised under  
17 and in a "declared emergency." The Constitution for the Newstates of America, openly declares, among other  
18 seditious things and delusions that "Until each indicated change in the government shall have been completed the  
19 provisions of the existing Constitution and the organs of government shall be in effect." [See: Article XII, Section  
20 3] "All operations of the national government shall cease as they are replaced by those authorized under this  
21 Constitution." [See: Article XII, Section 4] This is apparently what Burger was promoting in 1976, after he  
22 resigned as Supreme Court Justice and took up the promotion of a "Constitutional Convention." No trial by jury  
23 is mentioned, "JUST" compensation has been removed, along with being informed of the "Nature & Cause of the  
24 Accusation," etc., etc., and every one will of course participate in the "democracy." This Constitution is but a  
25 reiteration of the Communist Doctrines, intents and purposes, and clearly establishes a "Police Power" State, under  
26 direction and control of a self-appointed oligarchy.

27 Apparently the present operation of the "de facto" government is under Foreign/Alien Constitutions, Laws, Rules,  
28 and Regulations. The overthrow of the "essential engine" declared in and by the ordained and established  
29 Constitution for the United States of America (1787), and by and under the "Bill of Rights" (1791) is obvious.  
30 The covert procedure used to implement and enforce these Foreign Constitutions, Laws, Procedures, Rules,  
31 Regulations, etc., has not, to my knowledge, been collected and assimilated nor presented as evidence to establish  
32 seditious collusion and conspiracy.

33 Fortunately, and Unfortunately, in my Land it is necessary to seek, obtain, and present EVIDENCE to sustain a  
34 conviction and/or judgment. Our patience and tolerance for those who pervert the very necessary and basic  
35 foundations of society has been pushed to insufferable levels. They have "fundamentally" changed the form and  
36 substance of the de jure Republican form of Government, exhibited a willful and wanton disregard for the Rights,  
37 Safety, and Property of others, evinced a despotic design to reduce my people to slavery, peonage and involuntary  
38 servitude, under a fraudulent, tyrannical, seditious foreign oligarchy, with intent and purpose to institute, erect  
39 and form a "Dictatorship" over the Citizens and our Posterity. They have completely debauched the de jure  
40 monetary system, destroyed the Livelihood and Lives of thousands, aided and abetted our enemies, declared War  
41 upon us and our Posterity, destroyed untold families and made homeless over 750,000 children in the middle of  
42 winter, afflicted widows and orphans, turned Sodomites lose among our young, implemented foreign laws, rules,  
43 regulations and procedures within the body of the country, incited insurrection, rebellion, sedition and anarchy  
44 within the de jure society, illegally entered our Land, taken false Oaths, entered into Seditious Foreign  
45 Constitutions, Agreements, Pacts, Confederations, and Alliances, and under pretense of "emergency," which they  
46 themselves created, promoted and furthered, formed a multitude of offices and retained those of alien allegiance  
47 to perpetuate their frauds and to eat out the substance of the good and productive people of our Land, and have  
48 arbitrarily dismissed and held mock trials for those who trespassed upon our lives, Liberties, Properties, and  
49 Families and endangered our Peace, Safety, Welfare, and Dignity. The damage, injury and costs have been higher

than mere money can repay. They have done that which they were COMMANDED NOT TO DO. The time for just correction is NOW!

Sincere consideration of "Presentment" to a Grand Jury under the ordained and established Constitution for the United States of America (1787), Amendment V is in order. Numerous High Crimes and Misdemeanors have been committed under the Constitution for the United States of America, and Laws made in Pursuance thereof, and under the Constitution for the States, and the laws made in Pursuance thereof, and against the Peace and Dignity of the People including, but not limited to, C. (Colorado) R.S. 18-11-203 which defines and prescribes punishment for "Seditious Associations" which is applicable to the other constitutions, and the intents and professed purposes of their Organizations, Corporations and Associations. If the Presentment should be obstructed by the members of the Bar, ARREST THEM.

I could go on, but the story is long! I hope this information and research is of assistance to you. Much remains to be uncovered and disclosed, as it is necessary and imperative to secure the Lives, Liberties, Property, Peace and Dignity of the People and our Posterity. Good Hunting and the Good Lord be with you in all your endeavors.

### **13.4 Corroborating evidence of privatization**

We believe that it is easy to prove that we no longer have a government, but a private corporate monopoly orders of magnitude more evil than the Enron fraud. We call it "Enron to the tenth power". Below are several facts which easily prove this hypothesis. We encourage you to rebut any of these facts which prove our hypothesis, but no one to date has been able to rebut even one of them:

1. The "United States" is identified as a "federal corporation" in the statutes:

*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.

2. The "United States" is a "foreign corporation" with respect to states of the Union:

*"A federal corporation operating within a state is considered a domestic corporation rather than a foreign corporation. **The United States government is a foreign corporation with respect to a state.**"*  
*[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]*

3. The domicile of the "United States" corporation is the District of Columbia, which also is a corporation:

*Uniform Commercial Code (U.C.C.)*  
*§ 9-307. LOCATION OF DEBTOR.*

*(h) [Location of United States.]*

*The United States is located in the **District of Columbia**.*

*[SOURCE:*  
*<http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm#s9-307>*  
*]*

*TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART II > Subpart D > § 892*  
*[§892. Income of foreign governments and of international organizations](#)*

(a) *Foreign governments*

(3) *Treatment as resident*

***For purposes of this title, a foreign government shall be treated as a corporate resident of its country. A foreign government shall be so treated for purposes of any income tax treaty obligation of the United States if such government grants equivalent treatment to the Government of the United States.***

If you want to see proof from the Statutes at Large that the District of Columbia is a corporation and not a geographic place, see:

SEDM Exhibits #08.008 and #08.009  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

4. The private corporation called the “United States” issues “stocks” in the corporation called Federal Reserve Notes. Those in possession of said stocks are bondholders”, “stockholders”, and “investors” of the corporation.
- 4.1. Interest on these bonds called “Federal Reserve Notes” are paid to the Federal Reserve, which is neither federal nor a “reserve”. Instead, it is a consortium of private, for-profit international banks. The Federal Reserve is no more “federal” than “Federal Express”!
- 4.2. Black’s Law Dictionary defines “money” in such a way that it excludes “notes”, which also means that it excludes “Federal Reserve Notes”.

***“Money:*** *In usual and ordinary acceptance it means coins and paper currency used as circulating medium of exchange, and does not embrace notes, bonds, evidences of debt, or other personal or real estate. Lane v. Railey, 280 Ky. 319, 133 S.W.2d. 74, 79, 81.”*  
*[Black’s Law Dictionary, Sixth Edition, p. 1005]*

- 4.3. The courts have ruled that the formation of any corporation amounts to a contract with the officers and the stockholders of the corporation. Therefore, everyone in possession of said “bonds” and corporate “stocks” called Federal Reserve Notes are contractors of the United States!:

*The court held that the first company's charter was a contract between it and the state, within the protection of the constitution of the United States, and that the charter to the last company was therefore null and void., Mr. Justice DAVIS, delivering the opinion of the court, said that, if anything was settled by an unbroken chain of decisions in the federal courts, it was that an act of incorporation was a contract between the state and the stockholders, a departure from which now would involve dangers to society that cannot be foreseen, would shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect which has always been felt for the judicial department of the government.*  
*[New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885) ]*

5. The Constitution forbids any branch of the government to delegate any of its powers to any other branch and especially not to a private corporation such as the Federal Reserve. That is why:
- 5.1. The U.S. Congress did not and cannot lawfully delegate its power to coin money to the PRIVATE Federal Reserve under Article 1, Section 8, Clause 5 of the Constitution.

***Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional plan cannot be ratified by the "consent" of state officials. An analogy to the separation of powers among the branches of the Federal Government clarifies this point. The Constitution's division of power among the three branches is violated where one branch invades the territory of another, whether or not the encroached-upon branch approves the encroachment.*** In *Buckley v. Valeo*, 424 U.S. 1, 118 -137 (1976), for instance, the Court held that Congress had infringed the President's appointment power, despite the fact that the President himself had manifested his consent to the statute that caused the infringement by signing it into law. See *National League of Cities v. Usery*, 426 U.S., at 842, n. 12. In *INS v. Chadha*, 462 U.S. 919, 944 -959 (1983), we held that the legislative veto violated the constitutional requirement that legislation be presented to the President, despite Presidents' approval of hundreds of statutes containing a legislative veto provision. See *id.*, at 944-945. The constitutional authority of Congress cannot be expanded by the "consent" of the governmental unit whose domain is thereby narrowed, whether that unit is the Executive Branch or the States.  
[\[New York v. United States, 505 U.S. 144, 112 S.Ct. 2408, 120 L.Ed.2d. 120 \(1992\)\]](#)

- 5.2. Federal Reserve Notes are issued NOT under the Constitutional power to coin money found in Article 1, Section 8, Clause 5, but under the power borrow money found in Article 1, Section 8, Clause 2. The Treasury prints Federal Reserve Notes, sells them to the Federal Reserve for three cents on the dollar, and the United States Government then borrows them back AT INTEREST from the Federal Reserve.

6. All of the federal courts and agencies within the alleged “government” are listed as corporations within Dunn and Bradstreet's credit tracking system as “businesses”. See:  
<http://smallbusiness.dnb.com/>
7. Walter Burien has been studying de facto state governments for years. He has uncovered extensive evidence that these state governments are “cooking the books” by keeping two sets of books. One set is identified as private, but all the assets and real earnings of the *private* government are carefully kept secret. He has been persecuted for exposing this dichotomy by these private governments. You can visit his website at:  
<http://www.cafman.com/>
8. The U.S. Supreme Court has said that when an agent of the government exceeds his authority under the law, then he is acting as a “private individual” rather than a “public official”.

*“... the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread and act in its name.”*

*“This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the line of demarcation that separates constitutional government from absolutism, free self- government based on the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of the state to declare and decree that he is the state; to say 'L'Etat, c'est moi.' Of what avail are written constitutions, whose bills of right, for the security of individual liberty, have been written too often with the blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce them; and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect? And how else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals are forbidden to visit penalties upon individual offenders, who are the instruments of wrong, whenever they interpose the shield of the state? **The doctrine is not to be tolerated.** The whole frame and scheme of the political institutions of this country, state and federal, protest against it. Their continued existence is not compatible with it. **It is the doctrine of absolutism, pure, simple, and naked, and of communism which is its twin, the double progeny of the same evil birth.**”*

*[Poindexter v. Greenhow, 114 U.S. 270, 5 S.Ct. 903 (1885)]*

Judges and federal prosecutors exceed their jurisdiction and authority all the time by self-servingly interpreting the meaning of words within federal law so that they apply outside of federal territory. For instance, they interpret the word “State” within federal statutes to include states of the Union, even though this is a violation of the Separation of Powers Doctrine.

*In another, not unrelated context, Chief Justice Marshall's exposition in Cohens v. Virginia, 6 Wheat. 264, 5 L.Ed. 257 (1821), could well have been the explanation of the Rule of Necessity; he wrote that a court “must take jurisdiction if it should. **The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution.** Questions may occur which we would gladly avoid; but we cannot avoid them.” Id., at 404 (emphasis added).*

*[U.S. v. Will, 449 U.S. 200, 101 S.Ct. 471 (U.S.Ill.,1980)]*

For further evidence documenting this usurpation, see:

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

9. Alleged “government employees”, and especially those within the IRS and the federal judiciary, blatantly, frequently, and with impunity exceed the constitutional and statutory limitations upon their conduct. Consequently, they cease to represent the government and are acting merely as “private individuals” within what amounts to a “sham trust” that started out as a “public trust” and was transformed by usurpers into a private, for-profit, corporate monopoly:

*“In addition, there are several well known subordinate principles. The Government may not be sued except by its consent. The United States has not submitted to suit for specific performance\*99 or for an injunction. This immunity may not be avoided by naming an officer of the Government as a defendant. **The officer may be sued only if he acts in excess of his statutory authority or in violation of the Constitution for then he ceases to represent the Government.**”*

*[U.S. ex. rel. Brookfield Const. Co. v. Stewart, 284 F.Supp. 94 (1964)]*

10. Judges act essentially as a “protection racket” for this organized crime corporate monopoly and syndicate. In many counties, judges pick the grand jurors. They always pick the most ignorant, compliant, complacent people to be on these grand juries who are most likely to act as putty in the hands of pseudo/corporate government prosecutors and who are least likely to prosecute the judges, who are the worst perpetrators of the scam. The jurors that these corrupted pseudo/franchise judges are most likely to pick are fellow federal “employees” called “U.S. citizens” with a financial conflict of interest in criminal violation of 18 U.S.C. §208 because in receipt of socialist benefits, such as Social Security, Medicare, etc. There is no better way to rig a trial than to fill the courtroom with officers of the government who are all “tax consumers”. See:

Resignation of Compelled Social Security Trustee, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

11. The U.S. Supreme Court has held that when the federal corporation called the “United States” enters into private business, it takes on the character of any other private corporation:

“...when the United States [or a State, for that matter] enters into commercial business it abandons its sovereign capacity and is treated like any other corporation...”  
[91 Corpus Juris Secundum (C.J.S.), United States, §4 (2003)]

“What, then, is meant by the doctrine that contracts are made with reference to the taxing power resident in the State, and in subordination to it? Is it meant that when a person lends money to a State, or to a municipal division of the State having the power of taxation, there is in the contract a tacit reservation of a right in the debtor to raise contributions out of the money promised to be paid before payment? **That cannot be, because if it could, the contract (in the language of Alexander Hamilton) would 'involve two contradictory things: an obligation to do, and a right not to do; an obligation to pay a certain sum, and a right to retain it in the shape of a tax. It is against the rules, both of law and of reason, to admit by implication in the construction of a contract a principle which goes in destruction of it.' The truth is, States and cities, when they borrow money and contract to repay it with interest, are not acting as sovereignties. They come down to the level of ordinary individuals. Their contracts have the same meaning as that of similar contracts between private persons.** Hence, instead of there being in the undertaking of a State or city to pay, a reservation of a sovereign right to withhold payment, the contract should be regarded as an assurance that such a right will not be exercised. A promise to pay, with a reserved right to deny or change the effect of the promise, is an absurdity.”

“Is, then, property, which consists in the promise of a State, or of a municipality of a State, beyond the reach of taxation? We do not affirm that it is. A State may undoubtedly tax any of its creditors within its jurisdiction for the debt due to him, and regulate the amount of the tax by the rate of interest the debt bears, if its promise be left unchanged. A tax thus laid impairs no obligation assumed. It leaves the contract untouched. But until payment of the debt or interest has been made, as stipulated, we think no act of State sovereignty can work an exoneration from what has been promised to the [446] creditor; namely, payment to him, without a violation of the Constitution. The true rule of every case of property founded on contract with the government is this: It must first be reduced into possession, and then it will become subject, in common with other similar property, to the right of the government to raise contributions upon it. It may be said that the government may fulfil this principle by paying the interest with one hand, and taking back the amount of the tax with the other. But to this the answer is, that, to comply truly with the rule, the tax must be upon all the money of the community, not upon the particular portion of it which is paid to the public creditors, and it ought besides to be so regulated as not to include a lien of the tax upon the fund. The creditor should be no otherwise acted upon than as every other possessor of money; and, consequently, the money he receives from the public can then only be a fit subject of taxation when it is entirely separated' (from the contract), 'and thrown undistinguished into the common mass.' 3 Hamilton, Works, 514 et seq. Thus only can contracts with the State be allowed to have the same meaning as all other similar contracts have.”  
[Murray v. City of Charleston, 96 U.S. 432 (1877)]

12. The IRS is not an agency within the United States Government, but a private, for-profit corporation. Evidence supporting these conclusions includes the following:

- 12.1. The IRS has no statutory authority to even exist anywhere within 26 U.S.C. or with 31 U.S.C., which established the Treasury Department. It is a racketeering ring, as exhaustively proven in the following:

Origins and Authority of the Internal Revenue Service, Form #05.005  
<http://sedm.org/Forms/FormIndex.htm>

- 12.2. The IRS was incorporated in 1933 the state of Delaware as a private corporation. See the following for proof:



SEDM Exhibit #08.006

<http://sedm.org/Exhibits/ExhibitIndex.htm>

12.3. The U.S. Department of Justice has admitted under penalty of perjury that the I.R.S. is not an agency of the United States Government. See:

<http://fanguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

12.4. The “United States of America, Inc.” was registered as a private, for-profit corporation. See the following for proof:

SEDM Exhibit #08.007

<http://sedm.org/Exhibits/ExhibitIndex.htm>

13. Both the states and the federal government have entered into “compacts” called Agreement on Coordination of Tax Administration (A.C.T.A.) that authorize concurrent jurisdiction over income taxes of “public officers” under the authority of the Public Salary Tax Act of 1939 and the Buck Act of 1940, 4 U.S.C. §105-110. These acts apply only within federal territory within the exterior limits of the state under the authority of the Buck Act, and yet:

13.1. They are being enforced illegally outside of federal areas by the states. In that sense, states of the Union are acting as federal corporate subdivisions of the national government without any lawful authority.

13.2. They are being enforced illegally outside of federal areas by the federal government.

13.3. They are being misrepresented by the state and federal governments to the public at large as applying everywhere. All of the above types of unlawful tax enforcements outside of federal territories and federal areas represent “private business” which has NO public character because the law plainly does not authorize it. See the following for more proof:

State Income Taxes, Form #05.031

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

14. The Social Security Act and the Internal Revenue Code Subtitle A are both “private law” and “special law” that only apply to those who individually consent expressly in writing or implicitly by their conduct. The IRS admitted this on government stationary!

IRS Agent Cynthia Mills letter, SEDM Exhibit #09.023

<http://sedm.org/Exhibits/ExhibitIndex.htm>

As such, they represent a private “franchise” not unlike McDonalds or Burger King and private business that the federal government is engaging in within states of the Union and which does not apply to other than domiciliaries of federal territory wherever they are situated. When they apply it to those not domiciled on federal territory, it becomes “private business” and not a “public purpose”. See sections 11 through 11.6 of the following:

Requirement for Consent, Form #05.003

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

15. The Social Security Act only authorizes statutory “U.S. citizens” pursuant to 8 U.S.C. §1401 and statutory “permanent residents” to participate. Constitutional citizens are not allowed to participate, which includes all those domiciled within the exclusive jurisdiction of states of the Union. See 20 C.F.R. §422.103(d). What these two groups have in common is a legal domicile on federal territory and not within the exclusive jurisdiction of any state of the Union. The Social Security Administration tries to bend these rules by using the vague and undefined term “U.S. citizen” on the SSA Form SS-5, and refuses to answer questions about what it means, knowing full well that it is defined in 8 U.S.C. §1401 as a person subject to exclusive federal jurisdiction with a domicile on federal territory and not within any state of the Union and excludes all persons domiciled in states of the Union. See:

SEDM Exhibit #07.012

<http://sedm.org/Exhibits/ExhibitIndex.htm>

This causes an unintentional and ignorant election to waive sovereign immunity under the authority of 28 U.S.C. §1605(a)(2) and 28 U.S.C. §1603(b)(3) and unlawfully extends federal civil jurisdiction into states of the Union and thereby destroys the separation of powers. Therefore, all such constructive fraud not authorized by law constitutes “private business” as defined by the Supreme Court and:

15.1. Causes the SSA Form SS-5 form to act as a private contract to go to work for the government and become their “employee”. 5 U.S.C. §2105 defines this “employee” as an elected or appointed officer of the government and NOT an ordinary “worker”.

15.2. Makes the Internal Revenue Code and Title 5 of the U.S. Code into an “employment agreement” for those who want to go to work for the “private corporation” called the United States as its “officers” or “public officers”.

15.3. Creates a gigantic monopoly in which the U.S. pseudo-government becomes a Kelly Girl that rents out its “employees”/officers to private employers and makes them into “trustees” and “transferees” over earnings paid to its loaned out employees using the income tax system. These “trustees” and “transferees” are described in 26 U.S.C. §§6901 and 6903 and they are the only persons over whom the franchise court called “Tax Court” has jurisdiction.

16. The foundation of a de jure lawful, Constitutional government is “equal protection”. The foundation of a private, for-profit corporation is “privilege” and personal and collective “profit”. The measure of whether we have a lawful de jure

constitutional “government” v. a private corporation is the extent to which some citizens pay more for the same service than others or receive more benefit than others. The following commercial transactions all prove that we don’t have a government, but a private corporation because some pay more than others for the SAME “service”:

16.1. The income tax under I.R.C. Section 1 imposes a graduated rate of tax rather than a flat rate. The vast majority of Americans file the IRS Form 1040 which applies this graduated rate of tax. The graduated rate can only be enforced where there are no constitutional protections and therefore no requirement for equal protection. That place is federal territory, and more especially, employment with the government as a “public officer” within the District of Columbia. Several state courts have ruled that graduated rates of tax are unconstitutional if enforced within states of the Union on other than federal territory. See *Culliton v. Chase*, 25 P.2d. 81 (1933) and *Jensen v. Henneford*, 53 P.2d. 607 (1936).

16.2. Not all citizens or residents receive the same amount in their government payments. Some citizens receive more in their social security checks than others. All must receive an EQUAL amount regardless of what they pay in order for the government to not be operating in a private capacity.

16.3. Nearly everything our government does involves some type of commerce and a “service” connected with it. All such transactions are implemented using “franchises”, and since franchises are based on consent, the requirement for equal protection no longer applies. This includes Social Security, Medicare, Unemployment Insurance, professional licenses, driver’s license, and marriage licenses.

We have proven that the government has become a private corporate monopoly that has replaced the need for equal protection with privileges and franchises. The U.S. Supreme Court has said that this is unconstitutional:

*“It would be a palpable incongruity to strike down an act of state legislation which, by words of express divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that, as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may not impose conditions which require the relinquishment of Constitutional rights. If the state may compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out or existence.”*

*[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]*

### 13.5 Abuse of taxing power to redistribute wealth

The U.S. Supreme Court has held many times that the ONLY purpose for lawful, constitutional taxation is to collect revenues to support ONLY the machinery and operations of the government and its “employees”. This purpose, it calls a “public use” or “public purpose”:

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

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

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

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

"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another."

[[U.S. v. Butler, 297 U.S. 1 \(1936\)](#)]

Black's Law Dictionary defines the word "public purpose" as follows:

**"Public purpose.** In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax, police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for instance, federal benefit recipients as individuals]. "Public purpose" that will justify expenditure of public money generally means such an activity as will serve as benefit to community as a body and which at same time is directly related function of government. *Pack v. Southwestern Bell Tel. & Tel. Co.*, 215 Tenn. 503, 387 S.W.2d. 789, 794.

The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals. A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public purpose or public business."

[Black's Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

A related word defined in Black's Law Dictionary is "public use":

**Public use.** Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which condemnation is sought and, as long as public has right of use, whether exercised by one or many members of public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use. *Montana Power 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]

Black's Law Dictionary also defines the word "tax" as follows:

**"Tax:** A charge by the government on the income of an individual, corporation, or trust, as well as the value of an estate or gift. The objective in assessing the tax is to generate revenue to be used for the needs of the public.

A pecuniary [relating to money] burden laid upon individuals or property to support the government, and is a payment exacted by legislative authority. *In re Mytinger*, D.C.Tex. 31 F.Supp. 977,978,979. **Essential**

**characteristics of a tax are that it is NOT A VOLUNTARY PAYMENT OR DONATION, BUT AN ENFORCED CONTRIBUTION, EXACTED PURSUANT TO**

1 **LEGISLATIVE AUTHORITY.** *Michigan Employment Sec. Commission v. Patt, 4*  
2 *Mich.App. 228, 144 N.W.2d. 663, 665. ... "*  
3 *[Black's Law Dictionary, Sixth Edition, p. 1457]*

4 So in order to be legitimately called a "tax" or "taxation", the money we pay to the government must fit all of the  
5 following criteria:

- 6 1. The money must be used ONLY for the support of government.
- 7 2. The subject of the tax must be "liable", and responsible to pay for the support of government under the force of law.
- 8 3. The money must go toward a "public purpose" rather than a "private purpose".
- 9 4. The monies paid cannot be described as wealth transfer between two people or classes of people within society.
- 10 5. The monies paid cannot aid one group of private individuals in society at the expense of another group, because this  
11 violates the concept of equal protection of law for all citizens found in Section 1 of the Fourteenth Amendment.

12 If the monies demanded by government do not fit all of the above requirements, then they are being used for a  
13 "private" purpose and cannot be called "taxes" or "taxation", according to the U.S. Supreme Court. Actions by  
14 the government to enforce the payment of any monies that do not meet all the above requirements can therefore  
15 only be described as:

- 16 1. Theft and robbery by the government in the guise of "taxation"
- 17 2. Government by decree rather than by law
- 18 3. Tyranny
- 19 4. Socialism
- 20 5. Mob rule and a tyranny by the "have-nots" against the "haves"
- 21 6. [18 U.S.C. §241](#): Conspiracy against rights. The IRS shares tax return information with states of the union, so that both  
22 of them can conspire to deprive you of your property.
- 23 7. [18 U.S.C. §242](#): Deprivation of rights under the color of law. The Fifth Amendment says that people in states of the  
24 Union cannot be deprived of their property without due process of law or a court hearing. Yet, the IRS tries to make it  
25 appear like they have the authority to just STEAL these people's property for a fabricated tax debt that they aren't even  
26 legally liable for.
- 27 8. [18 U.S.C. §247](#): Damage to religious property; obstruction of persons in the free exercise of religious beliefs
- 28 9. [18 U.S.C. §872](#): Extortion by officers or employees of the United States.
- 29 10. [18 U.S.C. §876](#): Mailing threatening communications. This includes all the threatening notices regarding levies, liens,  
30 and idiotic IRS letters that refuse to justify why government thinks we are "liable".
- 31 11. [18 U.S.C. §880](#): Receiving the proceeds of extortion. Any money collected from Americans through illegal enforcement  
32 actions and for which the contributors are not "liable" under the law is extorted money, and the IRS is in receipt of the  
33 proceeds of illegal extortion.
- 34 12. [18 U.S.C. §1581](#): Peonage, obstructing enforcement. IRS is obstructing the proper administration of the Internal  
35 Revenue Code and the Constitution, which require that they respect those who choose NOT to volunteer to participate  
36 in the federal donation program identified under subtitle A of the I.R.C.
- 37 13. [18 U.S.C. §1583](#): Enticement into slavery. IRS tries to enlist "nontaxpayers" to rejoin the ranks of other peons who pay  
38 taxes they aren't demonstrably liable for, which amount to slavery.
- 39 14. [18 U.S.C. §1589](#): Forced labor. Being forced to expend one's personal time responding to frivolous IRS notices and  
40 pay taxes on my labor that I am not liable for.

41 The U.S. Supreme Court has further characterized all efforts to abuse the tax system in order to accomplish "wealth  
42 transfer" as "political heresy" that is a denial of republican principles that form the foundation of our Constitution,  
43 when it issued the following strong words of rebuke. Incidentally, the case below also forms the backbone of  
44 reasons why the Internal Revenue Code can never be anything more than private law that only applies to those  
45 who volunteer into it:

46 *"The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of*  
47 *conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but they*  
48 *[the government] cannot change innocence [a "nontaxpayer"] into guilt [a "taxpayer"]; or punish innocence*  
49 *as a crime [criminally prosecute a "nontaxpayer" for violation of the tax laws]; or violate the right of an*  
50 *antecedent lawful private contract; or the right of private property. To maintain that our Federal, or State,*

1 Legislature possesses such powers [of THEFT and FRAUD], if they had not been expressly restrained; would,  
2 \*389 in my opinion, be a political heresy, altogether inadmissible in our free republican governments."  
3 [Calder v. Bull, 3 U.S. 386 (1798)]

4 We also cannot assume or suppose that our government has the authority to make "gifts" of monies collected  
5 through its taxation powers, and especially not when paid to private individuals or foreign countries because:

- 6 1. The Constitution DOES NOT authorize the government to "gift" money to anyone within states of the Union or in foreign  
7 countries, and therefore, this is not a Constitutional use of public funds, nor does unauthorized expenditure of such funds  
8 produce a tangible public benefit, but rather an injury, by forcing those who do not approve of the gift to subsidize it and  
9 yet not derive any personal benefit whatsoever for it.  
10 2. The Supreme Court identifies such abuse of taxing powers as "robbery in the name of taxation" above.

11 Based on the foregoing analysis, we are then forced to divide the monies collected by the government through its  
12 taxing powers into only two distinct classes. We also emphasize that every tax collected and every expenditure  
13 originating from the tax paid MUST fit into one of the two categories below:



**Table 9: Two methods for taxation**

#	Characteristic	Public use/purpose	Private use/purpose
1	<b>Authority for tax</b>	U.S. Constitution	Legislative fiat, tyranny
2	<b>Monies collected described by Supreme Court as</b>	Legitimate taxation	“Robbery in the name of taxation” (see <i>Loan Assoc. v. Topeka</i> , above)
3	<b>Money paid only to following parties</b>	Federal “employees”, contractors, and agents	Private parties with no contractual relationship or agency with the government
4	<b>Government that practices this form of taxation is</b>	A righteous government	A THIEF
5	<b>This type of expenditure of revenues collected is:</b>	Constitutional	Unconstitutional
6	<b>Lawful means of collection</b>	Apportioned direct or indirect taxation	Voluntary donation (cannot be lawfully implemented as a “tax”)
7	<b>Tax system based on this approach is</b>	A lawful means of running a government	A charity and welfare state for private interests, thieves, and criminals
8	<b>Government which identifies payment of such monies as mandatory and enforceable is</b>	A righteous government	A lying, thieving government that is deceiving the people.
9	<b>When enforced, this type of tax leads to</b>	Limited government that sticks to its corporate charter, the Constitution	Socialism Communism Mafia protection racket Organized extortion
10	<b>Lawful subjects of Constitutional, federal taxation</b>	Taxes on imports into states of the Union coming from foreign countries. See Constitution, Article 1, Section 8, Clause 3 (external) taxation.	No subjects of lawful taxation. Whatever unconstitutional judicial fiat and a deceived electorate will tolerate is what will be imposed and enforced at the point of a gun
11	<b>Tax system based on</b>	Private property VOLUNTARILY donated to a public use by its exclusive owner	All property owned by the state, which is FALSELY PRESUMED TO BE EVERYTHING. Tax becomes a means of “renting” what amounts to state property to private individuals for temporary use.

The U.S. Supreme Court also helped to clarify how to distinguish the two above categories when it said:

*“It is undoubtedly the duty of the legislature which imposes or authorizes municipalities to impose a tax to see that it is not to be used for purposes of private interest instead of a public use, and the courts can only be justified in interposing when a violation of this principle is clear and the [87 U.S. 665] reason for interference cogent. And in deciding whether, in the given case, the object for which the taxes are assessed falls upon the one side or the other of this line, they must be governed mainly by the course and usage of the government, the objects for which taxes have been customarily and by long course of legislation levied, what objects or purposes have been considered necessary to the support and for the proper use of the government, whether state or municipal. Whatever lawfully pertains to this and is sanctioned by time and the acquiescence of the people may well be held to belong to the public use, and proper for the maintenance of good government, though this may not be the only criterion of rightful taxation.”*  
*[Loan Association v. Topeka, 20 Wall. 655 (1874)]*

If we give our government the benefit of the doubt by “assuming” or “presuming” that it is operating lawfully and consistent with the model on the left above, then we have no choice but to conclude that everyone who lawfully receives any kind of federal payment MUST be either a federal “employee” or “federal contractor” on official duty, and that the compensation received must be directly connected to the performance of a sovereign or Constitutionally authorized function of government. Any other conclusion or characterization of a lawful tax other than this is irrational, inconsistent with the rulings of the U.S. Supreme Court on this subject, and an attempt to deceive the public about the role of limited Constitutional government based on Republican principles. This

means that you cannot participate in any of the following federal social insurance programs WITHOUT being a federal “employee”, and if you refuse to identify yourself as a federal employee, then you are admitting that your government is a thief and a robber that is abusing its taxing powers:

1. Subtitle A of the Internal Revenue Code. I.R.C. (26 U.S.C.) sections 1, 32, and 162 all confer privileged financial benefits to the participant which constitute federal “employment” compensation.
2. Social Security.
3. Unemployment compensation.
4. Medicare.

An examination of the Privacy Act, [5 U.S.C. §552a\(a\)\(13\)](#), in fact, identifies all those who participate in the above programs as “federal personnel”, which means federal “employees”. To wit:

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

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

(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).

The “individual” they are talking about above is further defined in [5 U.S.C. §552a\(a\)\(2\)](#) as follows:

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

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

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

The “citizen of the United States” they are talking about above is based on the statutory rather than constitutional definition of the “United States”, which means it refers to the federal zone and excludes states of the Union. Also, note that both of the two preceding definitions are found within Title 5 of the U.S. Code, which is entitled “Government Organization and Employees”. Therefore, it refers ONLY to government employees and excludes private employees. There is no definition of the term “individual” anywhere in Title 26 (I.R.C.) of the U.S. Code or any other title that refers to private natural persons, because Congress cannot legislate for them. Notice the use of the phrase “private business” in the U.S. Supreme Court ruling below:

*“The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way [unregulated by the government]. His power to contract is unlimited. He owes no duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public [including so-called “taxes” under Subtitle A of the I.R.C.] so long as he does not trespass upon their rights.”*  
[Hale v. Henkel, [201 U.S. 43](#), 74 (1906)]

The purpose of the Constitution and the Bill of Rights instead is to REMOVE authority of the Congress to legislate for private persons and thereby protect their sovereignty and dignity. That is why the U.S. Supreme Court ruled the following:

*“The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the*

Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men."

[*Olmstead v. United States*, [277 U.S. 438, 478](#) (1928) (Brandeis, J., dissenting); see also *Washington v. Harper*, [494 U.S. 210](#) (1990)]

**QUESTIONS FOR DOUBTERS:** If you aren't a federal "employee" as a person participating in Social Security and the Internal Revenue Code, then why are all of the Social Security Regulations located in Title 20 of the Code of Federal Regulations under parts 400-499, entitled "Employee Benefits"? See for yourself:

[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=f073dcf7b1b49c3d353eaf290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=f073dcf7b1b49c3d353eaf290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab_02.tpl)

Another very important point to make here is that the purpose of nearly all federal law is to regulate "public conduct" rather than "private conduct". Congress must write laws to regulate and control every aspect of the behavior of its employees so that they do not adversely affect the rights of private individuals like you, who they exist exclusively to serve and protect. Most federal statutes, in fact, are exclusively for use by those working in government and simply do not apply to private citizens in the conduct of their private lives. Federal law cannot apply to the private public at large because the Thirteenth Amendment says that involuntary servitude has been abolished. If involuntary servitude is abolished, then they can't use, or in this case "abuse" the authority of law to impose ANY kind of duty against anyone in the private public except possibly the responsibility to avoid hurting their neighbor and thereby depriving him of the equal rights he enjoys.

*For the commandments, "You shall not commit adultery," "You shall not murder," "You shall not steal," "You shall not bear false witness," "You shall not covet," and if there is any other commandment, are all summed up in this saying, namely, "You shall love your neighbor as yourself."*

**Love does no harm to a neighbor; therefore love is the fulfillment of [the ONLY requirement of] the law [which is to avoid hurting your neighbor and thereby love him].**

[Romans 13:9-10, Bible, NKJV]

*"Do not strive with a man without cause, if he has done you no harm."*

[Prov. 3:30, Bible, NKJV]

Thomas Jefferson, our most revered founding father, summed up this singular duty of government to LEAVE PEOPLE ALONE and only interfere or impose a "duty" using the authority of law when and only when they are hurting each other in order to protect them and prevent the harm when he said.

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

[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

The U.S. Supreme Court confirmed this view, when it ruled:

*"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)]

What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your private life. This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control every aspect of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call "social engineering". Just by the deductions they offer, people are incentivized into all

kinds of crazy behaviors in pursuit of reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle A of the Internal Revenue Code, which would “appear” to regulate the private conduct of all individuals in states of the Union, in fact only applies to federal instrumentalities or “public employees” in the official conduct of their duties on behalf of the municipal corporation located in the District of Columbia, which 4 U.S.C. §72 makes the “seat of government”. The I.R.C. therefore essentially amounts to a part of the job responsibility and the “employment contract” of “public employees” and federal instrumentalities. This was also confirmed by the House of Representatives, who said that only those who take an oath of “public office” are subject to the requirements of the personal income tax. See:

<http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

Within the Internal Revenue Code, those legal “persons” who work for the government are identified as engaging in a “public office”. A “public office” within the Internal Revenue Code is called a “trade or business”, which is defined below. We emphasize that engaging in a privileged “trade or business” is the main excise taxable activity that in fact and in deed is what REALLY makes a person a “taxpayer” subject to the Internal Revenue Code, Subtitle A:

26 U.S.C. Sec. 7701(a)(26)

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

Below is the definition of “public office”:

Public office

*“Essential characteristics of a ‘public office’ are:*

- (1) Authority conferred by law,*
- (2) Fixed tenure of office, and*
- (3) Power to exercise some of the sovereign functions of government.*
- (4) Key element of such test is that “officer is carrying out a sovereign function’.*
- (5) Essential elements to establish public position as ‘public office’ are:*
  - (a) Position must be created by Constitution, legislature, or through authority conferred by legislature.*
  - (b) Portion of sovereign power of government must be delegated to position,*
  - (c) Duties and powers must be defined, directly or implied, by legislature or through legislative authority.*
  - (d) Duties must be performed independently without control of superior power other than law, and*
  - (e) Position must have some permanency.”*

*[Black’s Law Dictionary, Sixth Edition, p. 1230]*

Those who are fulfilling the “functions of a public office” are under a legal, fiduciary duty as “trustees” of the “public trust”, while working as “volunteers” for the “charitable trust” called the “United States Government Corporation”, which we affectionately call “U.S. Inc.”:

*“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.”<sup>81</sup> Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.<sup>82</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.<sup>83</sup> and owes a fiduciary duty to the public.<sup>84</sup> It has been said that the*

<sup>81</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>82</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>83</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>84</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864

*fiduciary responsibilities of a public officer cannot be less than those of a private individual.*<sup>85</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>86</sup>”  
[63C American Jurisprudence 2d., Public Officers and Employees, §247 (1999)]

“U.S. Inc.” is a federal corporation, as defined below:

*“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)]

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.*

Those who are acting as “public officers” for “U.S. Inc.” have essentially donated their formerly private property to a “public use”. In effect, they have joined the SOCIALIST collective and become partakers of money STOLEN from people, most of whom, do not wish to participate and who would quit if offered an informed choice to do so.

*“My son, if sinners [socialists, in this case] entice you,  
**Do not consent [do not abuse your power of choice]**  
If they say, “Come with us,  
Let us lie in wait to shed blood [of innocent “nontaxpayers”];  
Let us lurk secretly for the innocent without cause;  
Let us swallow them alive like Sheol,  
And whole, like those who go down to the Pit:  
**We shall fill our houses with spoil [plunder];**  
Cast in your lot among us,  
Let us all have one purse [share the stolen LOOT]”--*

*My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government FORCE you to associate with them either by forcing you to become a “taxpayer”/government whore or a “U.S. citizen”].*  
*Keep your foot from their path;  
For their feet run to evil,  
And they make haste to shed blood.  
Surely, in vain the net is spread  
In the sight of any bird;  
**But they lie in wait for their own blood.***

F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>85</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>86</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).



1                   *They lurk secretly for their own lives.*  
2                   *So are the ways of everyone who is greedy for gain [or unearned government benefits];*  
3                   *It takes away the life of its owners."*  
4                   [[Proverbs 1:10-19](#), Bible, NKJV]

5 Below is what the U.S. Supreme Court says about those who have donated their private property to a "public use".  
6 The ability to volunteer your private property for "public use", by the way, also implies the ability to  
7 UNVOLUNTEER at any time, which is the part no government employee we have ever found is willing to talk  
8 about. I wonder why....DUHHHH!:

9                   *"Men are endowed by their Creator with certain unalienable rights, -'life, liberty, and the pursuit of happiness;'*  
10                  *and to 'secure,' not grant or create, these rights, governments are instituted. **That property [or income] which a***  
11                  ***man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it***  
12                  ***to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, **that*****  
13                  ***if he devotes it to a public use, he gives to the public a right to control that***  
14                  ***USE;** and third, that whenever the public needs require, the public may take it upon payment of due*  
15                  ***compensation.***  
16                  [Budd v. People of State of New York, 143 U.S. 517 (1892)]

17 Any legal person, whether it be a natural person, a corporation, or a trust, may become a "public office" if it  
18 volunteers to do so. A subset of those engaging in such a "public office" are federal "employees", but the term  
19 "public office" or "trade or business" encompass much more than just government "employees". In law, when a  
20 legal "person" volunteers to accept the legal duties of a "public office", it therefore becomes a "trustee", an agent,  
21 and fiduciary (as defined in [26 U.S.C. §6903](#)) acting on behalf of the federal government by the operation of  
22 private contract law. It becomes essentially a "franchisee" of the federal government carrying out the provisions  
23 of the franchise agreement, which is found in:

- 24 1. Internal Revenue Code, Subtitle A, in the case of the federal income tax.
- 25 2. The Social Security Act, which is found in Title 42 of the U.S. Code.

26 If you would like to learn more about how this "trade or business" scam works, consult the authoritative article  
27 below:

[The "Trade or Business" Scam, Form #05.001](#)  
<http://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>

28 If you would like to know more about the extreme dangers of participating in all government franchises and why  
29 you destroy ALL your Constitutional rights and protections by doing so, see:

- 30 1. [Government Instituted Slavery Using Franchises](#), Form #05.030
- 31     <http://sedm.org/Forms/FormIndex.htm>
- 32 2. Liberty University, Section 4:
- 33     <http://sedm.org/LibertyU/LibertyU.htm>

34 The IRS Form 1042-S Instructions confirm that all those who use Social Security Numbers are engaged in the  
35 "trade or business" franchise:

36                   **Box 14, Recipient's U.S. Taxpayer Identification Number (TIN)**

37                   You must obtain and enter a U.S. taxpayer identification number (TIN) for:

- 38                   • Any recipient whose income is effectively connected with the conduct of a [trade or business](#) in the
- 39                   United States.

40                   [[IRS Form 1042-S Instructions \(2006\)](#), p. 14]

Engaging in a “trade or business” therefore implies a “public office”, which makes the person using the number into a “public officer” who has donated his formerly private time and services to a “public use” and agreed to give the public the right to control and regulate that use through the operation of the franchise agreement, which is the Internal Revenue Code, Subtitle A and the Social Security Act found in Title 42 of the U.S. Code. The Social Security Number is therefore the equivalent of a “license number” to act as a “public officer” for the federal government, who is a fiduciary or trustee subject to the plenary legislative jurisdiction of the federal government pursuant to [26 U.S.C. §7701\(a\)\(39\)](#), [26 U.S.C. §7408\(c\)](#), and [Federal Rule of Civil Procedure Rule 17\(b\)](#), regardless of where he might be found geographically, including within a state of the Union. The franchise agreement governs “choice of law” and where it’s terms may be litigated, which is the District of Columbia, based on the agreement itself.

Now let’s apply what we have learned to your employment situation. God said you cannot work for two companies at once. You can only serve one company, and that company is the federal government if you are receiving federal benefits:

*“No one can serve two masters [two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government].”  
[Luke 16:13, Bible, NKJV. Written by a tax collector]*

Everything you make while working for your slave master, the federal government, is their property over which you are a fiduciary and “public officer”.

*“THE” + “IRS” = “THEIRS”*

A federal “public officer” has no rights in relation to their master, the federal government:

*“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O'Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm’n v. Letter Carriers, 413 U.S. 548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973).”  
[Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]*

Your existence and your earnings as a federal “public officer” and “trustee” and “fiduciary” are entirely subject to the whim and pleasure of corrupted lawyers and politicians, and you must beg and grovel if you expect to retain anything:

*“In the general course of human nature, A POWER OVER A MAN’S SUBSISTENCE AMOUNTS TO A POWER OVER HIS WILL.”  
[Alexander Hamilton, Federalist Paper No. 79]*

You will need an “exemption” from your new slave master specifically spelled out in law to justify anything you want to keep while working on the federal plantation. The IRS Form 1040 return is a profit and loss statement for a federal business corporation called the “United States”. You are in partnership with your slave master and they decide what scraps they want to throw to you in your legal “cage” AFTER they figure out whatever is left in financing their favorite pork barrel project and paying off interest on an ever-expanding and endless national debt. Do you really want to reward this type of irresponsibility and surety?

The IRS Form W-4 therefore essentially amounts to a federal employment application. It is your badge of dishonor and a tacit admission that you can't or won't trust God and yourself to provide for yourself. Instead, you need a corrupted "protector" to steal money from your neighbor or counterfeit (print) it to help you pay your bills and run your life. Furthermore, if your private employer forced you to fill out the W-4 against your will or instituted any duress to get you to fill it out, such as threatening to fire or not hire you unless you fill it out, then he/she is:

1. Acting as an employment recruiter for the federal government.
2. Recruiting you into federal slavery in violation of the [Thirteenth Amendment](#), and [42 U.S.C. §1994](#).
3. Involved in a conspiracy to commit grand theft by stealing money from you to pay for services and protection you don't want and don't need.
4. Involved in racketeering and extortion in violation of [18 U.S.C. §1951](#).
5. Involved in money laundering for the federal government, by sending in money stolen from you to them, in violation of [18 U.S.C. §1956](#).

The higher ups at the IRS probably know the above, and they certainly aren't going to tell private employers or their underlings the truth, because they aren't going to look a gift horse in the mouth and don't want to surrender their defense of "plausible deniability". They will NEVER tell a thief who is stealing for them that they are stealing, especially if they don't have to assume liability for the consequences of the theft. No one who practices this kind of slavery, deceit, and evil can rightly claim that they are loving their neighbor and once they know they are involved in such deceit, they have a duty to correct it or become an "accessory after the fact" in violation of [18 U.S.C. §3](#). This form of deceit is also the sin most hated by God in the Bible. Below is a famous Bible commentary on [Prov. 11:1](#):

*"As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so **righteousness towards men is a branch of true religion, for he is not a godly man that is not honest**, nor can he expect that his devotion should be accepted; for, 1. **Nothing is more offensive to God than deceit in commerce. A false balance is here put for all manner of unjust and fraudulent practices [of our public dis-servants] in dealing with any person [within the public], which are all an abomination to the Lord, and render those abominable [hated] to him that allow themselves in the use of such accursed arts of thriving. It is an affront to justice, which God is the patron of, as well as a wrong to our neighbour, whom God is the protector of. Men [in the IRS and the Congress] make light of such frauds, and think there is no sin in that which there is money to be got by, and, while it passes undiscovered, they cannot blame themselves for it; a blot is no blot till it is hit, Hos. 12:7, 8. But they are not the less an abomination to God, who will be the avenger of those that are defrauded by their brethren. 2. Nothing is more pleasing to God than fair and honest dealing, nor more necessary to make us and our devotions acceptable to him: A just weight is his delight.** He himself goes by a just weight, and holds the scale of judgment with an even hand, and therefore is pleased with those that are herein followers of him. A balance cheats, under pretence of doing right most exactly, and therefore is the greater abomination to God."*

*[Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1]*

The Bible also says that those who participate in this kind of "commerce" with the government are practicing harlotry and idolatry. The Bible book of Revelation describes a woman called "Babylon the Great Harlot".

*"And I saw a woman sitting on a scarlet beast which was full of names of blasphemy, having seven heads and ten horns. The woman was arrayed in purple and scarlet, and adorned with gold and precious stones and pearls, having in her hand a golden cup full of abominations and the filthiness of her fornication. And on her forehead a name was written:*

*MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE EARTH.*

*I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw her, I marveled with great amazement."*

*[Rev. 17:3-6, Bible, NKJV]*

This despicable harlot is described below as the "woman who sits on many waters".

*"Come, I will show you the judgment of the great harlot [Babylon the Great Harlot] who sits on many waters, with whom the kings of the earth [politicians and rulers] committed fornication, and the inhabitants of the earth were made drunk [indulged] with the wine of her fornication."*

[Rev. 17:1-2, Bible, NKJV]

These waters are simply symbolic of a democracy controlled by mobs of atheistic people who are fornicating with the Beast and who have made it their false, man-made god and idol:

*"The waters which you saw, where the harlot sits, are peoples, multitudes, nations, and tongues."*  
[Rev. 17:15, Bible, NKJV]

The Beast is then defined in Rev. 19:19 as "the kings of the earth", which today would be our political rulers:

*"And I saw **the beast, the kings of the earth**, and their armies, gathered together to make war against Him who sat on the horse and against His army."*  
[Rev. 19:19, Bible, NKJV]

Babylon the Great Harlot is "fornicating" with the government by engaging in commerce with it. Black's Law Dictionary defines "commerce" as "intercourse":

*"**Commerce**. ...**Intercourse** by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it is carried on..."*  
[Black's Law Dictionary, Sixth Edition, p. 269]

If you want your rights back people, you can't pursue government employment in the context of your private job. If you do, the Bible, not us, says you are a harlot and that you are CONDEMNED to hell!

*And I heard another voice from heaven saying, "Come out of her, my people, lest you share in her sins, and lest you receive of her plagues. For her sins have reached to heaven, and God has remembered her iniquities. Render to her just as she rendered to you, and repay her double according to her works; in the cup which she has mixed, mix double for her. In the measure that she glorified herself and lived luxuriously, in the same measure give her torment and sorrow; for she says in her heart, 'I sit as queen, and am no widow, and will not see sorrow.' Therefore her plagues will come in one day—death and mourning and famine. And she will be utterly burned with fire, for strong is the Lord God who judges her."*  
[Rev. 18:4-8, Bible, NKJV]

### 13.6 Abuse of Franchises to compel conversion of "Unalienable Rights" into statutory "privileges"

All corporations are what is called "franchises". Below is the definition of "franchise":

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

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

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

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

*Exclusive Franchise. See Exclusive Privilege or Franchise.*

General and Special. The charter of a corporation is its "general" franchise, while a "special" franchise consists in any rights granted by the public to use property for a public use but-with private profit. *Lord v. Equitable Life Assur. Soc.*, 194 N.Y. 212, 81 N.E. 443, 22 L.R.A.,N.S., 420.

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

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

Special Franchisee. See Secondary Franchises, *supra*.  
[*Black's Law Dictionary, Fourth Edition, pp. 786-787*]

A "[franchise](#)" is an arrangement usually between you and the government, the voluntary acceptance of which puts you into a "privileged" state and causes a surrender of constitutional rights of one kind or another. The courts call "franchises" by various pseudonyms such as "public right" to disguise the nature of the inferior relation to the government of "franchisees". Franchises include:

1. [Domicile](#) in the forum state, which causes one to end up being one of the following:
  - 1.1. Statutory "U.S. citizen" pursuant to [8 U.S.C. §1401](#) if a domestic national.
  - 1.2. Statutory "Permanent resident" pursuant to [26 U.S.C. §7701\(b\)\(1\)\(A\)](#) if a foreign national.
2. Becoming a registered "voter" rather than an "elector".
3. [I.R.C. Section 501\(c\)\(3\)](#) status for churches. Churches that register under this program become government "trustees" and "public officials" that are part of the government. Is THIS what you call "separation of church and state"? See: <http://famguardian.org/Subjects/Spirituality/spirituality.htm#TAXATION OF CHURCHES AND CHURCH GOERS>:
4. Serving as a jurist. [18 U.S.C. §201\(a\)\(1\)](#) says that all persons serving as federal jurists are "public officials".
5. Attorney licenses. All attorneys are "officers of the court" and the courts in turn are part of the government. See the following for details:

*Why You Don't Want An Attorney, Family Guardian Fellowship*  
<http://famguardian.org/Subjects/LawAndGovt/LegalEthics/Corruption/WhyYouDontWantAnAtty/WhyYouDon'tWantAnAttorney.htm>
6. Marriage licenses. See the following for details:

*Sovereign Christian Marriage, Form #13.009*  
<http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm>
7. Driver's licenses. See the following for details:

*Defending Your Right to Travel, Form #06.010*  
<http://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel.htm>
8. Professional licenses.
9. Fishing licenses.
10. Social Security benefits. See the following for details:

*Resignation of Compelled Social Security Trustee, Form #06.002*  
<http://sedm.org/Forms/10-Emancipation/SSTrustIndenture.pdf>
11. Medicare.
12. Medicaid.
13. FDIC insurance of banks. [31 C.F.R. §202.2](#) says all FDIC insured banks are "agents" of the federal government and therefore "public officers".

The U.S. Supreme Court acknowledged that private conduct is beyond the reach of the government and that certain harmful, and therefore regulated activities may cause the actors to become "public officers" when it held the following.



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

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

10 [. . .]

11 Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state  
12 action analysis centers around the second part of the Lugar test, whether a private litigant, in all fairness, must  
13 be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect  
14 of the analysis is often a fact-bound inquiry, see Lugar, supra, 457 U.S. at 939, our cases disclose certain  
15 principles of general application. Our precedents establish that, in determining whether a particular action or  
16 course of conduct is governmental in character, it is relevant to examine the following:

17 [1] the extent to which the actor relies on governmental assistance and benefits, see Tulsa Professional Collection  
18 Services, Inc. v. Pope, 485 U.S. 478 (1988) ; Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961) ;

19 [2] whether the actor is performing a traditional governmental function, see Terry v. Adams, 345 U.S. 461 (1953)  
20 ; Marsh v. Alabama, 326 U.S. 501 (1946) ; cf. San Francisco Arts & Athletics, Inc. v. United States Olympic [500  
21 U.S. 614, 622] Committee, 483 U.S. 522, 544 -545 (1987);

22 [3] and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see  
23 Shelley v. Kraemer, 334 U.S. 1 (1948).

24 Based on our application of these three principles to the circumstances here, we hold that the exercise of  
25 peremptory challenges by the defendant in the District Court was pursuant to a course of state action.  
26 [Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991) ]

27 Note that the "statutory or decisional law" they are referring to above are ONLY.

- 28 1. Criminal law.  
29 2. Franchises that you consensually engage in using your right to contract.

30 For an explanation of why this is, see:

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

31 Nearly every type of government-issued benefit, license, or "privilege" you could possibly procure makes you  
32 into a "public officer", "public official", "fiduciary", "alien", "resident", "transferee", or "trustee" of the government  
33 of one kind or another with a "residence" on federal territory.

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

38 The application or license to procure the "benefits" of the franchise constitutes the contract mentioned above that  
39 creates the public office and the "RES" which is "IDENT-ified" within the government's legislative jurisdiction  
40 on federal territory. Hence "RES-IDENT"/"resident".

41 "**Res.** Lat. *The subject matter of a trust or will [or legislation]. In the civil law, a thing; an object. As a term*  
42 *of the law, this word has a very wide and extensive signification, including not only things which are objects of*  
43 *property, but also such as are not capable of individual ownership. And in old English law it is said to have a*  
44 *general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By*  
45 *"res," according to the modern civilians, is meant everything that may form an object of rights, in opposition*  
46 *to "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises*

actions [or CONSEQUENCES of choices and CONTRACTS/AGREEMENTS you make by procuring BENEFITS] of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

**Res is everything that may form an object of rights and includes an object, subject-matter or status. In re Riggle's Will, 11 A.D.2d. 51 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or status, considered as the defendant [hence, the ALL CAPS NAME] in an action, or as an object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character are said to be in rem. (See In personam; In Rem.) "Res" may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled "In re \_\_\_\_\_".**  
[Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

The "subject matter or status" they are talking about includes all privileged statuses such as "taxpayer", "benefit recipient", "citizen", or "resident". Even domicile is a type of franchise--a "protection franchise", to be precise. This "res-ident" is what most people in the freedom community would refer to as your "straw man". If a state-issued license or benefit is at issue, the territory that the privilege or franchise attaches to is federal territory that is usually in a federal area within the exterior limits of the state. The reason all licenses must presume domicile of the "person" on federal territory is that they are implemented using civil law and they regulate the exercise of rights protected by the Constitution, which in turn is a violation of rights. The Constitution and the Bill of Rights portion of the Constitution does not apply on federal territory, and therefore there is no conflict with the Constitution in regulating the exercise of rights there.

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

In that sense, applying for any kind of "privilege" or franchise from the government amounts to your constructive consent to be treated as a "resident alien" who is domiciled on federal territory and who has no constitutional rights. The following articles and forms describe this straw man and provide tools to notify the government that you have disconnected yourself from this "straw man" who is the "public officer" that is the only proper or lawful subject of most federal legislation:

1. Proof That There Is a "Straw Man", Form #05.042  
<http://sedm.org/Forms/FormIndex.htm>
2. State Created Office of "Person", Family Guardian Fellowship (OFFSITE LINK)  
<http://famguardian.org/Subjects/Freedom/Sovereignty/OfficeOfPerson.htm>
3. IRS Form 56: Notice Concerning Fiduciary Relationship, Form #04.204  
<http://sedm.org/Forms/FormIndex.htm>
4. Affidavit of Corporate Denial, Form #02.004  
<http://sedm.org/Forms/FormIndex.htm>

Participating in federal franchises has the following affects upon the legal status of various types of "persons" listed below. The right column describes the status of the "public officer" you represent while you are acting in that capacity. The right column is a judicial creation not found directly in the statutes and which results from the application of the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. §1605. It does not describe your own private status. This "public officer" in the right column is the "straw man" that is the subject of nearly all federal

1 legislation that could or does regulate your conduct. Without the existence of the straw man, the [Thirteenth](#)  
2 [Amendment](#) would make it illegal to enforce federal civil law against human beings because of the prohibition  
3 against involuntary servitude. For details on how the change in "choice of law" is effected by you voluntarily  
4 consenting to assume the duties of the "public officer" straw man, read sections 12 through 12.5 of our pamphlet  
5 below:

*Government Instituted Slavery Using Franchises*, Form #05.030

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

6

1 Table 10: Affect of participating in corporate franchises

Entity type	Sovereign status within <a href="#">federal law</a> <b>WITHOUT</b> franchises	Status in <a href="#">federal law</a> <b>AFTER</b> accepting franchise
Natural Person born within and domiciled within a state of the Union	" <a href="#">Non-resident non-person</a> "	" <a href="#">Resident alien</a> "
	Private person	" <a href="#">Public officer</a> " Trustee of the " <a href="#">public trust</a> "
	<a href="#">Constitutional</a> but not <a href="#">statutory</a> "citizen" Non-citizen national (See <a href="#">Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006</a> )	Statutory " <a href="#">U.S. citizen</a> " pursuant to <a href="#">8 U.S.C. §1401</a> because representing a federal corporation under <a href="#">28 U.S.C. §3002(15)(A)</a> which is a "citizen" pursuant to <a href="#">Federal Rule of Civil Procedure 17(b)</a> NOT a <a href="#">constitutional</a> "citizen of the United States" pursuant to <a href="#">Fourteenth Amendment</a>
	" <a href="#">Stateless person</a> " "Transient foreigner"	<a href="#">Inhabitant</a>
	Foreign person	Domestic person " <a href="#">U.S. person</a> " ( <a href="#">26 U.S.C. §7701(a)(30)</a> ) Domiciliary
State of the Union	"state" " <a href="#">foreign state</a> "	Statutory " <a href="#">State</a> " as defined in <a href="#">4 U.S.C. §110(d)</a> (see <a href="#">Federal Trade Zone Act, 1934, 19 U.S.C. 81a-81u</a> )
Trust	Foreign person Foreign estate ( <a href="#">26 U.S.C. §7701(a)(31)</a> ) Nonstatutory trust	Domestic person " <a href="#">U.S. person</a> " ( <a href="#">26 U.S.C. §7701(a)(30)</a> ) Statutory trust
State corporation	Foreign person Foreign estate ( <a href="#">26 U.S.C. §7701(a)(31)</a> )	Domestic person " <a href="#">U.S. person</a> " ( <a href="#">26 U.S.C. §7701(a)(30)</a> )
Federal corporation	Domestic person " <a href="#">U.S. person</a> " "Person" (already privileged)	Domestic person " <a href="#">U.S. person</a> " ( <a href="#">26 U.S.C. §7701(a)(30)</a> ) "Person" (already privileged)

2

**WARNING:** Participating in ANY government franchise can leave you entirely without standing or remedy in any federal court! Essentially, by eating out of the government's hand, you are SCREWED, BLACK AND BLUED, and TATTOOED!

*"These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. [United States ex rel. Dunlap v. Black](#), 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; Ex parte [Atocha](#), 17 Wall. 439, 21 L.Ed. 696; [Gordon v. United States](#), 7 Wall. 188, 195, 19 L.Ed. 35; [De Groot v. United States](#), 5 Wall. 419, 431, 433, 18 L.Ed. 700 [Comegys v. Vasse](#), 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. [Wilder Manufacturing Co. v. Corn Products Co.](#), 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann.Cas. 1916A, 118; [Arnson v. Murphy](#), 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; [Barnet v. National Bank](#), 98 U.S. 555, 558, 25 L.Ed. 212 [Farmers' & Mechanics' National Bank v. Dearing](#), 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See [Medbury v. United States](#), 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; [Parish v. MacVeagh](#), 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; [McLean v. United States](#), 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; [United States v. Laughlin](#) (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919. But here Congress has provided: [U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919) ]*

Signing up for government entitlements hands them essentially a blank check, because they, and not you, determine the cost for the service and how much you will pay for it beyond that point. This makes the public servant into your Master and beyond that point, you must lick the hands that feed you. Watch Out! NEVER, EVER take a hand-out from the government of ANY kind, or you'll end up being their CHEAP WHORE. The Bible calls this WHORE "Babylon the Great Harlot". Remember: Black's Law Dictionary defines "commerce", e.g. commerce with the GOVERNMENT, as "intercourse". Bend over!

***Commerce.** ...Intercourse by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it is carried on..."*  
[Black's Law Dictionary, Sixth Edition, p. 269]

Government franchises and licenses are the main method for destroying the sovereignty of the people pursuant to [28 U.S.C. §1603\(b\)\(3\)](#) and [28 U.S.C. §1605\(a\)\(2\)](#). For further details, read the [Sovereignty Forms and Instructions Manual, Form #10.005, Sections 1.4 through 1.11](#).

## 1 13.7 Franchise Courts: The Executive Branch judicial "protection racket"

2 "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few,  
3 or many, and whether hereditary, selfappointed, or elective, may justly be pronounced the very definition of  
4 tyranny."  
5 [James Madison, Federalist Paper #47, January 30, 1788]

6 The quote above from founding father James Madison establishes that when powers of one branch of government  
7 are consolidated into any other branch, we will have tyranny. The originator of the Separation of Powers upon  
8 which our constitutional design for government was based also said the same thing:

9 "When the legislative and executive powers are united in the same person, or in the same body of magistrates,  
10 there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact  
11 tyrannical laws, to execute them in a tyrannical manner."  
12 [Montesquieu, The Spirit of the Laws, vol. 1, trans. Thomas Nugent (London: J. Nourse, 1777), pp. 221-237,  
13 passim.]

14 Franchise courts are an example where such tyranny occurs because they consolidate judicial functions into the  
15 executive branch of the government. All franchise courts such as the U.S. Tax Court are in the Executive Branch,  
16 as held by the U.S. Supreme Court in Freytag v. Commissioner, 501 U.S. 868 (1991).



1                   “Since the Tax Court is not a court of law, unless the Chief Judge is the head of a department, the appointment  
2                   of the Special Trial Judge was void. Unlike the Court, I think he is. [501 U.S. 915]

3                   I have already explained that the Tax Court, like its predecessors, exercises the executive power of the United  
4                   States. This does not, of course, suffice to market a “Departmen[t]” for purposes of the Appointments Clause. If,  
5                   for instance, the Tax Court were a subdivision of the Department of the Treasury -- as the Board of Tax  
6                   Appeals used to be -- it would not qualify. In fact, however, the Tax Court is a freestanding, self-contained  
7                   entity in the Executive Branch, whose Chief Judge is removable by the President (and, save impeachment, no  
8                   one else). Nevertheless, the Court holds that the Chief Judge is not the head of a department.”  
9                   [Freytag v. Commissioner, 501 U.S. 868, 914-915 (1991)]

10       We can now apply these concepts to show those areas in the courts where judicial discretion is being abused as  
11       the equivalent of a “protection racket” for an organized crime syndicate called the “United States” in order to  
12       spread a private corporate monopoly over certain segments of the private commercial marketplace. These areas  
13       include “social insurance”, postal delivery, courts, and police protection. A truly free economy would allow and  
14       even promote privatization of all these areas and prohibit the courts by statutes from doing all the following things:

- 15       1. Constitutional courts may not shirk or undermine their duty to protect PRIVATE rights. The purpose of the creation of  
16       all government, in fact, is to protect PRIVATE rights. The first step in protecting PRIVATE rights is to prevent them  
17       from being converted into public rights, public offices, or a public use without the consent of the owner.
- 18       2. De jure constitutional courts cannot participate in or allow Congress to put into effect ANY enactment that would  
19       undermine the protection of private rights. For instance, they cannot invoke the Declaratory Judgments Act, 28 U.S.C.  
20       §2201(a) to evade the duty to issue a declaratory judgment in the case of a NONTAXPAYER. All statutory “taxpayers”  
21       under the I.R.C. are public officers in the U.S. government, but NONTAXPAYERS are PRIVATE human beings with  
22       constitutional rights that are UNALIENABLE and MUST be protected by all de jure constitutional courts.
- 23       3. Franchises within the government may not lawfully be protected by the courts using sovereign immunity. If the courts  
24       extend sovereign immunity to protect any government franchise, then they are furthering private business interests at the  
25       expense of the Constitutional rights to property of individuals.
- 26       4. The government may not deny that any franchise they are administering is private business and not government business  
27       or a “public purpose”.
- 28       5. The government may not exempt itself from the provisions of the Sherman Antitrust Act in the area of franchises or  
29       benefits it offers. In all cases involving franchises, the federal government, like every other private corporation, must  
30       implicitly surrender sovereign immunity and be sued in any court, not just federal court, for any infractions or violations  
31       under the franchise agreement.
- 32       6. The federal government may not use Article III constitutional courts to enforce participation in or collection of revenues  
33       to pay any franchise, nor may they impose an obligation upon private citizens to officiate over disputes arising under the  
34       private franchise agreement by forcing them to act as jurists in courts that are hearing cases involving franchises. This  
35       causes public institutions to be abused for a “private purpose”, which amounts to theft of people’s time for the private  
36       benefit of a few individuals in the government. 18 U.S.C. §201(a)(1) says that all those presiding as jurists are “public  
37       officers”, and public property may not be abused for private gain without committing embezzlement.
- 38       7. The courts must carefully distinguish between “United States” when used in the context of the government only and  
39       “United States” when used in the context of a specific geographic place. They deliberately confuse these two in the  
40       Internal Revenue Code in order to deceive people into believing that participation in the Internal (to the government)  
41       Revenue Code “scheme” pertains to all individuals, rather than more properly only to those within the government who  
42       are “public officers”, federal corporations, and franchisees.

43       We remind our readers that no entity deserves to be called a “government” that interferes with anyone or any  
44       business setup to compete with the services it officers. To deny this:

- 45       1. Represents hypocrisy and unequal protection.
  - 46           1.1. It is hypocrisy for the government to promote capitalism and competition in the private industry and yet prevent  
47           the privatization or competition in the services that government itself offers. If the property taxes are too high and  
48           therefore police and fire protection and schools cost too much, citizens should be able to select which of those  
49           services they want to contract out and fire the government in and they should be billed for and be required to pay  
50           for only those services that they specifically and individually request in a written contract.
  - 51           1.2. It is hypocrisy on the one hand to pass a law prohibiting monopolies, and yet also further the largest corporate  
52           monopoly in the world, the U.S. government, or “U.S. Inc”.
- 53       2. Denies the intent of the Constitution, which is to preserve as much SELF government to the people as possible:

1                   ***"The determination of the Framers Convention and the ratifying conventions to preserve complete and***  
2                   ***unimpaired state self-government in all matters not committed to the general government is one of the plainest***  
3                   ***facts which emerges from the history of their deliberations.*** And adherence to that determination is incumbent  
4                   equally upon the federal government and the states. ***State powers can neither be appropriated on the one hand***  
5                   ***nor abdicated on the other.*** As this court said in *Texas v. White*, 7 Wall. 700, 725, *'The preservation of the*  
6                   ***States, and the maintenance of their governments, are as much within the design and care of the Constitution***  
7                   ***as the preservation of the Union and the maintenance of the National government.*** The Constitution, in all its  
8                   provisions, looks to an indestructible Union, composed of indestructible States.' Every journey to a forbidden end  
9                   begins with the first step; and the danger of such a step by the federal government in the direction of taking over  
10                  the powers of the states is that the end of the journey may find the states so despoiled of their powers, or-what  
11                  may amount to the same thing-so [298 U.S. 238, 296] relieved of the responsibilities which possession of the  
12                  powers necessarily enjoins, as to reduce them to little more than geographical subdivisions of the national  
13                  domain. It is safe to say that if, when the Constitution was under consideration, it had been thought that any such  
14                  danger lurked behind its plain words, it would never have been ratified."  
15                  [Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

- 16       3. Denies the legislative intent of the Declaration of Independence, that says it is the right and DUTY even of people to  
17       setup their own governments, and by implication government services, that provide better security and safety for their  
18       rights.

19                   *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*  
20                   *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*  
21                   *these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,*  
22                   ***--That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to***  
23                   ***alter or to abolish it, and to institute new Government,*** laying its foundation on such principles and organizing  
24                   its powers in such form, as to them shall seem most likely to affect their Safety and Happiness."  
25                   [Declaration of Independence]

26       The "form of government" referred to above by Jefferson is all the component services offered by the government, which  
27       we believe can and should be subject to competition and choice and privatization.

- 28       4. Denies others the right of self-government in a way they choose.

29       Ultimately, the courts are being abused for is to create a corporate welfare state for a gigantic private corporate  
30       monopoly of malfeasant, inefficient tyrants who demand to be worshipped and glorified as a pagan deity and a  
31       religion, not a government. They are Microsoft to the Tenth power, not a government. This is exhaustively proven  
32       in the following document:

<p>33       <i>Socialism: The New American Civil Religion</i>, Form #05.016 34       <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
--

35       In modern lingo, they are a fascist corporate dictatorship, whereby privilege and "adhesion contracts" have  
36       replaced equal protection and equal rights. Benito Mussolini (1883-1945) named his form of socialism, "fascism"  
37       after the "fasces", the symbol of bound sticks used as a totem of power in ancient Rome, which is now the symbol  
38       for the United States Tax Court which symbol is a descriptive and appropriate symbol for this particularized  
39       tribunal because this so-called court is Satanic and Fascist and created to give only the illusion of justice while  
      establishing compliance to the 2nd Plank of the Communist Manifesto.

39       **Figure 2: U.S. Tax Court Symbol**

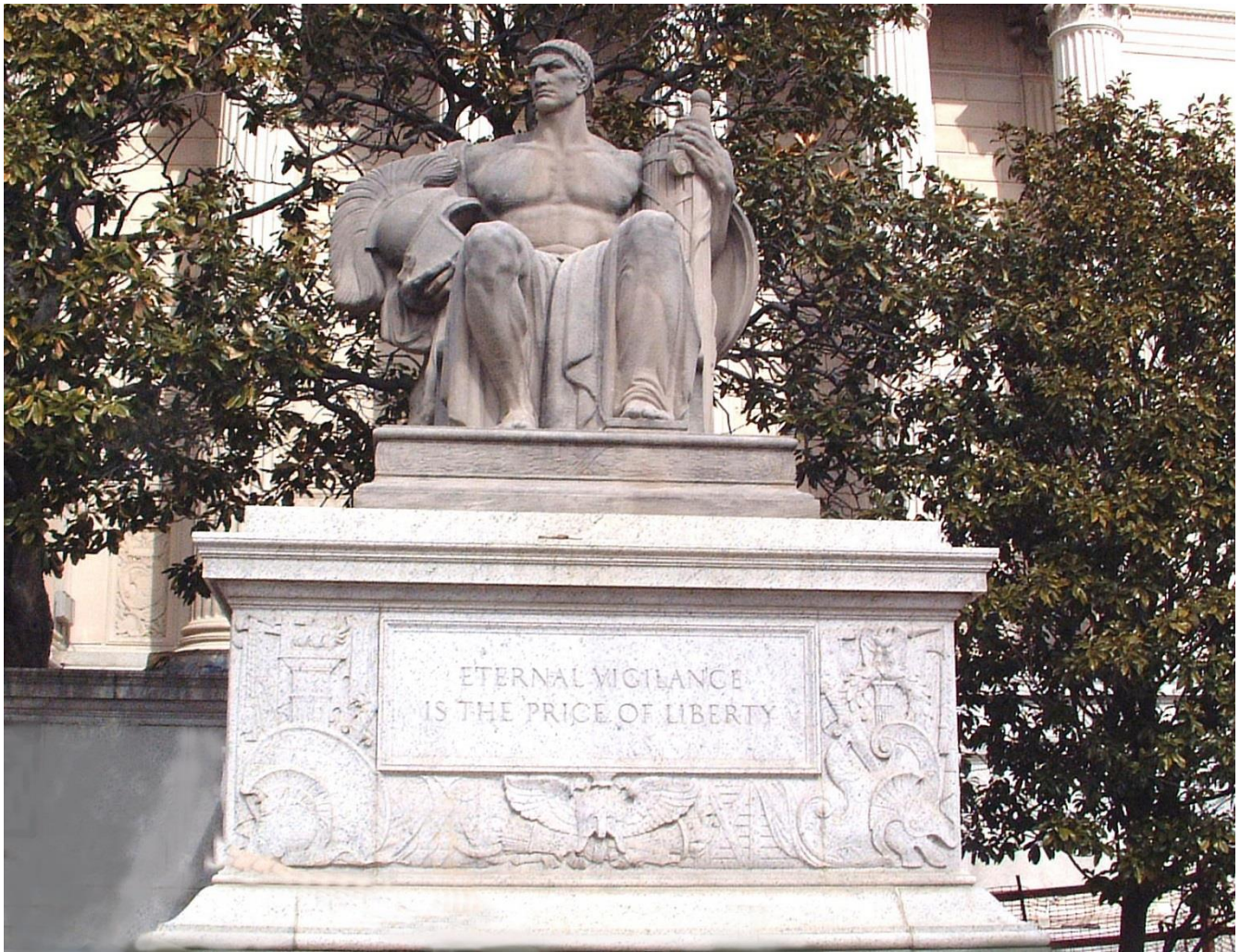


1

2 The same “fasces” used in the U.S. Tax Court symbol above also appears in the statue outside the U.S. Supreme  
3 Court. Notice what is in the left hand of the warrior and that it is a warrior. That warrior is your government,  
4 who is warring against your rights:

5 **Figure 3: Statue outside the U.S. Supreme Court**





### 13.8 Rules for determining whether a corporation is an extension of the government

An important aspect of discerning whether government functions have been privatized is the ability to determine whether a corporation is considered an officer or agent of the government by the courts. On this subject, the U.S. Supreme Court has held the following:

*The ultimate question for determination is whether the employment of defendant Strang as an inspector by the United States Shipping Board Emergency Fleet Corporation, without more, made him an agent of the government within the meaning of section 41, Criminal Code.*

*'Sec. 41. No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than two thousand dollars and imprisoned not more than two years.'* Comp. St. § 10205.

*Holding that this employment did not suffice to create the relation alleged, the trial court sustained a demurrer to the indictment. It contains four counts, three of which charge that Strang unlawfully acted as agent of the United States in transacting business with the Duval Ship Outfitting Company, a copartnership of which he was a member, in that while an employee of the Fleet Corporation as an inspector he signed and executed (February, 1919) three separate orders to the Outfitting Company for repairs and alterations on the steamship Lone Star. The other defendants are charged with aiding and abetting him. The trial court and counsel here have treated the fourth count as charging all the defendants with conspiracy to commit the offenses set forth in the three preceding counts.* United States v. Colgate & Co., 250 U.S. 300, 39 Sup.Ct. 465, 63 L.Ed. 992, 7 A.L.R. 443.

Counsel for the government maintain that the Fleet \*493 Corporation is an agency or instrumentality of the United States formed only as an arm for executing purely governmental powers and duties vested by Congress in the President and by him delegated to it; that the acts of the corporation within its delegated authority are the acts of the United \*\*166 States; that therefore in placing orders with the Duval Company in behalf of the Fleet Corporation while performing the duties as inspector Strang necessarily acted as agent of the United States.

The demurrer was properly sustained.

As authorized by the Act of September 7, 1916 (39 Stat. 728), the United States Shipping Board caused the Fleet Corporation to be organized (April 16, 1917) under laws of the District of Columbia with \$50,000,000 capital stock, all owned by the United States, and it became an operating agency of that board. Later, the President directed that the corporation should have and exercise a specified portion of the power and authority in respect of ships granted to him by the Act of June 15, 1917 (40 Stat. 182), and he likewise authorized the Shipping Board to exercise through it another portion of such power and authority. See The [Lake Monroe](#), 250 U.S. 246, 252, 39 Sup.Ct. 460, 63 L.Ed. 962. The corporation was controlled and managed by its own officers and appointed its own servants and agents who became directly responsible to it. Notwithstanding all its stock was owned by the United States it must be regarded as a separate entity. Its inspectors were not appointed by the President, nor by any officer designated by Congress; they were subject to removal by the corporation only and could contract only for it. In such circumstances we think they were not agents of the United States within the true intentment of section 41.

Generally agents of a corporation are not agents of the stockholders and cannot contract for the latter. Apparently this was one reason why Congress authorized organization of the Fleet Corporation. \*494 Bank of the United States v. Planters' Bank of Georgia, 9 Wheat. 904, 907, 908, 6 L.Ed. 244; Bank of Kentucky v. Wister et al., 2 Pet. 318, 7 L.Ed. 437; Briscoe et al. v. Bank of Kentucky, 11 Pet. 257, 9 L.Ed. 709; Salas v. United States, 234 Fed. 842, 148 C. C. A. 440. The view of Congress is further indicated by the provision in section 7, Appropriation Act of October 6, 1917 (40 Stats. 345, 384 [Comp. St. 1918, Comp. St. Ann. Supp. 1919, § 251b]):

'Provided, that the United States Shipping Board Emergency Fleet Corporation shall be considered a government establishment for the purposes of this section.'

Also, by the Act of October 23, 1918 (chapter 194, 40 Stats. 1015 [Comp. St. Ann. Supp 1919, § 10199]) which amends section 35, Criminal Code, and renders it criminal to defraud or conspire to defraud a corporation in which the United States owns stock.

[U.S. v. Strang, 254 U.S. 491, 41 S.Ct. 165 (U.S. 1921)]

The rules for determining whether a corporation whose stock is owned by the government is considered part of the government are summarized below:

1. Agents of a corporation are not agents of the stockholders and cannot contract for the latter. Therefore, even if the government owns the stock of a corporation, the agents or officers of the corporation cannot be considered an agency or instrumentality of the government.
2. An officer or agent of the corporation can only be considered part of the government to the extent that he or she:
  - 2.1. Is appointed by the President or by an officer designated by Congress.
  - 2.2. Is able to contract for or on behalf of the government.

In fulfillment of the above, the reader should note that the definition of "employee" found in Title 5 of the U.S. Code has as a prerequisite that all "employees" are officers of the "United States":

[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.

Consequently:

1. “employees” described in 5 U.S.C. §2105 would be considered “officers and agents of the United States” and therefore part of the government.
2. Only the head of a government-controlled corporation would qualify as an “employee”, officer, or agent of the government. Everyone below him or her would not.

If you would like to know what the Congressional Research Service (CRS) identifies as specific federal corporations, see:

*Federal Government Corporations: An Overview*, CRS Report #RL30365, Congressional Research Service, Jan. 7, 2009  
<http://famguardian.org/Subjects/Freedom/ThreatsToLiberty/RL30365.pdf>

## **14 Legal Evidence of Corporatization of State and Federal Governments**

The following subsections document how the state and federal governments have been corporatized. They appear in the time order they were accomplished.

If you would like detailed research into all of the above steps, including the full text of enactments of Congress and Executive Orders mentioned in the following subsections, we recommend:

*Highlights of American Legal and Political History*, Form #11.202  
<http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm>

### **14.1 Historical Outline of the corporatization**

This section describes, in chronological order, the specific events which transformed a de jure or original jurisdiction government into a for-profit, private corporation.

1863: Martial Law is declared by President Lincoln on April 24th, 1863, with [General Orders No. 100](#); under martial law authority, Congress and President Lincoln institute continuous martial law by ordering the states (people) either conscribe troops and or provide money in support of the North or be recognized as enemies of the nation; this martial law Act of Congress is still in effect today. This martial law authority gives the President (with or without Congress) the dictatorial authority to do anything that can be done by government in accord with the Constitution of the United States of America. This conscription act remains in effect to this very day and is the foundation of Presidential Executive Orders authority; it was magnified in 1917 with The Trading with the Enemy Act (Public Law 65-91, 65th Congress, Session I, Chapters 105, 106, October 6, 1917). and again in 1933 with the Emergency War Powers Act, which is ratified and enhanced almost every year to this date by Congress. Today these Acts address the people of the United States themselves as their enemy.

1871: [District of Columbia Organic Act of 1871, 16 Stat. 419-429](#) created a “municipal corporation” to govern the District of Columbia. Considering the fact that the municipal corporation itself was incorporated in 1801, an “Organic Act” (first Act affecting D.C. which invokes the term “organic”). We prove later in section 14.4 that this corporation is a PRIVATE corporation. Hereinafter we will call that private corporation, “Corp. U.S.” By consistent usage, Corp. U.S. trademarked the name, “United States Government” referring to themselves. The [District of Columbia Organic Act of 1871, 16 Stat. 419-429](#) places Congress in control (like a corporate board)

1 and gives the purpose of the act to form a governing body over the municipality; this allowed Congress to direct  
2 the business needs of the government under the existent martial law and provided them with corporate abilities  
3 they would not otherwise have. This was done under the constitutional authority for Congress to pass any law  
4 within the ten mile square of the District of Columbia.

5 You can read the full text of the act on our website below:

District of Columbia Organic Act of 1871, 16 Stat. 419-429, SEDM Exhibit #08.008 <a href="http://sedm.org/Exhibits/ExhibitIndex.htm">http://sedm.org/Exhibits/ExhibitIndex.htm</a>
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6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 1878: [District of Columbia Organic Act of 1878, 20 Stat. 102-108](#). Provided a permanent form of government  
9 for the District of Columbia. The act designates the District as a municipal corporation. You can read the full  
10 text of the act on our website below:

District of Columbia Organic Act of 1878, 20 Stat. 102-108, SEDM Exhibit #08.009 <a href="http://sedm.org/Exhibits/ExhibitIndex.htm">http://sedm.org/Exhibits/ExhibitIndex.htm</a>
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11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 1912: Corp. U.S. began to generate debts via bonds etc., which came due in 1912, but they could not pay their  
14 debts so the 7 families that bought up the bonds demanded payment and Corp. U.S. could not pay. Said families  
15 settled the debt for the payments of all of Corp. U.S.' assets and for all of the assets of the Treasury of the United  
16 States of America.

17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 1913: As 1913 began, Corp. U.S. had no funds to carry out the necessary business needs of the government so  
20 they went to said families and asked if they could borrow some money. The families said no (Corp. U.S. had  
21 already demonstrated that they would not repay their debts in full). The families had foreseen this situation and  
22 had the year before finalized the creation of a private corporation of the name "Federal Reserve Bank". Corp.  
23 U.S. formed a relationship with the Federal Reserve Bank whereby they could transact their business via note  
24 rather than with money. Notice that this relationship was one made between two private corporations and did not  
25 involve government; that is where most people error in understanding the Federal Reserve Bank system—again  
26 it has no government relation at all. The private contracts that set the whole system up even recognize that if  
27 anything therein proposed is found illegal or impossible to perform it is excluded from the agreements and the  
28 remaining elements remain in full force and effect.

29 \_\_\_\_\_  
30 \_\_\_\_\_  
31 1913: Almost simultaneously with the last fact (also in 1913), Corp. U.S. adopts (as if ratified) their own 16th  
32 amendment. Tax protesters challenge the IRS tax collection system based on this fact, however when we  
33 remember that Corp. U.S. originally created their constitution by simply drafting it and adopting it; there is no  
34 difference between that adoption and this—such is the nature of corporate enactments—when the corporate board  
35 (Congress) tells the secretary to enter the amendment as ratified (even though the States had not ratified it) the  
36 Secretary was instructed that the Representatives word alone was sufficient for ratification. You must also note,  
37 this amendment has nothing to do with our nation, with our people or with our national Constitution, which already  
38 had its own 16th amendment. The Supreme Court (in [Brushaber v. Union Pacific R. Co.](#), 240 U.S. 1 (1916)) ruled

1 the 16th amendment did nothing that was not already done other than to make plain and clear the right of the  
2 United States (Corp. U.S.) to tax corporations and government employees. We agree, considering that they were  
3 created under the authority of Corp. U.S.

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6 1913: Next (also 1913) Corp. U.S., through Congress, adopts (as if ratified) its 17th amendment. This amendment  
7 is not only not ratified, it is not constitutional; the nation's Constitution forbids Congress from even discussing the  
8 matter of where Senators are elected, which is the subject matter of this amendment; therefore they cannot pass  
9 such and Act and then of their own volition, order it entered as ratified. According to the United States Supreme  
10 Court, for Congress to propose such an amendment they would first have to pass an amendment that gave them  
11 the authority to discuss the matter.

---

14 1914: Accordingly, in 1914, the Freshman class and all Senators that successfully ran for reelection in 1913 by  
15 popular vote were seated in Corp. U.S. Senate capacity only; their respective seats from their States remained  
16 vacant because neither the State Senates nor the State Governors appointed new Senators to replace them as is  
17 still required by the national Constitution for placement of a national Senator.

---

20 1916: In 1916, President Wilson is reelected by the Electoral College but their election is required to be confirmed  
21 by the constitutionally set Senate; where the new Corp. U.S. only Senators were allowed to participate in the  
22 Electoral College vote confirmation the only authority that could possibly have been used for electoral  
23 confirmation was corporate only. Therefore, President Wilson was not confirmed into office for his second term  
24 as President of the United States of America and was only seated in the Corp. U.S. Presidential capacity. Therefore  
25 the original jurisdiction government's seats were vacated because the people didn't seat any original jurisdiction  
26 government officers. *It is important to note here that President Wilson retained his capacity as Commander in  
27 Chief of the military. Many people wonder about this fact imagining that such a capacity is bound to the President  
28 of the nation; however, When John Adams was President he assigned George Washington to the capacity of  
29 Commander in Chief of the military in preparation for an impending war with France. During this period, Mr.  
30 Adams became quite concerned because Mr. Washington became quite ill. and passed on his acting military  
31 authority through his lead General Mr. Hamilton and Mr. Adams was concerned that if war did break out Mr.  
32 Hamilton would use that authority to create a military dictatorship of the nation. Mr. Adams averted the war  
33 through diplomacy and the title of Commander in Chief was returned to him. (See: [John Adams, by David](#)  
34 [McCullough](#), this book covers Mr. Adams concerns over this matter quite well. Mr. Adams was a fascinating  
35 man.)*

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38 1917: In 1917, Corp. U.S. enters W.W. I and passes their Trading with the Enemies Act, 40 Stat. 411.

39 *"...any person within the United States or any place subject to the jurisdiction thereof"!!!*  
40 *[Trading with the Enemy Act, 40 Stat. 411]*

41 The term "subject to the jurisdiction thereof" above was the Territorial United States or the federal zone and did  
42 not include any state of the Union, but **the People were not told this.**

1  
2  
3 1933: March 6. In 1933, Corp. U.S. is bankrupt. Franklin Delano Roosevelt then declared a banking holiday on  
4 March 6, 1933 via Presidential Proclamation 2039. The purpose was to exchange money backed Federal Reserve  
5 Notes with “legal tender” Federal Reserve Notes.

6 1933: March 9: The Emergency Banking Relief Act, 48 Stat. 1, enacted March 9, 1933 amends the Trading with  
7 the Enemies Act to recognize the people of the United States as enemies of Corp. U.S. Following is the original  
8 October 6, 1917 combined with the Amendments of March 9, 1933. Note: Bold faced and single underlines are  
9 added by the author for emphasis and understanding. Double underlines and ~~strike through deletions~~ are  
10 Amendments to the original “Trading With the Enemy Act” made in the Emergency Banking Relief Act of March  
11 9, 1933.

12 SIXTY FIFTH CONGRESS Sess. I Chapter 106, Page 411, October 6, 1917

13 CHAP 106—An Act To define, regulate, and punish trading with the enemy, and for other purposes.

14 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress*  
15 *assembled, that this Act shall be known as the “Trading With the Enemy Act.”*

16 *SEC. 2. That the word “enemy” as used herein shall be deemed to mean, for the purposes of such trading and*  
17 *of this Act—*

18 *(a) Any individual, partnership, or other party of individuals, or any nationality, resident within the territory*  
19 *(including that occupied by the military and naval forces of any nation with which the United States is at war or*  
20 *resident outside the United States and doing business within such territory and any corporation incorporated*  
21 *within any country other than the United States and doing business with such [enemy] territory, and any*  
22 *corporation incorporated within such territory with which the United States is at war or incorporated within any*  
23 *country other than the United States.*

24 *(b) The government of any nation with which the United States is at war, or any political or municipal subdivision*  
25 *thereof.*

26 *(c ) Such other individuals or body or class of individuals, as may be natives, citizens, or subjects of any nation*  
27 *with which the United States is at war, other than citizens of the United States, wherever resident or wherever*  
28 *doing business, as the President, if he shall find the safety of the United States or the successful prosecution of*  
29 *the war shall so require may, by proclamation, include within the term enemy”*

30 *[this section then continues to define an “ally of an enemy” in the same terms as the “enemy” and again states,*  
31 *“other than citizens of the United States.”]*

32 Public Laws of the Seventy-Third Congress, Chapter 1, Title I, March 9, 1933 Sec. 2

33 *Subdivision (b) of Section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby amended to*  
34 *read as follows:*

35 *SEC. 5(b) “During time of war or during any other period of national emergency declared by the President, the*  
36 *President may through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under*  
37 *such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions of foreign*  
38 *exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credits ~~in any form~~*  
39 *~~(other than credits relating solely to transactions to be executed wholly within the United States)~~ between or*  
40 *payments by banking institutions as defined by the President, and export, hoarding melting, or earmarking of*  
41 *gold or silver coin or bullion or currency by any person within the United States or any place subject to the*  
42 *jurisdiction thereof; and transfers of evidences of indebtedness or of ownership of property between the United*  
43 *States and any foreign country, whether enemy, ally of enemy or otherwise, or between residents of one or and*  
44 *he the President may require any ~~such~~ person engaged in any such transaction referred to in this subdivision to*  
45 *furnish under oath, complete information relative thereto, including the production of any books of account,*  
46 *contracts, letters or other papers, in connection therewith in the custody or control of such person, either before*  
47 *or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or*  
48 *of any license, order, rule or regulation issued thereunder, shall, upon conviction be fined not more than*  
49 *\$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both;’...”*

1 **SOME DARE CALL IT TREASON!**

2 **Constitution for the United States, Article III, Section 3, Clause 1**

3 **“Treason against the United States shall consist only of levying war against them, or adhering to their**  
4 **enemies...”**

5 After gold was outlawed, Fort Knox was established in Kentucky and nine railroad cars full of gold arrived in Fort  
6 Knox containing all the gold that had been confiscated.

7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 1935+: Some time after 1935, you ask Social Security Administration for a relationship with their program. With  
10 the express purpose of generating Beneficiary funds to United States General Trust Fund (GTF) the Social Security  
11 Administration creates an entity with a name (that sounds like your name but is spelled with all capital letters) and  
12 an account number (Social Security number). They give you the Social Security card and let you know that the  
13 card does not belong to you but you are to hold it for them until they want it back. If you are willing to accept  
14 that responsibility over the card you activate the card by signing it, which gives you the ability to act as the  
15 fiduciary for the card’s actual owner Corp. U.S. and you can use the card’s name and number to thus transact  
16 business relations for the card’s actual owner. You are also to note that though the card verifies its agency (you  
17 as the single person with authority to control the entity so created) it is not for use as identification. On review:  
18 notice the Social Security Administration was the creator of the entity, they offered you the opportunity to serve  
19 its Trustee capacity (by lending it actual consciousness and physical capacity), they gave you something (the card)  
20 that does not belong to you to hold in trust and they reserved the actual owner of the thing (Corp. U.S.) as the  
21 beneficiary of the entity—by definition, this only describes the creation and existence of a Trust. More  
22 importantly: the name they gave this Trust is not your name, the number they gave the Trust is not your number  
23 and your lending actual consciousness and physical capacity to this Trust’s Trustee capacity does not limit you or  
24 your capacity to separately act in your natural sovereign capacity in any way—what you do, when you do it and  
25 how you do it is still totally up to you.

26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 1944 and 1945: Under the [Bretton Woods Agreement](#), Corp. U.S. is quit claimed to the International Monetary  
29 Fund, and becomes a foreign controlled private corporation. The **Bretton Woods Agreements** of 1944 and 1945  
30 established the [International Bank for Reconstruction and Development](#) (a.k.a. the World Bank) and the  
31 [International Monetary Fund](#). The United Nations Monetary and Financial Conference was held in July 1944 at  
32 Bretton Woods, New Hampshire. The organizations became operational in 1946 after a sufficient number of  
33 countries had ratified the agreement. The architecture of a post-World War II international financial system has  
34 largely stayed in place, despite major shifts in monetary policy (including eliminating the gold standard).

35 This is an International Agreement [Treaty] which by the Constitution had to be signed by the President and then  
36 ratified by 2/3rds of the Senate. So this obviously was not done under the treaty power. Therefore the "United  
37 States" in this statute could not have been the government but must be the 1871 corporation known as the “District  
38 of Columbia” with the “United States Government” reorganized under it in 1878.

39 What are the elements of a Quit Claim Deed?

- 40 1. There must be a Grantor (The true United States Government)  
41 2. There must be a Grantee (The International Monetary Fund)  
42 3. There must be assets or rights granted (The Treasury of the Corporation known as the United States")



1 Congress passes the Bretton Woods Agreement granting to the IMF the "United States Treasury" as "The  
2 individual drawing account" for the IMF. The President by and with the advice and consent of the Senate shall  
3 appoint a governor of the Fund who shall serve as government of the Bank (22 U.S.C. §286a). The person chosen  
4 by the President as Governor of the Bank and IMF is The Secretary of the Treasury (acting as a Foreign Agent).

5 Hidden Agenda: U.S. Inc. is quit-claimed into the newly formed International Monetary Fund in exchange for  
6 the power allowing U.S. Inc.'s President the right of naming (seating and controlling) the governors and general  
7 managers of the International Monetary Fund, The World Bank for Reconstruction and Development, and the  
8 Inter-American Bank also formed in that agreement (codified at United States Code Title 22 § 286). It must be  
9 noted that this act created an unlawful conflict of interest between US Inc. (with its new foreign owner) and its  
10 purpose of carrying out the business needs of the national government. This is the cause of our use of the term  
11 "original-jurisdiction" government. With the new foreign owner of U.S. Inc. a conflict of interest is created  
12 between the national government and U.S. Inc., even though the contracted purpose of U.S. Inc. has not changed  
13 on its face

14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 1968: In 1968, at the National Governor's Conference in Lexington, Kentucky, the IMF leaders of the event  
17 proposed the dilemma the State governors were in for carrying out their business dealings in Federal Reserve  
18 Notes (foreign notes), which is forbidden in the national and State constitutions, alleging that if they did not do  
19 something to protect themselves the people would discover what had been done with their money and would likely  
20 to kill them all and start over. They suggested the States form corporations like Corp. U.S. and showed the  
21 advantages of the resultant uniform codes that could be created, which would allow better and more powerful  
22 control over the people, which thing the original jurisdiction governments of this nation had no capacity to do.  
23 Our Constitutions secure that the governments do not govern the people rather they govern themselves in accord  
24 with the limits of Law. The people govern themselves. Such is the foundational nature of our Constitutional  
25 Republic.

26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 1971: By 1971, every State government in the union of States had formed such private corporations (Corp. State),  
29 in accord with the IMF admonition, and the people ceased to seat original jurisdiction government officials in  
30 their State government seats. These private corporations are called "State of \_\_\_\_\_" instead of "  
31 Republic" within corporate registries such as Dunn and Bradstreet.

32 \_\_\_\_\_  
33 \_\_\_\_\_  
34 1971: [Proclamation #4074](#) was issued by President Nixon, which dismantled the Bretton Woods agreement and  
35 devalues the dollar by announcing the U.S. currency no longer redeemable to foreign countries at a fixed Gold  
36 price of \$35 an ounce. Now the U.S. currency will float. So the Dollar is allowed to "float" which means the  
37 Dollar is allowed to assume a somewhat free market value (except for Federal Reserve Bank manipulations). This  
38 makes Federal Reserve Notes the de facto fiat currency and allows them to act essentially as corporate script for  
39 the federal slave plantation. In that capacity, they act essentially as a political commodity and a "permission slip"  
40 to conduct commerce as a government "public officer".

41 Get it into your brain the U.S. currency "floats" in value. It is only the international money system that has  
42 conditioned people to think that the dollar is fixed and commodity constantly change prices. You have fallen into  
43 the monetary game/trap the Bankers want you to live and work within. Free your mind from the mental  
44 programming you have received! Understand commodities are "real" substance. Gold represents "true" monetary  
45 value/substance. Federal Reserve Notes are valueless pieces of printed paper used for daily commercial exchange

1 purposes, they have zero “true” value. Granted any one commodity does change value from the supply and  
2 demand market forces but the total overall commodity index is relatively stable in value over long periods of time  
3 and it is really the Dollar/FRN’s that goes up and down in value.

4 After this Proclamation on Aug 15, 1971; Gold prices over the following ten years go from \$35 per ounce to over  
5 \$600 per ounce [[Gold price chart](#)]. Remember to correct your thinking process: Gold is a stable value and the  
6 Dollar “floats”. What this means is the artificial government fixed value of the Dollar underwent a 10 year free  
7 market correction to end up at less than 1/10<sup>th</sup> the original value. U.S. Currency made a huge Free Market  
8 devaluation of over 1,000% in ten years. This ten year free fall drop in Dollar value was seen in the U.S. has  
9 double digit inflation.

10 So when people say gold went up today, all they are saying is that the federal reserve note became more worthless  
11 than it was yesterday because you now need more paper to buy what you bought yesterday. That is how they put  
12 more debt, their notes, in service. Now you have to work a longer time to obtain more paper to buy that same  
13 ounce of gold.

14 Here is a brief recap of when our “substance” was stolen from “We the People”. In 1810 the Dollar was fixed at  
15 a Gold price of \$20.67 per ounce so One Dollar was worth 25.8 grains of Gold. In 1934 President Franklin  
16 Roosevelt changed the Dollar to a fixed Gold Price of \$35 per ounce so One Dollar was worth 13.7 grains of Gold.  
17 After President Nixon allows the Dollar to float a Gold price of \$340 per ounce really means One Dollar was  
18 worth only 0.7 grains of Gold. Understand that with Gold priced at \$340 per ounce our “Dollar” is worth only  
19 2% of what it was worth before 1933 (now gold is over \$400 per ounce and climbing). Is it any wonder that \$100  
20 dollars does not buy much anymore? What has happened is when the bankers removed the gold backing to make  
21 way for their private paper notes, they stole the gold from “We the People” who had the rightful claim to the actual  
22 physical Gold backing the Dollar. The Bankers have inflated the currency or amount of paper money needed to  
23 obtain the same weight of Gold. They made the people think that gold went up but the reality it was their paper  
24 money that became more worthless over time. Remember that one ounce of gold remained the same but you  
25 needed more paper to obtain the same weight in Gold which means your “value” is constant disappearing. For  
26 further details on the money scam, see:

<p><u><a href="http://sedm.org/Forms/FormIndex.htm">The Money Scam</a></u>, Form #05.041 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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27  
28  
29 Now, having stated these historical facts, we ask you not to believe us, but rather prove these facts for yourself.  
30 We then ask you to contact us and share your discovery with us.

31 When you find there is no error in this historical outline, then remember these simple facts and let no one dissuade  
32 you from the truth.

33 The Bottom Line: when you speak about these private foreign corporations remember **that is what they are** and  
34 stop calling them government.

35 Further, it is very important that we cease to attempt to fix them. It is far more important that we learn how to  
36 reseat our original jurisdiction government and spread the word about the truth. By reseating our State and  
37 national governments in their original jurisdiction nature, we gain the capacity to hold these private foreign  
38 corporations accountable. They owe us a lot of money; in fact they owe us more money than there is available in  
39 the world. In fact it is impossible for them to pay and that gives us the leverage we need to take back our nation  
40 and put things right. The process is a simple one. The difficulty is in getting our people to wake up to the truth.  
41 That's why we ask you to prove the truth for yourself and contact us with your discovery.

1 That means that you must stop acting and communicating like you are anything other than the sovereign that God  
2 created you to be. And, stop referring to Corp. U.S. or the STATE OF 'X' as anything other than the private  
3 foreign corporations that they are. And, finally, stop listening to the Bigfoot Patriot Mythology that is espoused  
4 by those that only give these facts lip service.

5 It's time to wake up and follow the truth, time to repent and become a moral and honorable society instead of  
6 lauding our Piety while we stand guilty of:

- 7 1. Not knowing the truth;
- 8 2. Not living the truth;
- 9 3. Believing God will save us even though we have the tools to know the truth the ability to use the tools but we refuse to  
10 live by the truth and use the tools we have to save ourselves and thereby become free.

11 The biggest problem with those who get all excited about uniting against the tyranny of Corp. U.S. is that they are  
12 blind to the truth, having no remedy, so they bail out of "the system" hell bent for a rebellion that even the scripture  
13 says cannot be won with conventional weapons of war. We wish that more people would instead follow the  
14 admonition of the King of Kings and unite with truth to legally, lawfully and peacefully reseal our original  
15 jurisdiction government thereby taking back the control of our nation in accord with the organic law.

## 16 **14.2 Articles of Confederation**

17 Furthermore, under the Articles of Confederation, the term "United States of America" is the "stile" or phrase that  
18 was used to \*describe\* the Union formed legally by those Articles:

19 *Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts bay, Rhode*  
20 *Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland,*  
21 *Virginia, North Carolina, South Carolina and\* \*Georgia.*

22 *Article I. The Stile of this Confederacy shall be "The United States of America."*

23 *Article II. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right,*  
24 *which is not by this Confederation expressly delegated to the United States, in Congress assembled."*

25 *[Articles of Confederation, 1776]*

26 When they came together the first time to form a Union of several (plural) States, they decided to call themselves  
27 the "United States of America".

28 Note also that those Articles clearly distinguished "United States of America" from "United States" in Congress  
29 assembled. The States formally delegated certain powers to the federal government, which is clearly identified in  
30 those Articles as the "United States".

## 31 **14.3 Bouvier's Law Dictionary**

32 Bouvier's Law Dictionary defines "United States of America" as follows:

33 **UNITED STATES OF AMERICA.** *The name of this country. The United States, now thirty-one in number, are*  
34 *Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana,*  
35 *Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York*  
36 *North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia,*  
37 *Wisconsin, and California.*

38 *2. The territory of which these states are composed was at one time dependent generally on the crown of Great*  
39 *Britain, though governed by the local legislatures of the country. It is not within the plan of this work to give a*  
40 *history of the colonies; on this subject the reader is referred to Kent's Com. sect. 10; Story on the Constitution,*  
41 *Book 1; 8 Wheat. Rep. 543; Marshall, Hist. Colon.*

3. The neglect of the British government to redress grievances which had been felt by the people, induced the colonies to form a closer connexion than their former isolated state, in the hopes that by a union they might procure what they had separately endeavored in vain, to obtain. In 1774, Massachusetts recommended that a congress of the colonies should be assembled to deliberate upon the state of public affairs; and on the fourth of September of the following year, the delegates to such a congress assembled in Philadelphia. Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia, were represented by their delegates; Georgia alone was not represented. This congress, thus organized, exercised de facto and de jure, a sovereign authority, not as the delegated agents of the governments de facto of the colonies, but in virtue of the original powers derived from the people. This, which was called the revolutionary government, terminated only when superseded by the confederated government under the articles of confederation, ratified in 1781. Serg. on the Const. Intr. 7, 8.

4. The state of alarm and danger in which the colonies then stood induced the formation of a second congress. The delegates, representing all the states, met in May, 1775. This congress put the country in a state of defence, and made provisions for carrying on the war with the mother country; and for the internal regulations of which they were then in need; and on the fourth day of July, 1776, adopted and issued the Declaration of Independence. (q.v.) The articles of confederation, (q.v.) adopted on the first day of March, 1781, 1 Story on the Const. Sec. 225; 1 Kent's Comm. 211, continued in force until the first Wednesday in March, 1789, when the present constitution was adopted. 5 Wheat. 420.

**5. The United States of America are a corporation endowed with the capacity to sue and be sued, to convey and receive property. 1 Marsh. Dec. 177, 181. But it is proper to observe that no suit can be brought against the United States without authority of law.**

6. The states, individually, retain all the powers which they possessed at the formation of the constitution, and which have not been given to congress. (q.v.)

7. Besides the states which are above enumerated, there are various territories, (q.v.) which are a species of dependencies of the United States. New states may be admitted by 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 congress. Const. art. 4, s. 3. And the United States shall guaranty to every state in this union, a republican form of government. Id. art. 4, s. 4. See the names of the several states; and Constitution of the United States.

[Bouvier's Law Dictionary, 1856; SOURCE: <http://famguardian.org/Publications/Bouviers/bouvieru.txt>]

Note that the plural verb "are" was used, providing further evidence that the "United States of America" \*are\* plural, as implied by the plural term "States". Also, the author of that definition switches to "United States" in the second sentence. This only adds to the confusion, because the term "United States" has three (3) different legal meanings.

## **14.4 District of Columbia Became a PRIVATE Corporation in 1871**

In examining legislative history, an "organic act" is one that establishes a government for a territory. The District of Columbia is one such territory.

*Organic Act* - An act of Congress conferring powers of government upon a territory. In re Lane, 135 U.S. 443, 10 S.Ct. 760, 34 L.Ed. 219.

A statute by which a municipal corporation is organized and created is its "organic act" and the limit of its power, so that all acts beyond the scope of the powers there granted are void. *Tharp v. Blake*, Tex.Civ.App., 171 S.W. 549, 550.

**ORGANIC LAW.** The fundamental law, or constitution, of a state or nation, written or unwritten; that law or system of laws or principles which defines and establishes the organization of its government. *St. Louis v. Dorr*, 145 Mo. 466, 46 S.W. 976, 42 L.R.A. 686, 68 Am.St.Rep. 575.

[Black's Law Dictionary, Fourth Edition, pp. 1251-1251]

The "District of Columbia" was created as a municipal corporation by the District of Columbia Act of 1871, 16 Stat. 419, 426, Sec. 34. The relevant portions of that act read as follows:

CHAP. LXII. – An Act to provide a Government for the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  
That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government of the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act.  
[Statutes at Large, 16 Stat. 419 (1871);  
SOURCE: <http://famguardian.org/Subjects/Taxes/16Amend/SpecialLaw/DCCorpStatuesAtLarge.pdf>]

We are not here going to delve into the Act in its entirety, suffice it to say, looking over the situation we find the Act is one made by the original jurisdiction Congress, set by the Constitution for the United States of America. The first thing we notice is that the act created **“a body corporate for municipal purposes”**, and NOT a **“body corporate AND politic”**. This subtle distinction is important, because **a “body politic and corporate” is a de jure government, while a “body corporate” with the phrase “politic” removed is simply a private corporation that is NOT a “government”**. The U.S. Supreme Court confirmed this conclusion when it held the following:

Both before and after the time when the Dictionary Act and § 1983 were passed, **the phrase “bodies politic and corporate” was understood to include the [governments of the] States**. See, e.g., J. Bouvier, 1 A Law Dictionary Adapted to the Constitution and Laws of the United States of America 185 (11th ed. 1866); W. Shumaker & G. Longsdorf, Cyclopedic Dictionary of Law 104 (1901); Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 447, 1 L.Ed. 440 (1793) (Iredell, J.); id., at 468 (Cushing, J.); Cotton v. United States, 52 U.S. (11 How.) 229, 231, 13 L.Ed. 675 (1851) (**“Every sovereign State is of necessity a body politic, or artificial person”**); Poindexter v. Greenhow, 114 U.S. 270, 288, 5 S.Ct. 903, 29 L.Ed. 185 (1885); McPherson v. Blacker, 146 U.S. 1, 24, 13 S.Ct. 3, 6, 36 L.Ed. 869 (1892); Heim v. McCall, 239 U.S. 175, 188, 36 S.Ct. 78, 82, 60 L.Ed. 206 (1915). See also United States v. Maurice, 2 Brock. 96, 109, 26 F.Cas. 1211 (CC Va.1823) (Marshall, C.J.) (**“The United States is a government, and, consequently, a body politic and corporate”**); Van Brocklin v. Tennessee, 117 U.S. 151, 154, 6 S.Ct. 670, 672, 29 L.Ed. 845 (1886) (same). Indeed, the very legislators who passed § 1 referred to States in these terms. See, e.g., Cong. Globe, 42d Cong., 1st Sess., 661-662 (1871) (Sen. Vickers) (**“What is a State? Is \*79 it not a body politic and corporate?”**); id., at 696 (Sen. Edmunds) (**“A State is a corporation”**).

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

While it is certainly true that the phrase **“bodies politic and corporate”** referred to private and public corporations, see ante, at 2311, and n. 9, this fact does not draw into question the conclusion that this phrase also applied to the States. Phrases may, of course, have multiple referents. Indeed, each and every dictionary cited by the Court accords a broader realm-one \*\*2317 that comfortably, and in most cases explicitly, includes the sovereign-to this phrase than the Court gives it today. See 1B. Abbott, Dictionary of Terms and Phrases Used in American or English Jurisprudence 155 (1879) (**“[T]he term body politic is often used in a general way, as meaning the state or the sovereign power, or the city government, without implying any distinct express incorporation”**); W. Anderson, A Dictionary of Law 127 (1893) (**“[B]ody politic”**: **“The governmental, sovereign power: a city or a State”**); Black’s Law Dictionary 143 (1891) (**“[B]ody politic”**: **“It is often used, in a rather loose way, to designate the state or nation or sovereign power, or the government of a county or municipality, without distinctly connoting any express and individual corporate charter”**); 1A. Burrill, A Law Dictionary and Glossary 212 (2d ed. 1871) (**“[B]ody politic”**: **“A body to take in succession, framed by policy”**; **“[p]articularly\*80 applied, in the old books, to a Corporation sole”**); id., at 383 (**“Corporation sole”** includes the sovereign in England).  
[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

Note also the following language, which establishes that even PRIVATE corporations can truthfully be described as BOTH “bodies corporate and bodies politic”.

**“While it is certainly true that the phrase “bodies politic and corporate” referred to private and public corporations, see ante, at 2311, and n. 9,”**

Hence, calling a creation by Congress a “government” doesn’t MAKE it a “body politic”, a PUBLIC entity, or a de jure government. A “body politic” at least needs to REPRESENT the people it serves, and the District of Columbia corporation doesn’t do this. Rather, as a federal territory, it is organized more akin to a British Crown colony than a republican state of America:



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

17 We allege that the District of Columbia is NOT a "body politic" for the people who live there, because they have  
18 no representation in Congress like all the other Constitutional States. The fact that the act creating it as a  
19 corporation also called it a "government" STILL doesn't make it anything more than a PRIVATE municipal  
20 corporation because said act NEVER expressly identified it as a PUBLIC corporation nor called it a "body politic".

21 The U.S. Supreme Court also held that the formation of a corporation alone does not "confer political power or  
22 political character", which is to say, form a "body politic". The creation of a "body politic" within any act of  
23 Congress therefore requires an express declaration, which declaration is nowhere to be found within the organic  
24 act of 1871, 16 Stat. 419, or any subsequent act affecting the District of Columbia:

25           *"The mere creation of a corporation, does not confer political power or political character. So this Court*  
26 *decided in Dartmouth College v. Woodward, already referred to. If I may be allowed to paraphrase the language*  
27 *of the Chief Justice, I would say, a bank incorporated, is no more a State instrument, than a natural person*  
28 *performing the same business would be. If, then, a natural person, engaged in the trade of banking, should*  
29 *contract with the government to receive the public money upon deposit, to transmit it from place to place, without*  
30 *charging for commission or difference of exchange, and to perform, when called upon, the duties of commissioner*  
31 *of loans, would not thereby become a public officer, how is it that this artificial being, created by law for the*  
32 *purpose of being employed by the government for the same purposes, should become a part of the civil government*  
33 *of the country? Is it because its existence, its capacities, its powers, are given by law? because the government*  
34 *has given it power to take and hold property in a particular form, and to employ that property for particular*  
35 *purposes, and in the disposition of it to use a particular name? because the government has sold it a privilege*  
36 *[22 U.S. 738, 774] for a large sum of money, and has bargained with it to do certain things; is it, therefore, a*  
37 *part of the very government with which the contract is made?"*  
38 *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

39 The District of Columbia Organic Act of 1871 describes its venue as:

40           *"...all that part of the territory of the United States included within the limits of the District of Columbia".*

41 The District of Columbia was originally provided for in the Constitution for the United States of America (Sept.  
42 17, 1787) at Article 1, Section 8, specifically in the last two clauses. Then, on July 16, 1790, in accord with the  
43 provisions of those clauses, the Territory was formed in the District of Columbia Act, 1 Stat. 130, wherein the  
44 "ten mile square" territory was permanently created and made the permanent location of the country's government,  
45 that is to say, the "territory" includes the actual government. Under the Act Congress also made the President the  
46 civic leader of the local government in all matters in said Territory and the date for transfer of all offices to this  
47 new location was then set at the first Monday in December, 1800. You can view this act at the link below:

<http://famguardian.org/TaxFreedom/CitesByTopic/DistrictOfColumbia-1Stat130.pdf>

48 Then on February 27, 1801, 2 Stat. 103-108, under the second District of Columbia Act, two counties were formed,  
49 and their respective officers and district judges were appointed. You can read this act below:

<http://famguardian.org/TaxFreedom/CitesByTopic/DistrictOfColumbia-2Stat103-108-18010227.pdf>

Further, the established town governments of Alexandria, Georgetown and Washington were recognized as constituted and placed under the laws of the District, its judges, etc. Then on March 3, 1801, 2 Stat. 115-116 a Supplementary Act to that last Act, noted here, added the authority that the Marshals appointed by the respective District Court Judges collectively form a County Commission with the authority to appoint all officers as may be needed in similarity to the respective State officials in the states whence the counties Washington and Alexandria came, those being Maryland and Virginia, respectively. See:

<http://famguardian.org/TaxFreedom/CitesByTopic/DistrictOfColumbia-2Stat115-116.pdf>

According to the United States Supreme Court those charter acts (first acts) were the official incorporation of the townships of Alexandria, Georgetown, and Washington that formed the District of Columbia as chartered by Congress in accord with the Constitution's provision. *Cohens v. Virginia*, 19 U.S. 264 (1821). You can read this case below:

<http://famguardian.org/TaxFreedom/CitesByTopic/DistrictOfColumbia-CohensVVirginia-19US164-1821.pdf>

Nowhere between 1790 and the Organic Act of 1871, however, has the U.S. Supreme Court ever recognized the phrase "District of Columbia" as a corporation by itself. Since 1801, the Supreme Court called the City of Washington "a corporation", with the right to sue and be sued in *Cohens v. Virginia*, 19 U.S. 264 (1821). The "District of Columbia", however, was not officially and separately recognized as a "corporation" by the courts until after the act of 1871. Some people erroneously try to argue the contrary. Below is an example that has no evidentiary support, and the source is identified. Those parts which are in error are underlined:

*"The United States Supreme Court has repeatedly called this act the "District of Columbia Organic Act" or the "Charter Act of the District" and recognized it as the incorporation of the "municipality" known as the "District of Columbia". Then on March 3, 1801 a Supplementary Act to that last Act, noted here, added the authority that the Marshals appointed by the respective District Court Judges collectively form a County Commission with the authority to appoint all officers as may be needed in similarity to the respective State officials in the states whence the counties Washington and Alexandria came, those being Maryland and Virginia, respectively.*

*According to the United States Supreme Court those charter acts (first acts) were the official incorporation of the formal municipal government of the District of Columbia as chartered by Congress in accord with the Constitution's provision. Again, the Supreme Court called that body of government "a corporation", with the right to sue and be sued. Since 1801 The District of Columbia has been consistently recognized as a "municipal corporation" with its own government."*

[Teamlaw Website, Craig Madsen, SOURCE: <http://www.teamlaw.org/HistoryOutline.htm>;

Click on the link "[Follow this link to see the effect of the District of Columbia Act of 1871.](#)"]

Finally in The Organic Act of 1878, 20 Stat. 102-108, the District of Columbia was made into a municipal corporation.

We searched all rulings of the U.S. Supreme Court from the beginning, and there is no mention of the phrase "District of Columbia Organic Act" or "Charter Act of the District of Columbia" or of "incorporation" in reference to the phrase "District of Columbia". This is simply false. Between 1801 and 1871, the term "corporation" is only used to refer to the cities that are geographically within the District of Columbia, but not to the "District of Columbia" separately as a "corporation".

That sets the basics for the first rule of our Standard for Review, know the parties. What we have presented is sufficient to show the basics of who the parties are as they related to resolving the answer to the question above. We admonish everyone to prove the facts for themselves by their own research.

The second rule from our Standard for Review is: "Then you must understand the environmental nature of the relationship." With that in mind let's consider the events of the time: the Civil War had recently ended and the country was still under Lincoln's Conscription Act (Martial Law). Congress had at least three problems they could see no way to directly cure by following the laws of the land: they were out of funds, they had promised 40 acres of land to each slave that left the South to fight for the North and they had to reintegrate the south into the

Union, which they could not do without controlling the appointment of the Southern States Congressional members. There were other problems but these three stand out from the rest. That is enough about the environment for the purposes of this review, however the more you study the historical events of this time the more obvious the relationships will become and the more proof you will amass to prove the facts of what actually happened. In the interest of time and space in this response we will move on.

The last step of the Standard for Review's discovery process requires a review of the actual terms of the relationship. Thus, we review the first paragraph of the District of Columbia Organic Act of 1871, which follows:

*"That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes ... and exercise all other powers of a municipal corporation"*

When you consider the historical facts, the only meaning left for the terms given in the opening paragraph of the District of Columbia Organic Act of 1871 (and that which follows) is:

1. The "corporation" that was created is not a "**body politic AND corporate**" but simply a "**body corporate**", which means it is not a government within the meaning of the original jurisdiction of the constitution, but simply a private, for-profit corporation.
2. The "corporation" was presided over by commissioners appointed by the national government rather than the people domiciled there through a popular election.
3. The "corporation" that was created is owned by the "United States", which like all governments is also a corporation. See 28 U.S.C. §3002(15)(A).

*"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)]*

4. The only "government" created in that Act was the same government any private corporation has within the operation of its own corporate construct and on its own private land. Thus, we call it Corp. U.S. The rules of WalMart, for instance, apply only on its own facilities and so long as notice is given to all who step onto those facilities, then the corporate rules of the landlord apply to all "tenants".

We also note Congress reserved the right, granted them in the Constitution at Article 1, Section 8, Clause 17, to complete dictatorial authority over their Corp. U.S. construct, without regard for its internal operations or officers. Thus, Congress can use it within the ten mile square as they see fit to both govern the municipality as if it were the municipal government and to use it to do things the Constitution did not grant them the privilege of doing.

We refer to the "District of Columbia" as a private corporation because at the time of its creation:

1. There was no "body politic". The "government" was populated by commissioners appointed by the President rather than representatives.
2. The citizens of the District were not able to elect EVERYONE in the chain of command up to the President. Therefore it was not a "representative democracy".

Later on, the District of Columbia was permitted LIMITED democratic elections, but they were and are still presided over by commissioners appointed by the President rather than their own citizens. Hence, they continue to be a "BODY COPORATE" without a true "BODY POLITIC" and therefore a PRIVATE corporation.

1 The U.S. Supreme Court has identified the nature of this private corporation called the “District of Columbia” by  
2 identifying it as equivalent to the “national government”. To wit:

3 *The argument that congressional powers over the District are not to be exercised outside of its territorial limits*  
4 *also is pressed upon us. But this same contention has long been held by this Court to be untenable.*

5 *In Cohens [337 U.S. 582 , 601] v. Commonwealth of Virginia, 6 Wheat. 264, 429, Chief Justice Marshall,*  
6 *answering the argument that Congress, when legislating for the District, 'was reduced to a mere local legislature,*  
7 *whose laws could possess no obligation out of the ten miles square,' said 'Congress is not a local legislature, but*  
8 *exercises this particular power, like all its other powers, in its high character, as the legislature of the Union.*

9 *The American people thought it a necessary power, and they conferred it for their own benefit. Being so conferred*  
10 *it carries with it all those incidental powers which are necessary to its complete and effectual execution.' In*  
11 *O'Donoghue v. United States, 289 U.S. 516, 539 , 746, this Court approved a statement made by Circuit Judge*  
12 *Taft, later Chief Justice of this Court, speaking for himself and Judge (later Mr. Justice) Lurton, that "The object*  
13 *of the grant of exclusive legislation over the district was, therefore, national in the highest sense, and the city*  
14 *organized under the grant became the city, not of a state, not of a district, but of a nation.*

15 *In the same article which granted the powers of exclusive legislation over its seat of government are conferred*  
16 *all the other great powers which make the nation, including the power to borrow money on the credit of the United*  
17 *States. He would be a strict constructionist, indeed, who should deny to congress the exercise of this latter power*  
18 *in furtherance of that of organizing and maintaining a proper local government at the seat of government. Each*  
19 *is for a national purpose, and the one may be used in aid of the other.' \* \* \** And, just prior to enactment of the  
20 statute now challenged on this ground, the Court of Appeals for the District itself, sitting en banc, and relying on  
21 the foregoing authorities, had said that **Congress 'possesses full and unlimited jurisdiction to provide for the**  
22 **general welfare' of District citizens 'by any and every act of legislation which it may deem conducive to that**  
23 **end.** \* \* \* [337 U.S. 582 , 602] when it legislates for the District, Congress acts as a legislature of national  
24 character, exercising complete legislative control as contrasted with the limited power of a state legislature, on  
25 the one hand, and as contrasted with the limited sovereignty which Congress exercises within the boundaries of  
26 the states, on the other.' Neild v. District of Columbia, 71 App.D.C. 306, 110 F.2d. 246, 250.  
27 [[National Mut. Ins. Co. of Dist. Of Col. v. Tidewater Transfer Co., 337 U.S. 582 \(1949\)](#)]

28 It is the private corporation called the “District of Columbia” created by the Act of 1871 that is the same entity  
29 which is the subject of the entire Internal Revenue Code, Subtitle A and of the Uniform Commercial Code  
30 (U.C.C.). These authorities therefore become essentially “rules and regulations” respecting the territory and other  
31 property of the United States” mentioned in Article 4, Section 3, Clause 2 of the Constitution, and which includes  
32 the private corporation called the “District of Columbia”. To wit:

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

35 (a) Definitions

36 (9) United States

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

39 (10) State

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

42  
43 *Uniform Commercial Code (U.C.C.)*  
44 *§ 9-307. LOCATION OF DEBTOR.*

45 (h) [Location of United States.]

46 *The United States [corporation] is located in the District of Columbia [also a corporation].*  
47 *[SOURCE:*  
48 [http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm](http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm#s9-307)  
49 [#s9-307\]](#)

1 The “District of Columbia” private corporation was modeled after the first Bank of the United States, which was  
2 also a corporation and which also was intended to operate outside of the District of Columbia and directly upon  
3 citizens in states of the Union. The limitations of such a corporation operating within states of the Union is  
4 exhaustively analyzed in the case of *Osborn v. Bank of U.S.*, 22 U.S. 738 (1824), if you would like to investigate  
5 further. The limitations upon the operation of this private corporation when it interacts with persons within a state  
6 of the Union, as explained in *Osborn*, are as follows:

- 7 1. The corporation itself is NOT a “public office” by virtue of having been created and chartered by the U.S. government.

8 *If the Court adopt this reasoning of one of themselves, the point is decided. The act of incorporation, in the case*  
9 *supposed, does neither create a public office, nor a public corporation. **The association, notwithstanding their***  
10 ***charter, remain a private association, the proprietors and conductors of a private trade, bound by contract, for***  
11 ***a consideration paid, to perform certain employments for the government.***”

12 [. . .]

13 *The appellants rely greatly on the distinction between the Bank and the public institutions, such as the mint or*  
14 *the post office. The agents in those offices are, it is said, officers of government, and are excluded from a seat in*  
15 *Congress. **Not so the directors of the Bank. The connexion of the government with the Bank, is likened to that***  
16 ***with contractors.***

17 ***It will not be contended, that the directors, or \*867 other officers of the Bank, are officers of government. But***  
18 *it is contended, that, were their resemblance to contractors more perfect than it is, the right of the State to control*  
19 *its operations, if those operations be necessary to its character, as a machine employed by the government, cannot*  
20 *be maintained. Can a contractor for supplying a military post with provisions, be restrained from making*  
21 *purchases within any State, or from transporting the provisions to the place at which the troops were stationed?*  
22 *or could he be fined or taxed for doing so? We have not yet heard these questions answered in the affirmative. It*  
23 *is true, that the property of the contractor may be taxed, as the property of other citizens; and so may the local*  
24 *property of the Bank. But we do not admit that the act of purchasing, or of conveying the articles purchased, can*  
25 *be under State control.*

26 [*Osborn v. Bank of U.S.*, 22 U.S. 738, 771-772 (1824)]

- 27 2. The corporation has no political power or political character, and therefore is NOT a “body politic”:

28 *“The mere creation of a corporation, does not confer political power or political character. So this Court decided*  
29 *in *Dartmouth College v. Woodward*, already referred to. If I may be allowed to paraphrase the language of the*  
30 *Chief Justice, I would say, a bank incorporated, is no more a State instrument, than a natural person performing*  
31 *the same business would be.”*

32 [*Osborn v. Bank of U.S.*, 22 U.S. 738, 773 (1824)]

- 33 3. It is not subject to taxation or regulation by the state it is located in.

34 *“A stamp duty is one mode of collecting revenue from individuals engaged in private trade, but it is not the only*  
35 *mode. **The principle which exempts the Bank of the United States from the payment of a stamp duty imposed***  
36 ***by a State, is supposed to exempt it from the payment of any tax assessed by State authority. It is deemed an***  
37 ***incident attached to the charter, because that charter is conferred by the supreme authority. It is said, that if***  
38 ***any other than the supreme authority that confers the faculty, is permitted to tax the trade or business to be***  
39 ***carried on under it, the faculty itself may be rendered useless, and the object of granting it entirely defeated.***  
40 ***The power to confer the faculty, and the power to tax the business, if vested in different hands, are thus held***  
41 ***to be incompatible, and from this incompatibility the exemption is deemed a necessary incident to the charter,***  
42 ***because, without it, it cannot exist.*** For we must here repeat, that this Court have said, that a corporation  
43 ‘possesses only those properties which the charter of its creation confers upon it, either expressly, or as incidental  
44 to its very existence.’ <sup>FN5</sup>”

45 [*Osborn v. Bank of U.S.*, 22 U.S. 738, 778-779 (1824)]

- 46 4. Any disputes between it and persons domiciled within the state it is located within must litigated consistent with the  
47 charter of the corporation. In the case of the Bank of the United States, the charter granted authority to the federal courts  
48 and therefore the suit was conducted in the federal courts:

49 *“It is competent for Congress to determine what Court shall have jurisdiction in this class of cases, which it has*  
50 *done as to the Bank, by giving it, the right of suing in the Circuit Courts of the Union.”*

51 [. . .]



Below is a summary of the history of the District of Columbia from NARPAC Website:

1. GENERAL HISTORY OF THE DISTRICT OF COLUMBIA

- 1.1. When the United States Constitution was adopted on September 15, 1787, Article 1, Section 8, Clause 17, included language authorizing the establishment of a federal district. This district was not to exceed 10 miles square, under the exclusive legislative authority of Congress. On July 16, 1790, Congress authorized President George Washington to choose a permanent site for the capital city and, on December 1, 1800, the capital was moved from Philadelphia to an area along the Potomac River. The census of 1800 showed that the new capital had a population of 14,103.
- 1.2. The District of Columbia Bicentennial Commission was established to develop plans for the celebration of various anniversary dates in District of Columbia history. The commission is comprised of 39 members with a specified number of commissioners appointed by the mayor, the chairman of the D.C. Council, council members, the District delegate to the House of Representatives, the courts, and the District of Columbia Bar.
- 1.3. Among the events celebrated are the 200th anniversary of the Residency Act, which established that there shall be a permanent seat of government on the Potomac River (July 16, 1790); the 200th anniversary of President George Washington's proclamation of the site for the federal district (January 24, 1791); and the 200th anniversary of the arrival of Pierre L'Enfant, Benjamin Banneker and Andrew Ellicott. The commission may designate other bicentennial events for celebration.
- 1.4. There have been several forms of appointed and elected governments in the District of Columbia: an appointed, three-member commission (1790-1802); elected councils and an appointed mayor (1802-1820); elected councils and an elected mayor (1820-1871); an appointed governor, a two-house legislature (one appointed and the other elected), and an elected, non-voting delegate to the Congress (1871-1874); and another appointed, three-member commission (1874-1967). Following the defeat by Congress of a home rule effort in 1967, then-President Lyndon B. Johnson reorganized the District government and created the positions of an appointed mayor/commissioner and an appointed nine-member council.
- 1.5. District residents won the right to vote in a presidential election on March 29, 1961, to elect a board of education in 1968 and, in 1970, to elect a non-voting delegate to the House of Representatives. In 1973, Congress approved a bill that provided District residents with an elected form of government with limited home rule authority; as a result, District residents voted for a mayor and a council for the first time in more than 100 years. District residents accepted the home rule charter by referendum vote in 1974. Congress delegated to the District government the authority, functions and powers of a state, with a very important exception:
- 1.6. Congress retains control over the District's revenue and expenditures by annually reviewing the entire District government budget. In addition, Congress has repeatedly prohibited the District from imposing a non-resident income tax.
- 1.7. In 1980, District voters approved a statehood initiative by a majority of 60 percent; delegates to a statehood constitutional convention were elected in 1981 and, in 1983, a bill for the admission of the state of New Columbia was introduced in Congress. The "Constitution for the State of New Columbia" is still under congressional consideration and is reintroduced into each new congressional session. Under the specifications of the statehood initiatives, most of the land area of the District of Columbia would become the state of New Columbia; the District of Columbia would continue to exist, albeit reduced in size to an area consisting of the White House, the Capitol, the Supreme Court, the Mall and federal monuments and government buildings adjacent to the Mall.

2. CHRONOLOGY OF SOME EVENTS IN THE HISTORY OF THE DISTRICT OF COLUMBIA

- 2.1. May 15, 1751: The Maryland Assembly appoints commissioners to lay a town on the Potomac River, above the mouth of Rock Creek, on 60 acres of land to be purchased from George Gordon and George Beall. This settlement becomes Georgetown.
- 2.2. February 27, 1752: The survey and plat of Georgetown into 80 lots is completed.
- 2.3. September 17, 1787: The Constitution is signed by the members of the Constitutional Convention.
- 2.4. June 21, 1788: The 1788 U.S. Constitution, as adopted by the Constitutional Convention on September 15, 1787, is ratified by the states. Article 1, Section 8, Clause 17, gives Congress authority "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...."
- 2.5. July 16, 1790: The Residency Act of 1790 gives the president power to choose a site for the capital city on the east bank of the Potomac River between the mouth of the Eastern Branch and the Connogochegue Creek (now Conococheague) near Hagerstown, nearly 70 miles upstream.

- 1 2.6. January 22, 1791: George Washington appoints Thomas Johnson and Daniel Carroll of Rock Creek, representing  
2 Maryland and Dr. David Stuart, to represent Virginia, as "Commissioners for surveying the District of (sic)  
3 Territory accepted by the said Act for the permanent seat of the Government of the United States...."
- 4 2.7. January 24, 1791: President George Washington selects a site that includes portions of Maryland and Virginia.
- 5 2.8. December 1, 1800: The federal capital is transferred from Philadelphia to the site on the Potomac River now called  
6 the City of Washington, in the territory of Columbia. At the time of the 1800 census, the population of the new  
7 capital included 10,066 whites, 793 free Negroes and 3,244 slaves.
- 8 2.9. February 27, 1801: Congress divides the [District] into the counties of Washington and Alexandria.
- 9 2.10. May 3, 1802: Congress grants the City of Washington its first municipal charter. Voters, defined as white males  
10 who pay taxes and have lived in the city for at least a year, receive the right to elect a 12-member council. The  
11 mayor is appointed by the president.
- 12 2.11. May 4, 1812: Congress amends the charter of the City of Washington to provide for an eight-member board of  
13 aldermen and a 12-member common council. The aldermen and the common council elect the mayor.
- 14 2.12. March 15, 1820: Under the Act of 1820, Congress amends the Charter of the City of Washington for the direct  
15 election of the mayor by resident voters.
- 16 2.13. July 9, 1846: Congress passes a law returning the city of Alexandria and Alexandria County to the state of Virginia.
- 17 2.14. May 17, 1848: Congress adopts a new charter for the City of Washington and expands the number of elected offices  
18 to include a board of assessors, a surveyor, a collector and a registrar.
- 19 2.15. April 16, 1862: Congress abolishes slavery in the federal district (the City of Washington, Washington County, and  
20 Georgetown). This action predates both the Emancipation Proclamation and the adoption of the 13th Amendment  
21 to the Constitution.
- 22 2.16. January 8, 1867: Congress grants black males the right to vote in local elections.
- 23 2.17. June 1, 1871: The elected mayor and council of Washington City and Georgetown, and the County Levy Court are  
24 abolished by Congress and replaced by a governor and council appointed by the president. An elected House of  
25 Delegates and a non-voting delegate to Congress are created. In this act, the jurisdiction and territorial government  
26 came to be called the District of Columbia, thus combining the governments of Georgetown, the City of Washington  
27 and the County of Washington. A seal and motto, "Justitia Omnibus" (Justice for All), are adopted for the District  
28 of Columbia.
- 29 2.18. June 20, 1874: The territorial government of the District of Columbia, including the non-voting delegate to  
30 Congress, is abolished. Three temporary commissioners and a subordinate military engineer are appointed by the  
31 president.
- 32 2.19. June 11, 1878: In The Organic Act of 1878 [20 Stat. 102-108], Congress approves the establishment of the District  
33 of Columbia government as a municipal corporation governed by three presidentially appointed commissioners \_  
34 two civilian commissioners and a commissioner from the military corps of engineers. This form of government  
35 lasted until August 1967.
- 36 2.20. July 4, 1906: The District Building, on 14th Street and Pennsylvania Avenue, becomes the official City Hall.
- 37 2.21. July 1, 1952: The Reorganization Plan of 1952 transfers to the three commissioners the functions of more than 50  
38 boards.
- 39 2.22. March 29, 1961: The 23rd Amendment to the Constitution gives District residents the right to vote for president.
- 40 2.23. February 20, 1967: The Washington Metropolitan Area Transit Authority is created through a compact between the  
41 District of Columbia, Maryland and Virginia.
- 42 2.24. April 22, 1968: District residents receive the right to elect a Board of Education.
- 43 2.25. December 24, 1973: Congress approves the District of Columbia Self-Government and Governmental  
44 Reorganization Act, P.L. 93-198, which establishes an elected mayor and a 13-member council.
- 45 2.26. May 7, 1974: Voters of the District of Columbia approve by referendum the District Charter and the establishment  
46 of advisory neighborhood commissions.
- 47 2.27. General elections are held for mayor and council on November 5, 1974.
- 48 2.28. January 2, 1975: The newly elected Mayor Walter Washington and first elected council take office.
- 49 2.29. February 3, 1976: The first election for advisory neighborhood commissioners is held.
- 50 2.30. March 29, 1978: The first segment of the Metrorail Red Line opens.
- 51 2.31. August 22, 1978: Congress approves the District of Columbia Voting Rights Amendment, which would give  
52 District residents voting representation in the House and the Senate. The proposed constitutional amendment was  
53 not ratified by the necessary number of states (38) within the allotted seven years.
- 54 2.32. January 2, 1979: The Mayor Marion Barry takes office.
- 55 2.33. November 4, 1980: District electors approve the District of Columbia Statehood Constitutional Convention of 1979,  
56 which became D.C. Law 3-171 and which called for convening a state constitutional convention.

- 2.34. November 2, 1982: After the constitutional convention, a Constitution for the State of New Columbia is ratified by District voters.
- 2.35. October 1, 1984: The District enters the municipal bond market.
- 2.36. October 29, 1986: Congress approves an amendment to the District of Columbia Stadium Act of 1957, which authorizes the transfer of Robert F. Kennedy Stadium from the federal government to the District of Columbia government.
- 2.37. February 20, 1987: The Metropolitan Washington Airports Authority is created to acquire Washington National and Washington - Dulles International airports from the federal government, pursuant to P.L. 99-151, The Metropolitan Washington Airports Act of 1986. The authority begins operating the airports on June 7, 1987.
- 2.38. October 1, 1987: Saint Elizabeth's Hospital is transferred to the District of Columbia government pursuant to P.L. 98-621, The St. Elizabeth's Hospital and the D.C. Mental Health Services Act of 1984.
- 2.39. January 2, 1992: Mayor Sharon Pratt Dixon, the first woman mayor, takes office.
- 2.40. January 2, 1995: Marion Barry takes office for an unprecedented fourth term as Mayor of the District of Columbia.
- 2.41. April 17, 1995: President Clinton signed the law creating a presidentially appointed District of Columbia Financial Control Board and a mayor-appointed Chief Financial Officer.
- 2.42. July 13, 1995: The newly appointed financial control board holds its first public meeting. It is composed of Dr. Andrew Brimmer, chair; and members:
- 2.43. Joyce A. Ladner, Constance B. Newman, Stephen D. Harlan and Edward A.
- 2.44. Singletary. John Hill is the Executive Director and Daniel Rezneck is the General Counsel.
- 2.45. February 14, 1996: Mayor Barry announces a transformation plan to reduce the size of government and increase its efficiency.

Source: <http://www.narpac.org/ITXDCHIS.HTM>

## 14.5 Incorporation of the "United States of America" in Delaware

To make matters worse and to propagate more confusion, the entity "UNITED STATES OF AMERICA" incorporated twice in the State of Delaware:

<http://www.supremelaw.org/cc/usa.inc>  
<http://www.supremelaw.org/cc/usa.corp>

## 14.6 Actions in Federal Court relating to income taxation

Pay attention to what was said in that definition of "United States of America" in Bouvier's Law Dictionary:

*"no suit can be brought against the United States without authority of law".*  
[Bouvier's Law Dictionary, 1856; SOURCE: <http://famguardian.org/Publications/Bouviers/bouvieru.txt>]

That statement is not only correct. It also provides another important clue. Congress has conferred legal standing on the "United States" to sue and be sued at 28 U.S.C. §1345 and 1346 respectively:

[TITLE 28 > PART IV > CHAPTER 85 > § 1345](#)  
[§ 1345. United States as plaintiff](#)

*Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress.*

[TITLE 28 > PART IV > CHAPTER 85 > § 1346](#)  
[§ 1346. United States as defendant](#)

*(a)The district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of: . . .*

1 Congress has NOT conferred comparable legal standing upon the "United States of America" to sue, or be sued,  
2 as such.

3 The main problem that arises from these questions is that United States\* Attorneys are now filing lawsuits and  
4 prosecuting criminal INDICTMENTS in the name of the "UNITED STATES OF AMERICA" [\*sic\*] but without  
5 any powers of attorney to do so. Compare 28 U.S.C. §547 (which confers powers of attorney to represent the  
6 "United States" and \*its\* agencies in federal courts):

7 [TITLE 28 > PART II > CHAPTER 35 > § 547](#)  
8 [§ 547. Duties](#)

9 *Except as otherwise provided by law, each United States attorney, within his district, shall—*

10 *(1)prosecute for all offenses **against the United States**:*

11 *(2)prosecute or defend, for the Government, all civil actions, suits or proceedings in which the United States is*  
12 *concerned;*

13 *(3)appear in behalf of the defendants in all civil actions, suits or proceedings pending in his district against*  
14 *collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money*  
15 *exactd by or paid to these officers, and by them paid into the Treasury;*

16 *(4)institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation*  
17 *of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and*

18 *(5)make such reports as the Attorney General may direct.*

19 They are NOT "United States of America Attorneys", OK? Why? Because:

- 20 1. They do NOT have any powers of attorney to represent Delaware corporations in federal courts; Congress never  
21 appropriated funds for them to do so and Congress never conferred any powers of attorney on them to do so either.  
22 2. The 50 States are already adequately represented by their respective State Attorneys General; therefore, U.S. Attorneys  
23 have no powers of attorney to represent any of the 50 States of the Union, or any of \*their\* agencies, either.

24 They are "U.S. Attorneys" NOT "U.S.A. Attorneys", OK?

25 Accordingly, it is willful misrepresentation for any U.S. Attorney to attempt to appear in any State or federal court  
26 on behalf of the "UNITED STATES OF AMERICA" [\*sic\*]. And, such misrepresentation is actionable under the  
27 McDade Act, 28 U.S.C. §530B:

28 [TITLE 28 > PART II > CHAPTER 31 > § 530B](#)  
29 [§ 530B. Ethical standards for attorneys for the Government](#)

30 *(a)An attorney for the Government shall be subject to State laws and rules, and local Federal court rules,*  
31 *governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and*  
32 *in the same manner as other attorneys in that State.*

33 *(b)The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this*  
34 *section.*

35 *(c)As used in this section, the term "attorney for the Government" includes any attorney described in section*  
36 *77.2(a) of part 77 of title 28 of the Code of Federal Regulations and also includes any independent counsel, or*  
37 *employee of such a counsel, appointed under chapter 40.*

## 14.7 States of the Union have been replaced by Federal Corporations<sup>87</sup>

The governments of each state of the Union preside over TWO mutually exclusive and separate jurisdictions, which we summarize below:

1. Constitutional State. Land within the exclusive jurisdiction of a constitutional state of the Union fall within this area.
2. Statutory State. This area consists of federal areas within the exterior limits of a Constitutional State. These areas are federal territory not protected by the Constitution of the United States or the Bill of Rights and are “instrumentalities” of the federal government. Jurisdiction over these areas is shared with the federal government under the auspices of the following legal authorities:
  - 2.1. The Assimilated Crimes Act, [18 U.S.C. §13](#).
  - 2.2. The Rules of Decision Act, [28 U.S.C. §1652](#). This act prescribes which of the two conflicting laws shall prevail in the case of crimes on federal territory.
  - 2.3. [28 U.S.C. §2679\(c\)](#), which says that any action against an officer or employee of the United States in which the officer or employee is acting outside their authority shall be prosecuted in a state court.
  - 2.4. Agreement on Coordination of Tax Administration (A.C.T.A.) between the state and the Secretary of the Treasury.

The situation above in respect to a state is not unlike our national government, which has two mutually exclusive jurisdictions:

*“It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities was the law in question passed?”*  
*[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265; 5 L.Ed. 257 (1821)]*

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

The hard part is figuring out which of the two jurisdictions that any particular state statute applies to. What makes this process difficult are the following complicating factors:

1. There is no constitutional requirement that the laws passed by the state legislature must clearly state which of the two jurisdiction they apply to. This was also confirmed in the following exhibit, which is a letter from a United States Congressman:

Congressman Zoe Lofgren Letter, Exhibit #04.003  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

2. Crafty state legislators deliberately obfuscate the statutes they write so as to encourage those within the Republic to obey laws that in fact only apply to the Statutory State so as to unlawfully increase their revenues, power, and control.
3. Courts of INjustice and the judges who serve in them refuse to acknowledge that most statutes passed by the legislature can only lawfully affect federal areas and persons who consent to be treated as though they inhabit these areas.

Within federal law, the Constitutional State is referred to as a “foreign state”. To wit:

<sup>87</sup> Adapted from section 4 of SEDM Form #05.031 entitled *State Income Taxes*.



1 **"Foreign states.** Nations which are outside the United States. Term may also refer to another state; i.e. a sister  
2 state."  
3 [Black's Law Dictionary, Sixth Edition, p. 648]

4 "Generally, the states of the Union sustain toward each other the relationship of independent sovereigns or  
5 independent foreign states, except in so far as the United States is paramount as the dominating government, and  
6 in so far as the states are bound to recognize the fraternity among sovereignties established by the federal  
7 Constitution, as by the provision requiring each state to give full faith and credit to the public acts, records, and  
8 judicial proceedings of the other states..."  
9 [81A Corpus Juris Secundum (C.J.S.), United States, §29 (2003)]

10 "The United States Government is a foreign corporation with respect to a state." [N.Y. v. re Merriam 36 N.E.  
11 505, 141 N.Y. 479; affirmed 16 S.Ct. 1073; 41 L.Ed. 287] [underlines added]  
12 [19 Corpus Juris Secundum (C.J.S.) Legal Encyclopedia, United States, §884]

13 Even the U.S. Supreme Court admits that the Constitutional State are legislatively "foreign states" with respect to  
14 the federal government:

15 We have held, upon full consideration, that although under existing statutes a circuit court of the United States  
16 has jurisdiction upon habeas corpus to discharge from the custody of state officers or tribunals one restrained of  
17 his liberty in violation of the Constitution of the United States, it is not required in every case to exercise its power  
18 to that end immediately upon application being made for the writ. 'We cannot suppose,' this court has said, 'that  
19 Congress intended to compel those courts, by such means, to draw to themselves, in the first instance, the control  
20 of all criminal prosecutions commenced in state courts exercising authority within the same territorial limits,  
21 where the accused claims that he is held in custody in violation of the Constitution of the United States. The  
22 injunction to hear the case summarily, and thereupon 'to dispose of the party as law and justice require' [R. S.  
23 761], does not deprive the court of discretion as to the time and mode in which it will exert the powers conferred  
24 upon it. That discretion should be exercised in the light of the relations existing, under our system of government,  
25 between the judicial tribunals of the Union and of the states, and in recognition of the fact that the public good  
26 requires that those relations be not disturbed by unnecessary conflict between courts equally bound to guard and  
27 protect rights secured by the Constitution. When the petitioner is in custody by state authority for an act done  
28 or omitted to be done in pursuance of a law of the United States, or of an order, process, or decree of a court  
29 or judge thereof; or where, being a subject or citizen of a foreign state, and domiciled therein, he is in custody,  
30 under like authority, for an act done or omitted under any alleged right, title, authority, privilege, protection,  
31 or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof,  
32 the validity and effect whereof depend upon the law of nations; in such and like cases of urgency, involving  
33 the authority and operations of the general government, or the obligations of this country to, or its relations  
34 with, foreign nations, [180 U.S. 499, 502] the courts of the United States have frequently interposed by writs  
35 of habeas corpus and discharged prisoners who were held in custody under state authority. So, also, when they  
36 are in the custody of a state officer, it may be necessary, by use of the writ, to bring them into a court of the United  
37 States to testify as witnesses.' Ex parte Royall, 117 U.S. 241, 250, 29 S.L.Ed. 868, 871, 6 Sup.Ct.Rep. 734; Ex  
38 parte Fonda, 117 U.S. 516, 518, 29 S.L.Ed. 994, 6 Sup.Ct.Rep. 848; Re Duncan, 139 U.S. 449, 454, sub nom.  
39 Duncan v. McCall, 35 L.Ed. 219, 222, 11 Sup.Ct.Rep. 573; Re Wood, 140 U.S. 278, 289, Sub nom. Wood v.  
40 Bursh, 35 L.Ed. 505, 509, 11 Sup.Ct.Rep. 738; McElvaine v. Brush, 142 U.S. 155, 160, 35 S.L.Ed. 971, 973, 12  
41 Sup.Ct.Rep. 156; Cook v. Hart, 146 U.S. 183, 194, 36 S.L.Ed. 934, 939, 13 Sup.Ct.Rep. 40; Re Frederick, 149  
42 U.S. 70, 75, 37 S.L.Ed. 653, 656, 13 Sup.Ct.Rep. 793; New York v. Eno, 155 U.S. 89, 96, 39 S.L.Ed. 80, 83, 15  
43 Sup.Ct.Rep. 30; Pepke v. Cronan, 155 U.S. 100, 39 L.Ed. 84, 15 Sup.Ct.Rep. 34; Re Chapman, 156 U.S. 211,  
44 216, 39 S.L.Ed. 401, 402, 15 Sup.Ct.Rep. 331; Whitten v. Tomlinson, 160 U.S. 231, 242, 40 S.L.Ed. 406, 412, 16  
45 Sup.Ct.Rep. 297; Iasigi v. Van De Carr, 166 U.S. 391, 395, 41 S.L.Ed. 1045, 1049, 17 Sup.Ct.Rep. 595; Baker  
46 v. Grice, 169 U.S. 284, 290, 42 S.L.Ed. 748, 750, 18 Sup.Ct.Rep. 323; Tinsley v. Anderson, 171 U.S. 101, 105,  
47 43 S.L.Ed. 91, 96, 18 Sup.Ct.Rep. 805; Fitts v. McGhee, 172 U.S. 516, 533, 43 S.L.Ed. 535, 543, 19 Sup.Ct.Rep.  
48 269; Markuson v. Boucher, 175 U.S. 184, 44 L.Ed. 124, 20 Sup.Ct.Rep. 76.

49 There are cases that come within the exceptions to the general rule. In Loney's Case, 134 U.S. 372, 375, sub  
50 nom. Thomas v. Loney, 33 L.Ed. 949, 951, 10 Sup.Ct.Rep. 584, 585, it appeared that Loney was held in custody  
51 by the state authorities under a charge of perjury committed in giving his deposition as a witness before a notary  
52 public in Richmond, Virginia, in the case of a contested election of a member of the House of Representatives of  
53 the United States. He was discharged upon a writ of habeas corpus sued out from the circuit court of the United  
54 States, this court saying: 'The power of punishing a witness for testifying falsely in a judicial proceeding belongs  
55 peculiarly to the government in whose tribunals that proceeding is had. It is essential to the impartial and efficient  
56 administration of justice in the tribunals of the nation, that witnesses should be able to testify freely before them,  
57 unrestrained by legislation of the state, or by fear of punishment in the state courts. The administration of justice  
58 in the national tribunals would be greatly embarrassed and impeded if a witness testifying before a court of the  
59 United States, or upon a contested election of a member of Congress, were liable to prosecution and punishment  
60 in the courts of the state upon a charge of perjury, preferred by a disappointed suitor or contestant, or instigated  
61 by local passion or prejudice.' So, in Ohio v. Thomas, 173 U.S. 276, 284, 285 S., 43 L.Ed. 699, 702, 19  
62 Sup.Ct.Rep. 453, 456, which was the case of the arrest of the acting governor [180 U.S. 499, 503] of the  
63 Central Branch of the National Home for Disabled Volunteer Soldiers, at Dayton, Ohio, upon a charge of  
64 violating a law of that state, the action of the circuit court of the United States discharging him upon habeas

corpus, while in custody of the state authorities, was upheld upon the ground that the state court had no jurisdiction in the premises, and because the accused, being a Federal officer, 'may, upon conviction, be imprisoned as a means of enforcing the sentence of a fine, and thus the operations of the Federal government might in the meantime be obstructed.' The exception to the general rule was further illustrated in *Boske v. Comingore*, 177 U.S. 459, 466, 467 S., 44 L.Ed. 846, 849, 20 Sup.Ct.Rep. 701, 704, in which the applicant for the writ of habeas corpus was discharged by the circuit court of the United States, while held by state officers, this court saying: 'The present case was one of urgency, in that the appellee was an officer in the revenue service of the United States whose presence at his post of duty was important to the public interests, and whose detention in prison by the state authorities might have interfered with the regular and orderly course of the business of the department to which he belonged.'

[*State of Minnesota v. Brundage*, 180 U.S. 499 (1901)]

[NOTE: The federal Courts of the United States as used above do not have the authority to interpose in foreign countries, but only in states of the Union for violations of the Constitution, and since they did interpose above, and since they did so in a "foreign state" and described that foreign state as a state of the Union, they are admitting of no federal jurisdiction within any state of the Union]

Whenever the Constitutional State accepts a benefit from the federal government, it surrenders its sovereign immunity and acts in the dual capacity of a Statutory State under the following concepts:

1. States borrowing money are treated as ordinary private creditors. This includes when they borrow money from the federal government.

"What, then, is meant by the doctrine that contracts are made with reference to the taxing power resident in the State, and in subordination to it? Is it meant that when a person lends money to a State, or to a municipal division of the State having the power of taxation, there is in the contract a tacit reservation of a right in the debtor to raise contributions out of the money promised to be paid before payment? That cannot be, because if it could, the contract (in the language of Alexander Hamilton) would 'involve two contradictory things: an obligation to do, and a right not to do; an obligation to pay a certain sum, and a right to retain it in the shape of a tax. It is against the rules, both of law and of reason, to admit by implication in the construction of a contract a principle which goes in destruction of it.' The truth is, States and cities, when they borrow money and contract to repay it with interest, are not acting as sovereignties. They come down to the level of ordinary individuals. Their contracts have the same meaning as that of similar contracts between private persons. Hence, instead of there being in the undertaking of a State or city to pay, a reservation of a sovereign right to withhold payment, the contract should be regarded as an assurance that such a right will not be exercised. A promise to pay, with a reserved right to deny or change the effect of the promise, is an absurdity." [Murray v. City of Charleston, 96 U.S. 432 (1877)]

2. States which engage in ordinary private business or contracts implicitly surrender their sovereign immunity.

When a State engages in ordinary commercial ventures, it acts like a private person, outside the area of its "core" responsibilities, and in a way unlikely to prove essential to the fulfillment of a basic governmental obligation. A Congress that decides to regulate those state commercial activities rather than to exempt the State likely believes that an exemption, by treating the State differently from identically situated private persons, would threaten the objectives of a federal regulatory program aimed primarily at private conduct. Compare, e.g., 12 U.S.C. §1841(b) (1994 ed., Supp. III) (exempting state companies from regulations covering federal bank holding companies); 15 U.S.C. §77c(a)(2) (exempting state-issued securities from federal securities laws); and 29 U.S.C. §652(5) (exempting States from the definition of "employer[s]" subject to federal occupational safety and health laws), with 11 U.S.C. §106(a) (subjecting States to federal bankruptcy court judgments); 15 U.S.C. §1122(a) (subjecting States to suit for violation of Lanham Act); 17 U.S.C. §511(a) (subjecting States to suit for copyright infringement); 35 U.S.C. §271(h) (subjecting States to suit for patent infringement). And a Congress that includes the State not only within its substantive regulatory rules but also (expressly) within a related system of private remedies likely believes that a remedial exemption would similarly threaten that program. See *Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank*, ante, at \_\_\_\_ (Stevens, J., dissenting). It thereby avoids an enforcement gap which, when allied with the pressures of a competitive marketplace, could place the State's regulated private competitors at a significant disadvantage.

These considerations make Congress' need to possess the power to condition entry into the market upon a waiver of sovereign immunity (as "necessary and proper" to the exercise of its commerce power) unusually strong, for to deny Congress that power would deny Congress the power effectively to regulate private conduct. Cf. *California v. Taylor*, 353 U.S. 553, 566 (1957). At the same time they make a State's need to exercise sovereign immunity unusually weak, for the State is unlikely to have to supply what private firms already supply, nor may it fairly demand special treatment, even to protect the public purse, when it does so. Neither can one easily imagine what the Constitution's founders would have thought about the assertion of sovereign immunity in this special context. These considerations, differing in kind or degree from those that would support a general congressional "abrogation" power, indicate that *Parden*'s holding is sound, irrespective of this Court's decisions in *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44 (1996), and *Alden v. Maine*, ante, p. \_\_\_\_.

[*College Savings Bank v. Florida Prepaid Postsecondary Education Expense*, 527 U.S. 666 (1999)]

3. States which avail themselves of federal benefits or contracts with the federal government forfeit their sovereign immunity. To conclude otherwise would be to sanction what amounts to theft. In addition to the below, see also *West Virginia v. United States*, 497 U.S. 305, 107 S.Ct. 702 (1987)

"The Government urges that **the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority**, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. .... **The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.**"  
[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

A nondiscriminatory taxing measure that operates to defray the cost of a federal program by recovering a fair approximation of each beneficiary's share of the cost is surely no more offensive to the constitutional scheme than is either a tax on the income earned by state employees or a tax on a State's sale of bottled water. 18 The National Government's interest in being compensated for its expenditures is only too apparent. More significantly perhaps, such revenue measures by their very nature cannot possess the attributes that led Mr. Chief Justice Marshall to proclaim that the power to tax is the power [435 U.S. 444, 461] to destroy. There is no danger that such measures will not be based on benefits conferred or that they will function as regulatory devices unduly burdening essential state activities. It is, of course, the case that a revenue provision that forces a State to pay its own way when performing an essential function will increase the cost of the state activity. But *Graves v. New York ex rel. O'Keefe*, and its precursors, see 306 U.S., at 483 and the cases cited in n. 3, teach that an economic burden on traditional state functions without more is not a sufficient basis for sustaining a claim of immunity. Indeed, since the Constitution explicitly requires States to bear similar economic burdens when engaged in essential operations, see U.S. Const., Amdts. 5, 14; *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922) (State must pay just compensation when it "takes" private property for a public purpose); U.S. Const., Art. I, 10, cl. 1; *United States Trust Co. v. New Jersey*, 431 U.S. 1 (1977) (even when burdensome, a State often must comply with the obligations of its contracts), it cannot be seriously contended that federal exactions from the States of their fair share of the cost of specific benefits they receive from federal programs offend the constitutional scheme.

Our decisions in analogous context support this conclusion. We have repeatedly held that the Federal Government may impose appropriate conditions on the use of federal property or privileges and may require that state instrumentalities comply with conditions that are reasonably related to the federal interest in particular national projects or programs. See, e. g., *Ivanhoe Irrigation Dist. v. McCracken*, 357 U.S. 275, 294 - 296 (1958); *Oklahoma v. Civil Service Comm'n*, 330 U.S. 127, 142 -144 (1947); *United States v. San Francisco*, 310 U.S. 16 (1940); cf. *National League of Cities v. Usery*, 426 U.S. 833, 853 (1976); *Fry v. United States*, 421 U.S. 542 (1975). A requirement that States, like all other users, pay a portion of the costs of the benefits they enjoy from federal programs is surely permissible since it is closely related to the [435 U.S. 444, 462] federal interest in recovering costs from those who benefit and since it effects no greater interference with state sovereignty than do the restrictions which this Court has approved.  
[*Massachusetts v. United States*, 435 U.S. 444 (1978)]

The Founding Fathers recognized the above dual agency in the Federalist Papers:

"It is true, that the Confederacy is to possess, and may exercise, the power of collecting internal as well as external taxes throughout the States; but it is probable that this power will not be resorted to, except for supplemental purposes of revenue; that an option will then be given to the States to supply their quotas by previous collections of their own; and that the eventual collection, under the immediate authority of the Union, will generally be made by the officers, and according to the rules, appointed by the several States. Indeed it is extremely probable, that in other instances, particularly in the organization of the judicial power, the officers of the States will be clothed with the correspondent authority of the Union. "

"Should it happen, however, that separate collectors of internal revenue should be appointed under the federal government, the influence of the whole number would not bear a comparison with that of the multitude of State officers in the opposite scale. "

"Within every district to which a federal collector would be allotted, there would not be less than thirty or forty, or even more, officers of different descriptions, and many of them persons of character and weight, whose influence would lie on the side of the State. The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign

1 *commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to*  
2 *the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives,*  
3 *liberties, and properties of the people, and the internal order, improvement, and prosperity of the State. The*  
4 *operations of the federal government will be most extensive and important in times of war and danger; those*  
5 *of the State governments, in times of peace and security. As the former periods will probably bear a small*  
6 *proportion to the latter, the State governments will here enjoy another advantage over the federal government.*  
7 *The more adequate, indeed, the federal powers may be rendered to the national defense, the less frequent will*  
8 *be those scenes of danger which might favor their ascendancy over the governments of the particular States. ”*  
9 *[Federalist Paper No 45 (Jan. 1788), James Madison]*

10 The Statutory State is the corporate entity and legal “person” that interfaces with, contracts with, and acts as an  
11 agent for the federal government in the context of said contracts. All contracts or what the U.S. Supreme Court  
12 calls “compacts” create agency on the part of those who consent toward the other parties to the contract.

13 *“All the powers of the government [including ALL of its civil enforcement powers against the public] must be*  
14 *carried into operation by individual agency, either through the medium of public officers, or contracts made*  
15 *with [private] individuals.”*  
16 *[Osborn v. Bank of U.S., 22 U.S. 338 (1824)]*

17 We allege that it is THIS “individual” who is a corporation is the only proper subject of the federal income tax  
18 and every other type of government legislation. This is the same “individual” defined in the I.R.C. below:

19 26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

20 (c ) Definitions

21 (3) Individual.

22 (i) Alien individual.

23 The term alien individual means an individual who is not a citizen or a national of the United States. See Sec.  
24 1.1-1(c).

25 (ii) Nonresident alien individual.

26 The term nonresident alien individual means a person described in section 7701(b)(1)(B), an alien individual  
27 who is a resident of a foreign country under the residence article of an income tax treaty and Sec. 301.7701(b)-  
28 7(a)(1) of this chapter, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of  
29 Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under Sec. 301.7701(b)-  
30 1(d) of this chapter. An alien individual who has made an election under section 6013 (g) or (h) to be treated as  
31 a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of withholding  
32 under chapter 3 of the Code and the regulations thereunder.

33 The Statutory State essentially acts as an agency or instrumentality or “public officer” of the U.S. government,  
34 assisting in the management and control over federal areas within their borders in the context of all federal benefit  
35 programs which they participate in. In that capacity, they implicitly surrender sovereign immunity and agree to  
36 accept the supervision of the federal courts in what amounts to their essentially private business concerns with the  
37 federal government. In the context of income taxation, this federal “agency” is created by an Agreement on  
38 Coordination of Tax Administration (A.C.T.A.) between the state and the federal government, and it represents a  
39 delegation of authority by the federal government to allow the state government to enforce their taxes and laws  
40 ONLY within the Statutory State and the federal areas within the exterior limits of the state which comprise it.  
41 These federal areas qualify as “possessions” of the United States, and therefore “States” within federal law:

42 TITLE 4 > CHAPTER 4 > § 110  
43 § 110. Same; definitions

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

45 The term “possession” is nowhere defined in the law that we have been able to locate. However, Black’s Law  
46 Dictionary indicates that all “rights” or franchises constitute “property”.



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

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

16           [. . .]

17           **Property within constitutional protection, denotes group of rights inhering in citizen’s relation to physical**  
18 **thing, as right to possess, use and dispose of it.** *Cereghino v. State By and Through State Highway*  
19 **Commission, 230 Or. 439, 370 P.2d. 694, 697.”**  
20 *[Black’s Law Dictionary, Sixth Edition, p. 1216]*

21       If franchises are property and the Agreement on Coordination of Tax Administration (A.C.T.A.) creates a  
22 franchise, then the collections of rights, privileges, and benefits it conveys to the federal government constitutes  
23 “property” and therefore a “possession of the United States” from a legal perspective. Article 4, Section 3, Clause  
24 2 of the Constitution is what authorizes the federal courts to regulate the exercise of federal franchises by states.

25           *United States Constitution*  
26 *Article 4, Section 3, Clause 2*

27           *The Congress shall have Power to dispose of and make all needful Rules and Regulations **respecting the Territory***  
28 **or other Property [including franchises and the benefits they confer] belonging to the United States;** *and*  
29 *nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any*  
30 *particular State.*

31       An example of federal **territorial** possessions include American Samoa and Swain’s Island, which are mentioned  
32 in **48 U.S.C. Chapter 13.** Over possessions of the United States, federal legislative jurisdiction is “plenary”,  
33 meaning exclusive, except to the extent that they surrender any portion of it through legislation implementing  
34 what is called “comity”.

35           **“Plenary.** *Full, entire, complete, absolute, perfect, unqualified.* *Mashunkashney v. Mashunkashney, 191 Okl.*  
36 *501, 134 P.2d. 976, 979.”*  
37 *[Black’s Law Dictionary, Sixth Edition, p. 1154]*

38       All such surrenders of sovereignty over federal areas or possessions are called “comity”:

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

47       An example of comity in action is the Buck Act, in which Congress authorized “States” as defined in **4 U.S.C.**  
48 **§110(d)** to tax federal “public officials” working within federal areas.

49           TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES  
50 CHAPTER 4 - THE STATES



1                    [Sec. 110. Same](#); definitions

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

3 This provision was implemented as an outgrowth of the Public Salary Tax Act of 1939. You can read this act  
4 below:

<http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/PublSalaryTaxAct1939.htm>

5 To wit:

6                    [TITLE 4](#) > [CHAPTER 4](#) > § 106  
7                    § 106. Same; income tax

8                    (a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted  
9                    taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or  
10                    receiving income from transactions occurring or services performed in such area; and such State or taxing  
11                    authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such  
12                    State to the same extent and with the same effect as though such area was not a Federal area.

13                    (b) The provisions of subsection (a) shall be applicable only with respect to income or receipts received after  
14                    December 31, 1940.

15 The state maintains a "trusteeship" over federal areas within its border and act as the equivalent of a federal  
16 "Government corporation". To wit:

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

19                    For the purpose of this title—

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

22 The "control" referred to above is the authority delegated by the Buck Act, the Public Salary Tax Act of 1939, the  
23 Agreement on Coordination of Tax Administration (A.C.T.A.), and the Assimilated Crimes Act, 18 U.S.C. §13.  
24 To view the Public Salary Tax Act of 1939, see:

<http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/PublSalaryTaxAct1939.htm>

25 The subject of taxation of territories and possessions is discussed in the document below:

[Great IRS Hoax](#), Form #11.302, Section 5.14  
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

26 The U.S. Supreme Court has also held that all federal territories are "corporations", which implies that possessions  
27 can just as readily be thought of the same way:

28                    At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual  
29                    succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several  
30                    individuals (a "corporation aggregate"). 3 H. Stephen, *Commentaries on the Laws of England* 166, 168 (1st Am.  
31                    ed. 1845). The sovereign was considered a corporation. See id., at 170; see also 1 W. Blackstone, *Commentaries*  
32                    \*467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified  
33                    as "corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act  
34                    recodified. See W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were originally modeled upon  
35                    a state or nation"); 1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of  
36                    America 318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); Van  
37                    Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation . . . ordained  
38                    and established by the American people") (quoting United [495 U.S. 182, 202] States v. Maurice, 26 F.Cas.  
39                    1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.); Cotton v. United States, 11 How. 229, 231 (1851)

(*United States is "a corporation"*). See generally *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation").  
[*Ngiraingas v. Sanchez*, 495 U.S. 182 (1990)]

We will now end this section by comparing the Constitutional State with the Statutory State to make the content of this section perfectly clear for visually minded readers:

**Table 11: Comparison of Constitutional State v. Statutory State**


#	Attribute	Constitutional State	Statutory State
1	Nature of government	De jure	De facto
2	Composition	Physical state (Attaches to physical territory)	Virtual state (Attaches to status of people on the land)
3	Name	"Republic of _____" "The State"	"State of _____" "this State"
4	Name of this entity in federal law	Called a "state" or "foreign state"	Called a "State" as defined in <a href="#">4 U.S.C. §110(d)</a>
5	Territory over which "sovereign"	All land not under exclusive federal jurisdiction within the exterior borders of the Constitutional state.	Federal territory within the exterior limits of the state borrowed from the federal government under the Buck Act, 4 U.S.C. §110(d).
6	Protected by the Bill of Rights, which is the first ten amendments to the United States Constitution?	Yes	No (No rights. Only statutory "privileges", mostly applied for)
7	Form of government	Constitutional Republic	Legislative totalitarian socialist democracy
8	A corporation?	Yes	Yes
9	A federal corporation?	No	Yes
10	Exclusive jurisdiction over its own lands?	Yes	No. Shared with federal government pursuant to Buck Act, Assimilated Crimes Act, 18 U.S.C. §13, and ACTA Agreement.
11	"Possession" of the United States?	No (sovereign and "foreign" with respect to national government)	Yes
12	Subject to exclusive federal jurisdiction?	No	Yes
13	Subject to federal income tax?	No	Yes
14	Subject to state income tax?	No	Yes
15	Subject to state sales tax?	No	Yes
16	Subject to national military draft? (See SEDM Form #05.030 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a> )	No	Yes
17	Citizenship of those domiciled therein	1. Constitutional but not statutory citizen. 2. "national" or "state national" pursuant to <a href="#">8 U.S.C. §1101(a)(21)</a> . Not a statutory "U.S. citizen" pursuant to <a href="#">8 U.S.C. §1408</a> .	Statutory "U.S. citizen" pursuant to <a href="#">8 U.S.C. §1401</a>
18	Licenses such as marriage license, driver's license, business license required in this jurisdiction?	No	Yes
19	Voters called	"Electors"	"Registered voters"
20	How you declare your domicile in this jurisdiction	1. Describing yourself as a "state national" but not a statutory "U.S. citizen" on all government forms. 2. Registering as an "elector" rather than a voter. 3. Terminating participation in all federal benefit programs.	1. Describing yourself as a statutory "U.S. citizen" on any state or federal form. 2. Applying for a federal benefit. 3. Applying for and receiving any kind of state license.
21	Standing in court to sue for injury to rights	Constitution and the common law.	Statutory civil law
22	"Rights" within this jurisdiction are based upon	The Bill of Rights	Statutory franchises
23	"Citizens", "residents", and "inhabitants" of this jurisdiction are	Private human beings	Public entities such as government employees, instrumentalities, and corporations (franchisees of the government) ONLY
24	Civil jurisdiction originates from	Voluntary choice of domicile on the territory of the sovereign AND your consent. This means you must be a	Your right to contract by signing up for government franchises / "benefits". Domicile/residence is NOT a requirement

#	Attribute	Constitutional State	Statutory State
		"citizen" or a "resident" BEFORE this type of law can be enforced against you.	or the requirement appears in the statutes but is ignored as a matter of policy.

## 14.8 Your City and County are Corporations Traded Commercially

Dunn and Bradstreet is responsible for keeping records on various publicly traded corporations and businesses. As an experiment, search for your city and county, and see if they are publicly traded corporations. You may be surprised to find that they are. It's all commercial. Below is one example search of Dunn and Bradstreet records sent to us by a reader that proves that the state bar, the city, and the county where he lives are publicly traded corporations, not governments.

Note that the "CITY OF AUSTIN also trades as CITY CLERK"



Small Business  
Solutions

Get Credit Reports

Collect Debt

Find New Customers

Manage My Business Credit

View My Reports/Alerts

Welcome John Doe

To view your reports and alerts, go to [View My Reports/Alerts.](#)

## Company Search Results

Don't see the company you are looking for? Try an [advanced search](#).

Looking for your own company and it is not listed? You may need to [Get a D-U-N-S number](#).

US

TX

austin

"travis county dis

0

Home

< Previous

Showing 1 of 1

Sort by: Relevance

Next >

BR	<a href="#">TRAVIS. COUNTY OF</a>	1000 Guadalupe St Ste 222, Austin, TX	<a href="#">Select</a>
BR	<a href="#">State Bar Of Texas</a> Also Trades As: Clerk Supreme Court Of Texas	No Physical Address, Austin, TX	<a href="#">Select</a>
BR	<a href="#">CITY OF AUSTIN</a> Also Trades As: CITY CLERK	301 W 2nd St Fl 1, Austin, TX	<a href="#">Select</a>

### Refine your search

Business name:	Country:
<input type="text"/>	<input type="text"/>
City (optional):	State:
<input type="text" value="austin"/>	<input type="text" value="Nationw ide"/>
<a href="#">Advanced search</a>	<input type="text"/>



1 If you want to check out this SCAM for yourself, visit:

<http://smallbusiness.dnb.com/>

## 2 **14.9 Corporatization of the U.S. government well underway**<sup>88</sup>

3 Still think you're free? Still think all you have to do is vote the incumbent out of office and everything will  
4 automatically return to 'normal'? It's too late! Protesting, voting, or - laughably - letters to the editor won't change  
5 anything! Look at the corporate info I found at the Delaware Secretary of State website at:

<https://sos-res.state.de.us/tin/GINameSearch.jsp>

6 Here is just a short listing, and there are probably many more in other states that we have not yet found:

- 7 1. INTERNAL REVENUE TAX AND AUDIT SERVICE (IRS) FOR-PROFIT General Delaware Corporation  
8 Incorporation date 7/12/33 File No. 0325720
- 9 2. FEDERAL RESERVE ASSOCIATION (Federal Reserve) NON-PROFIT Delaware Corporation Incorporation date  
10 9/13/14 File No. 0042817
- 11 3. CENTRAL INTELLIGENCE AUTHORITY INC. (CIA) FOR-PROFIT General Delaware Corporation Incorporation  
12 Date 3/9/83 File No. 2004409

### 13 background info:

14 *Transfers: With the National Security Council to the Executive Office of the President by Reorganization Plan*  
15 *No. 4 of 1949, effective August 20, 1949; to independent agency status by EO 12333, December 4, 1981.*

16 *Central Intelligence Group established under the National Intelligence Authority by Presidential directive,*  
17 *January 22, 1946, to plan and coordinate foreign intelligence activities. By National Intelligence Authority*  
18 *Directive 4, April 2, 1946, NIA assumed supervision of the SSU dissolution during spring and summer 1946,*  
19 *assigning some components to Central Intelligence Group at request of Director of Central Intelligence, and*  
20 *effecting incorporation of the remaining units into other War Department organizations. SSU officially abolished*  
21 *by General Order 16, SSU, October 19, 1946. Central Intelligence Group and National Intelligence Authority*  
22 *abolished by National Security Act, which created the CIA, 1947. SEE 263.1.*

- 23 4. FEDERAL LAND ACQUISITION CORP. FOR-PROFIT General Delaware Corporation Incorporation Date 8/22/80  
24 File No. 0897960
- 25 5. RTC COMMERCIAL ASSETS TRUST 1995-NP3-2 FOR-PROFIT Delaware Statutory Trust Incorporation Date  
26 10/24/95 File No. 2554768.
- 27 6. SOCIAL SECURITY CORP, DEPART. OF HEALTH, EDUCATION AND WELFARE FOR-PROFIT General  
28 Delaware Corporation Incorporation date: 11/13/89 File No. 2213135
- 29 7. UNITED STATES OF AMERICA, INC. NON-PROFIT Delaware Corporation Incorporation Date 4/19/89 File No.  
30 2193946

31 Keep in mind - these are just the listings I could find. For example, I tracked down the Bureau of Engraving and  
32 Printing - in the state of Texas (foreign corporation in respect to the District of Columbia).

33 This means, as 'citizens,' we are assets of the corporation. It doesn't matter who is in office, the board of directors  
34 and the shareholders own and run the country - just as in any other corporation. Roosevelt's quote has an entirely  
35 different meaning now:

36 *"The real truth of the matter is, as you and I know, that a financial element in the large centers has owned the*  
37 *government of the U.S. since the days of Andrew Jackson."*  
38 *[Franklin D. Roosevelt, Letter written Nov. 21, 1933 to Colonel E. Mandell House]*

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<sup>88</sup> Adapted from: <http://famguardian.org/Subjects/Freedom/Articles/CorporatizationOfGovt.htm>.

1 The thing to find out, and we're hoping the corporate records will show, is who are the shareholders? Who profits  
2 - for example - from the 'private, for-profit, corporate CIA' or the 'private, for-profit, corporate IRS' or the 'private,  
3 for-profit Social Security' - that those in charge are now telling us is 'broke.' Who is on the board of directors of  
4 'UNITED STATES OF AMERICA, INC.'

5 Ask anyone you know if they are aware of this. Call your congressman's office and ask them. Why doesn't anyone  
6 know? Why isn't this casually mentioned in the news? 'The Board of Directors of the United States of America,  
7 Inc., today ruled.....' 'The Board of Directors of the Social Security.....' 'Today, the Central Intelligence  
8 Authority filed as a private for-profit corporation.' Why do those in charge never mention this ? Why, searching  
9 on any search engine, doesn't this information come up?

10 Because we're being lied to !

11 Ever wonder why those who fight the IRS are not allowed to bring up their Constitutional Rights in tax court ?  
12 Constitutional Rights do not apply in an equity court against a government that is a private corporation all of  
13 whose laws are simply work rules for its "employees" and "officer". Contract law supersedes individual and  
14 Constitutional Rights. Corporate law is a totally different animal from common law. Ask any corporate attorney.

15 You've inadvertently signed or consented to franchise agreements with this bastard entity posing as the 'free'  
16 United States of America - when you registered to vote, when you applied for a checking account (at a Federal  
17 Reserve corp bank - look at your signature card, it states you will comply with all rulings from the Secretary of  
18 the Treasury), when you applied for a social security card.....

19 Ever look at the trust corporations (such as the RESOLUTION TRUST CORP (RTC) associated with the UNITED  
20 STATES OF AMERICA, INC.?

21 *Trust - a fiduciary relationship in which one party holds legal title to another's property for the benefit of a party*  
22 *who holds equitable title to the property.*

23 Who holds the equitable title? Ever notice property deeds state 'tenant' when referring to the supposed owner?  
24 We are ruled by fictitious entities - corporations are fictions. We have been lied to, our entire lives, that we are  
25 free !

26 The United States is owned, lock, stock, and barrel. Each of us as "citizens of the United States" is owned. The  
27 question to which I want the answer is: Who owns us ?

28 *"The few who understand the system, will either be so interested in its profits, or so dependent on its favors that*  
29 *there will be no opposition from that class, while on the other hand, the great body of people, mentally incapable*  
30 *of comprehending the tremendous advantages...will bear its burden without complaint, and perhaps without*  
31 *suspecting that the system is inimical to their best interests."*

32 *[Rothschild Brothers of London communiqué to associates in New York June 25, 1863;*

33 *[SOURCE: <http://www.urbansurvival.com/week.htm#corps>*

34 Another U.S. Corporation - U.S. Treasury. If you didn't follow our contributed piece last week on how major  
35 U.S. government agencies are being set up as corporations, you want to be sure to click over to below link and  
36 read up. Then, read this from our intrepid researcher:

- 37 • *UNITED STATES TREASURY / U.S. TREASURY, INC. Incorporation Date 02/08/1990 File No. 2221617 For-*  
38 *profit General Delaware Corporation."*

39 And, they say, Matrix ? Yeah, right !

## 14.10 28 U.S.C. §3002(15)(A)

Some freedom activists cite 28 U.S.C. §3002 as their only “proof” that the “United States” was incorporated by Congress. This is shaky ground unless supported by other additional evidence found elsewhere in this memorandum. Here’s the pertinent text of that statute:

[TITLE 28](#) > [PART VI](#) > [CHAPTER 176](#) > [SUBCHAPTER A](#) > § 3002  
[§ 3002. Definitions](#)

*As used in this chapter:*

...

(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.*

First of all, note well that the stated scope of this definition is limited to “this chapter” i.e. Title 28, \*CHAPTER 176– Federal Debt Collection Procedures. The above definition is consistent with the Corpus Juris Secundum definition of “United States”, which establishes the “United States” government as a foreign corporation in relation to those domiciled within a constitutional state of the Union:

*“A foreign corporation is one that derives its existence solely from the laws of another state, government, or country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created by or under the laws of another state or a corporation created by or under the laws of a foreign country.”*

*“A federal corporation operating within a state is considered a domestic corporation rather than a foreign corporation. **The United States government is a foreign corporation with respect to a state.**”*  
[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]

Overlooking the limited scope of definitions such as 28 U.S.C. §3002(15)(A) is a very common error among many, if not all self-styled experts. At best, this section cannot be used as the ONLY evidence that the federal government should be treated as a valid corporation for all other intents and purposes.

Secondly, the statute at 28 U.S.C. §3002 defines the term “United States” to embrace all existing federal corporations and instrumentalities. This would include wholly owned corporations such as, for instance, the Federal Deposit Insurance Corporation (F.D.I.C.), Red Cross, Fannie Mae, etc.

Thirdly, in *Eisner v. Macomber*, 252 U.S. 189 (1920) the U.S. Supreme Court told Congress that it was barred from re-defining any terms that are used in the federal Constitution.

*“In order, therefore, that the clauses cited from Article I of the Constitution may have proper force and effect, save only as modified by the [Sixteenth] Amendment, and that the latter also may have proper effect, it becomes essential to distinguish between what is and what is not “income,” as the term is there used; and to apply the distinction, as cases arise, according to truth and substance, without regard to form. **Congress cannot by any definition it may adopt conclude the matter, since it cannot by legislation alter the Constitution, from which alone it derives its power to legislate, and within whose limitations alone that power can be lawfully exercised.**”*  
[*Eisner v. Macomber*, 252 U.S. 189 (1920)]

“United States” occurs in several places within the Constitution, because it is central to the entire purpose of that Constitution. Therefore, the legislative attempt to re-define “United States” at section 3002:

1. Must be limited to areas where Congress has EXCLUSIVE legislative jurisdiction, and which are NOT protected by the Constitution. Namely, federal territory.
2. Would necessarily be unconstitutional if enforced within a constitutional state of the Union, because it violates the Eisner Prohibition.

Fourthly, 28 U.S.C. §3002(15)(A) also exhibits 2 subtle tautologies, which render it null and void for vagueness. Here they are, in case you missed them:

*“United States” means ...an agency, department, commission, board, or other entity of the United States; or*  
*“United States” means ... an instrumentality of the United States.*

It is a fundamental violation of proper English grammar to use the term being defined in any definition of that term, and such a violation has clearly happened here. If you don’t yet recognize the tautologies, then change one part of this definition to read:

#### **14.11 Hard Evidence of Corporate Takeover at All Levels of Government in America, as Well as of the United Nations: DUNS Numbers within both state and federal governments**

Dunn & Bradstreet (D&B) DUNS code number are assigned to corporations in America to track their credit ratings. Below you will find the DUNS numbers for the aggregate US government and each of its major agencies, those of the aggregate governments of each US state along with that of its largest city, and those of the aggregate United Nations and some of its major agencies. These corporate code numbers can be verified by using the following link to the D&B website and typing in the required information: <http://mycredit.dnb.com/search-for-duns-number/>

In checking DUNS code numbers for governments, you will find that they have many subsidiaries and shell corporations to lessen financial accountability. You will find that some of them are listed as being in a geographical location other than in their territorial authority, making their operations even more suspicious. The City of Chicago corporation, for example, is located in Washington, DC, the State of Montana Corporation is located in Chicago, Illinois and the State of Maine corporation – listed with seemingly sardonic humor as “State-O-Maine Inc.” – is located in New York City, New York. You will often also see executive, legislative and judicial offices themselves listed as corporations.

Manta.com is a website for obtaining data on corporations. If the names of any of these government entities are entered, you will find that virtually all of them are listed as private, for-profit corporations. You will also see in the aggregate valuations of their assets that Manta.com provides is vastly greater than what is listed in these private government corporations’ fraudulent but well-publicized budget documents that seek to justify draconian but fraudulent budget cuts and their related tax-based extortion rackets.

This confirms that many hundreds of trillions of dollars of the people’s money listed in the semi-secret government comprehensive annual financial reports (CAFRs) as government institutional investments are being siphoned off by the global banking cartel and those sinister forces behind it.

They are doing this via that obscure subsidiary of the private, for-profit Federal Reserve System known as the Depository Trust Clearing Center (DTCC), dba Cede Inc. (Again, note the sardonic humor.) This semi-secret entity fraudulently confiscates these investment funds as an executor after they have been registered by brokers, relegating investors to mere beneficiaries whose funds can then be lawfully – at least according to presently and commonly used Universal Commercial Code (UCC)-based statutory law, not constitutional or common law -- confiscated at the will of said executor.

The implications of this are staggering: not only has this corporate subversion of government happened in America and with the United Nations headquartered here, but it has happened in almost all of the nations of the world by means of similar corporate subversion enacted under different names. This definitely explains why governments at all levels in almost all nations no longer protect the public interest, but only special interests – specifically, the interests of their fellow predatory for-profit corporations whose actions are now destroying this planet and all life upon it.

This explains why the people of the world are soon going to see sweeping constitutionally based legal and law enforcement actions in all of the nations of the world against those who, unrepentantly abusing these ill-gotten gains, have perpetrated crimes against nature and humanity. This also explains the honest transitional governments and financial systems that are going to be installed as the callous, corrupt human systems of the past collapse. The new transparent governmental and financial models now being tested in the nation of Iceland, as well as the likewise poorly publicized/contextualized mass resignations of government, banking and corporate officials now occurring worldwide are heralds of these imminent planetary events.

#### 14.11.1 DUNS Numbers of the US Corporate Government and Most of Its Major Agencies

Agency	DUN #
United States Government	052714196
US Department of Defense (DOD)	030421397
US Department of the Treasury	026661067
US Department of Justice (DOJ)	011669674
US Department of State	026276622
US Department of Health & Human Services (HHS)	Office of the Secretary
112463521	
US Department of Education	944419592
US Department of Energy	932010320
US Department of Homeland Security	932394187
US Department of the Interior	020949010
US Department of Labor	029536183
US Department of Housing & Urban Development (HUD)	Office of the Secretary
030945779	
US Department of Veterans Affairs (VA)	931691211
US Transportation Security Administration (TSA)	050297655
US Federal Aviation Administration (FAA)	056622429
Bureau of Customs & Border Protection (CBP)	796730922
Federal Bureau of Immigration & Customs Enforcement (ICE)	130221646
US Environmental Protection Agency (EPA)	057944910
National Aeronautics & Space Administration (NASA)	003259074
National Oceanic & Atmospheric Administration (NOAA)	079933920
US Nuclear Regulatory Commission (NRC)	364281923
Federal Emergency Management Agency (FEMA)	037751583
Federal Communications Commission (FCC)	020309969
US Securities & Exchange Commission (SEC)	003475175
US Public Health Service (USPHS)	039294216
National Institutes of Health (NIH)	061232000
US Centers for Disease Control & Prevention (CDC)	927645465
US Food & Drug Administration (FDA)	138182175
US Internal Revenue Service (IRS)	040539587
Federal Reserve Board of Governors (Fed)	001959410
Federal Bureau of Investigation (FBI)	878865674
National Security Agency (NSA)	617395215
US Drug Enforcement Administration (DEA)	167247027
Federal Bureau of Alcohol, Firearms & Tobacco (BAFT)	132282310
Federal Bureau of Land Management (BLM)	926038563
Federal Bureau of Indian Affairs (BIA)	926038407



1 **14.11.2 DUNS Numbers of Each US Statutory State and Its Largest City**

<i>State</i>	<i>DUN #</i>	<i>City</i>	<i>DUN #</i>
State of Alabama	004027553	City of Birmingham	074239450
State of Alaska	078198983	City of Fairbanks	079261830
State of Arizona	068300170	City of Phoenix	030002236
State of Arkansas	619312569	City of Little Rock	065303794
State of California	071549000	City of Los Angeles	159166271
State of Colorado	076438621	City of Denver	066985480
State of Connecticut	016167285	City of Bridgeport	156280596
State of Delaware	037802962	City of Wilmington	067393900
District of Columbia	949056860	City of Washington	073010550
State of Florida	004078374	City of Miami	965299576
State of Georgia	069230183	City of Atlanta	065372500
State of Hawaii	077676997	City of Honolulu	828979612
State of Idaho	071875734	City of Boise	070017017
State of Illinois	065232498	City of Chicago	556057206
State of Indiana	071789435	City of Indianapolis	964647155
State of Iowa	828089701	City of Davenport	963855494
State of Kansas	827975009	City of Wichita	069862755
State of Kentucky	828008883	City of Louisville	943445093
State of Louisiana	061238911	City of New Orleans	033692404
State of Maine	061207536	City of Portland, Maine	071747802
State of Maryland	847612442	City of Baltimore	052340973
State of Massachusetts	138090548	City of Boston	007277284
State of Michigan	054698428	City of Detroit	021733631
State of Minnesota	050375465	City of Minneapolis	009901959
State of Mississippi	008210692	City of Jackson	020864955
State of Missouri	616963596	City of Kansas (City)	832496868
State of Montana	945782027	City of Billings	068925759
State of Nebraska	041472307	City of Omaha	926604690
State of Nevada	123259447	City of Las Vegas	019342317
State of New Hampshire	066760232	City of Manchester	045009073
State of New Jersey	067373258	City of Newark	019092531
State of New Mexico	007111818	City of Albuquerque	129962346
State of New York	041002973	City of New York	021741036
State of North Carolina	830979667	City of Charlotte	809275006
State of North Dakota	098564300	City of Bismarck	080245640
State of Ohio	034309166	City of Columbus	010611869
State of Oklahoma	050411726	City of Oklahoma (City)	073131542
State of Oregon	932534998	City of Portland (Oregon)	054971197
State of Pennsylvania	933882784	City of Philadelphia	929068737
State of Rhode Island	008421763	City of Providence	069853752
State of South Carolina	067006072	City of Columbia	878281562
State of Tennessee	04143882	City of Memphis	051386258
State of Texas	002537595	City of Houston	967421590
State of Utah	009094301	City of Salt Lake City	017096780
State of Vermont	066760240	City of Burlington	037442977
State of Virginia	047850373	City of Virginia Beach	074736299
State of Washington	079248936	City of Seattle	009483561
State of West Virginia	828092515	City of Charleston (West Virginia)	197931681
State of Wisconsin	001778349	City of Milwaukee	004779133
State of Wyoming	832826015	City of Cheyenne	021917273

### 14.11.3 DUNS Numbers of the United Nations Corporation and Some of Its Major Corporate Agencies

Agency	DUN #
United Nations (UN)	824777304
UN Development Program (UNDP)	793511262
UN Educational, Scientific, & Cultural Organization (UNESCO)	053317819
UN World Food Program (UNWFP)	054023952
UN International Children's Education Fund (UNICEF)	017698452
UN World Health Organization (WHO)	618736326

## 15 There is no state sovereignty

A classical "State" can only be sovereign if it is following its charter, which is the constitution. That charter requires it to first and foremost protect PRIVATE property and PRIVATE rights. If it deviates from that mission and ESPECIALLY if it does the OPPOSITE, it ceases to be a classical or common law "State" and devolves into a PRIVATE, for-profit corporation doing business primarily for its own "benefit" RATHER than the benefit of those it is SUPPOSED to serve as its "sovereign". When it does this, it is devoid of "sovereign immunity", becomes PRIVATE, and can only approach anyone and everyone else in equity under the common law rather than statute law.

A state is doing the OPPOSITE of its charter and ceasing to protect PRIVATE rights and PRIVATE property when it does any one or more of the following:

1. Refuses to recognize PRIVATE rights, PRIVATE property, or even CONSTITUTIONAL rights. For instance, it provides no state on its forms that recognizes "non-franchisees" or non-resident non-persons" who are NOT its customers.
2. Requires you to convert PRIVATE property to PUBLIC property for the PRIVILEGE of "protection". For instance, only enforces PUBLIC civil franchise statutes and refuses to recognize COMMON LAW rights in the protection of rights. PRIVILEGES and RIGHTS cannot coexist. PUBLIC PRIVILEGES DESTROY and CONVERT PRIVATE RIGHTS when they are mixed together.
3. Makes a profitable business or "franchise" out of protecting anything or anyone.
4. Denies protection to non-franchisees. This is a denial of equal protection.

Corporate de facto states operating in a private capacity do all the above. They were created, in fact, to do ONLY the above. They are a "straw man" designed to permit things to be done that would otherwise be illegal under the organic law, meaning the Constitution:

*"Straw man. A "front"; a third party who is put up in name only to take part in a transaction. Nominal party to a transaction; one who acts as an agent for another for the purpose of taking title to real property and executing whatever documents and instruments the principal may direct respecting the property. Person who purchases property, or to accomplish some purpose otherwise not allowed."*  
[Black's Law Dictionary, Sixth Edition, p. 1421]

The abuse of "straw men" to accomplish otherwise illegal or unconstitutional activities is exhaustively described in the following:

[Proof That There Is a "Straw Man", Form #05.042](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

The de facto Statutory States were created to circumvent the "inalienability" of PRIVATE rights found in the Declaration of Independence. They not only ALLOW alienation of PRIVATE rights, but encourage and COERCE it economically.

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

That is why we say that we have a de facto, Dr. Jekyll and Mr. Hyde government that wears two hats and wants you to believe that they are both the same. That de facto government is described in:

*De Facto Government Scam*, Form #05.043

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

In furtherance of these observations, it may surprise readers to learn the following about their respective states:

1. CONSTITUTIONAL states are private and foreign in respect to the national government. They recognize and protect PRIVATE property and PRIVATE rights using the constitution and the common law and NOT statutory law.
2. STATUTORY “States” are corporations that are PUBLIC. They only recognize and protect PUBLIC property and PUBLIC rights using the STATUTORY franchise codes. They have no authority to hear disputes relating to the constitution or the common law.
3. ALL STATUTORY “States” today have FEDERAL TAX ID NUMBERS and are ALL FEDERAL MUNICIPAL CORPORATIONS.
  - 3.1. Their statutory franchise and revenue codes only apply in “federal areas” and “federal enclaves” under the Buck Act and the Public Salary Tax Act of 1939.
  - 3.2. They DO NOT have statutory authority under the Buck Act, because the term “State” in 4 U.S.C. §110(d) does not expressly include states of the Union. By the rules of statutory construction, anything not EXPRESSLY included is PURPOSEFULLY excluded. However, they in effect, without constitutional delegated authority and because of the love of money/mammon, “elect” to act as the federal territories described in this statute so that they can enforce the IRS Code within federal areas within the external limits of their state.
  - 3.3. They have an Agreement on Coordination of Tax Administration (A.C.T.A.) agreement with the national Secretary of the Treasury. See: <http://www.supremelaw.org/rsrc/acta/index.htm>
4. States with Federal Tax ID Numbers are, by operation of law, a Territory or Possession of the Corporate United States.
5. Every City in your STATUTORY STATE has a FEDERAL TAX ID NUMBER and is in fact and law a FEDERAL MUNICIPAL CORPORATION.
6. Every County in your STATUTORY STATE has a FEDERAL TAX ID NUMBER and is in fact and law a FEDERAL MUNICIPAL CORPORATION.
7. We do not have three (3) branches of government in any city, county, or state and there is no republican form of government in place in any so called “state” today.
8. All cities, counties, and states are two (2) branch corporations.
9. All cities, counties, and states today only “service” or do business with their own statutory officers and employees under the terms of a franchise.
  - 9.1. If you don’t have a PUBLIC franchise status (such as “person”, “individual”, “taxpayer”, “driver”, etc), then you are legally dead as far as they are concerned.
  - 9.2. They refuse to even recognize private property and private rights and interfere with any attempt to invoke the constitution or the common law against themselves for those who choose NOT to participate in the PUBLIC corporation as officers of the corporation called “persons”.

The following subsections will prove these assertions using laws from the state of Washington. Your state has similar laws.

### **15.1 Chronology of the transformation of CONSTITUTIONAL to STATUTORY “State” Corporations**

The transition from a de jure CONSTITUTIONAL state to a STATUTORY corporation and the coup de etat it represents happened with the following steps:

1. The states were sovereign an independent before the civil war.
2. 1861-1865: During the civil war, Abraham Lincoln instituted the very first income tax in the Revenue Act of 1862. It was a franchise/license tax.
3. 1865 and beyond: States of the Union, after the civil war, began rewriting their constitutions to remove references to territory, so that they transitioned from TERRITORIAL entities to VIRTUAL/LEGAL entities called corporations.
  - 3.1. Anyone “inside” the virtual entity was a public officer.

3.2. Anyone “outside” the virtual entity and who refused to join the entity as a public officer was actively targeted for “selective enforcement” and denied constitutional and common law remedies.

4. 1872: In the License Tax Cases, the U.S. Supreme Court declared the first income tax passed to fund the war unconstitutional. Here was their language:

“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive 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) ]

5. 1895: Congress again tried to institute an income tax in the states as a franchise tax. It too was declared unconstitutional, and this case has NEVER been overruled. Hence, it still applies today, and it explains all the geographical definitions found in the Internal Revenue Code:

“Nothing can be clearer than that what the constitution intended to guard against was the exercise by the general government of the power of directly taxing persons and property within any state through a majority made up from the other states. It is true that the effect of requiring direct taxes to be apportioned among the states in proportion to their population is necessarily that the amount of taxes on the individual [157 U.S. 429, 583] taxpayer in a state having the taxable subject-matter to a larger extent in proportion to its population than another state has, would be less than in such other state; but this inequality must be held to have been contemplated, and was manifestly designed to operate to restrain the exercise of the power of direct taxation to extraordinary emergencies, and to prevent an attack upon accumulated property by mere force of numbers. “

...

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

The present **assault upon capital** is but the beginning. **It will be but the stepping stone to others larger and more sweeping**, until our political contest will become war of the poor against the rich; a war of growing intensity and bitterness.”

[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895).]

6. 1909: President Taft Proposes the Sixteenth Amendment to Congress.  
7. 1913: The 16<sup>th</sup> Amendment is fraudulently declared ratified by lame duck Secretary of State Philander Knox. See:

The Law that Never Was, Bill Benson  
[https://en.wikipedia.org/wiki/The\\_Law\\_that\\_Never\\_Was](https://en.wikipedia.org/wiki/The_Law_that_Never_Was)

8. 1913: The Federal Reserve Act was passed during Christmas Recess by only six senators. Everyone else was on Christmas vacation. It was set to expire in 20 years but continues to this day even though it was not renewed. This allowed the following MASSIVE expansion of federal power:

8.1. Congress prints money.

8.2. Congress bribes/entices the states to sign up for socialist programs paid for with the printed money. This creates CRIMINAL financial conflicts of interest in state officers.

8.3. The states sign up ILLEGALLY, under such things as Agreements on Coordination of Tax Administration (A.C.T.A.) agreements.

8.4. The IRS, which is a private corporation not within the national government, becomes the method of retiring EXCESS money from circulation in order to regulate the supply of fiat currency. This prevents inflation and stabilizes the prices.

9. 1918: Revenue Act of 1918. First income tax upon federal judges. This created a severe financial conflict of interest in the judges that prejudiced the rights of state citizens.
10. 1920: Supreme Court struck down income tax on federal judges. *Evans v. Gore*, 253 U.S. 245 (1920).
11. 1924: *Cook v. Tait*, 265 U.S. 47 (1924). Ex-President Taft and now Chief Justice Taft declared the income tax INTERNATIONAL in scope and applying EVERYWHERE.
12. 1925: The Certiorari Act was proposed before Congress by former President and now Chief Justice Taft. This would allow the U.S. Supreme Court to:
- 12.1. Deny any appeal it didn't like that exposed any of the information in this pamphlet.
- 12.2. Criminally obstruct justice by interfering with any litigation effort designed to undo the socialist agenda of enfranchisement of the states documented here.
- The above SCAM is discussed in:
- Great IRS Hoax*, Form #11.302, Section 6.7.1  
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>
13. 1929: Great Depression. The Federal Reserve knew that upon the expiration of the Federal Reserve Act on its 20<sup>th</sup> year anniversary in 1993, it would end. Therefore it created the Great Depression that would facilitate a complete reorganization of the national government around franchises in the name of a self-created emergency. See:
- What Caused the Great Depression*, Stefan Molyneux  
[https://youtu.be/2Ce6z-u\\_Wk0](https://youtu.be/2Ce6z-u_Wk0)
14. 1933: President Franklin Delano Roosevelt:
- 14.1. Declared a national emergency. That state of emergency continues to exist to this very day:
- Senate Report 93-549: War and Emergency Powers Acts  
<http://famguardian.org/Subjects/LawAndGovt/Articles/SenateReport93-549.htm>
- 14.2. Called in all the gold owned by "U.S. citizens", by which he meant STATUTORY citizens not within any state. State citizens wrongfully thought it pertained to THEM! To this day, covetous politicians continue to abuse "equivocation" to confuse STATE citizens with TERRITORIAL/STATUTORY citizens in order to create the false appearance that the laws of the national government apply within a state. See:
- Why You are a "national", "state national", and Constitutional but not Statutory Citizen*, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>
- 14.3. Nationalized the banks.
15. 1935: FDR passed the Social Security Act.
16. 1937: FDR packed the Supreme Court with extra SOCIALIST judges to get his socialist agenda through.
17. 1937-1938: The PACKED U.S. Supreme Court, complete with its newly appointed SOCIALIST judges, began a series of cases to legitimize the UNCONSTITUTIONAL enforcement of acts of Congress within the borders of states. This was necessary to allow federal franchises to be offered and enforced. These cases included:
- 17.1. *United States v. Butler*, 297 U.S. 1, 56 S.Ct. 312 (1936).
- 17.2. *Helvering v. Davis*, 301 U.S. 619, 57 S.Ct. 904.
- 17.3. *Chas. C. Steward Mach. Co. v. Davis*, 301 U.S. 548, 57 S.Ct. 883 (1937).
- 17.4. *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936).
- An entire book about the contortions of the SOCIALIST Supreme Court "enfranchisement" of the states is described in the following fascinating book:
- U.S.A. v. U.S.*, Richard Dwight Kegley, TJ Henderson, Edward Wahler, HKW Publishers  
<http://usofavus.com>
18. 1939: FDR codified the Internal Revenue Code and repealed all prior revenue codes.
19. 1939: The Public Salary Tax Act was passed. This imposed income taxes upon only public officers of the national government. See:
- <http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/PublSalaryTaxAct1939.htm>
20. 1939: The Buck Act, 54 Stat. 1059 was passed. This act gave permission to TERRITORIES and not CONSTITUTIONAL states to enforce state revenue codes against officers of the national government serving in the territories. See 4 U.S.C. §111.
21. 1939: *O'Malley v. Woodrough*, 307 U.S. 277 (1939). The U.S. Supreme Court, after having been "packed" by socialist FDR, overturned *Evans v. Gore*, 253 U.S. 245 (1920), thus making the income tax on federal judges PERMANENT. This created a PERMANENT criminal financial conflict of interest in federal judges on the subject of income taxes and all federal franchises in violation of 18 U.S.C. §208, 28 U.S.C. §§144, and 455.
22. 1940 on: States began enacting statutory income tax upon those domiciled within federal areas within their borders. They would make the following improvements over time:
- 22.1. Adopt the Internal Revenue Code entirely. The geographical definitions in that code limit themselves to federal areas and federal territory not within the exclusive jurisdiction of any state.



22.2. Confuse “residents” (aliens) with its own “citizens”.  
22.3. Confuse STATUTORY and CONSTITUTIONAL context for geographical and citizenship terms to make them look equivalent so that they could impose the FEDERAL AREA income tax upon EVERYONE IN THE STATE!  
22.4. Begin using their tax publications as a means to spread DISINFORMATION and propaganda. The supreme court would defend this propaganda war by declaring that you can’t trust anything a government worker or government publication says. See:

<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

23. 1942: Congress Instituted the “Victory Tax” and got patriotic Americans everywhere to help with the war effort:

23.1. Filling out the “W-4” meant you were “For the War”.

23.2. The “W-2” for documented what went TO the war effort as a payroll deduction. It was the ORIGINAL income tax form!

24. 1945 on: IRS began obfuscating the tax forms to effect the following types of equivocation so as to make STATE citizens look and act like TERRITORIAL STATUTORY citizens and statutory “taxpayers”.

24.1. Calling all Americans “residents”.

24.2. Removing “nonresident” and “nontaxpayer” options from the status field on forms.

24.3. Illegally penalizing state citizens who file the correct NON-RESIDENT FORMS.

24.4. Encouraging the filing of FALSE information returns documenting the receipt of earnings from a public office by the party on the information return. See Forms W-2, 1042-S, 1098, 1099, etc.

24.5. Generally RIGGING all their forms. See:

*Avoiding Traps on Government Forms*, Form 12.023

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

By 1940 when the Second World War was beginning, the SCAM and FRAUD we live under now was completely established and permanent.

If you would like to learn more about the above chronology, See:

1. *Great IRS Hoax*, Form #11.302, Chapter 6

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

2. *Highlights of American Legal and Political History*, Form #11.202.

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

## 15.2 The Evidence

Go down to your CITY CLERK and ask to purchase a CERTIFIED COPY of your CITY CHARTER and ARTICLES OF INCORPORATION for the City.

Go down to your COUNTY CLERK and ask to purchase a CERTIFIED COPY of your COUNTY CHARTER and ARTICLES OF INCORPORATION for the County.

You will find out that all cities only have two (2) branches of government!

You will find out that all counties only have two branches of government!

The ARTICLES OF INCORPORATION will show you that they incorporated a piece of dirt with the **metes and bounds marked out!**

What Legal or Lawful Authority does a Piece of Land that Incorporated and called itself the CITY OF SEATTLE have to hire an armed body of men called the SEATTLE POLICE?

The United States Supreme Court in a case called *United States v. Soriano* said that an ADMINISTRATIVE AGENCY is a creature of Statute created by the Legislature!

*“...an administrative agency is a creature of statute, having only those powers expressly granted to it by Congress or included by necessary implication from the Congressional grant. See [CAB v. Delta Air Lines, Inc.](#)”*

1 [367 U.S. 316, 322, 81 S.Ct. 1611, 6 L.Ed.2d 869 \(1961\); Peters v. Hobby, 349 U.S. 331, 345, 75 S.Ct. 790, 99](#)  
2 [L.Ed. 1129 \(1955\)."](#)  
3 [\[Soriano v. U.S., 494 F.2d 681, 683 \(9th Circuit 1974\)\]](#)

4 As a corporation is to its charter, the administrative is to its enabling legislation. This means the basic doctrine of  
5 administrative law, as of corporate law, is the doctrine of ultra vires.

#### 6 **Ultra Vires**

7 *The modern technical designation, in the law of corporations, of acts beyond the scope of the powers of a*  
8 *corporation, as defined by its charter or act of incorporation. State ex rel. v. Holston Trust Co., 168 Tenn. 546,*  
9 *79 S.W.2d. 1012, 1016. The term has a broad. application and includes not only acts prohibited by the charter,*  
10 *but acts which are in excess of powers granted and not prohibited. State ex rel. Supreme Temple of Pythian Sisters*  
11 *v. Cook, 234 Mo.App. 898, 136 S.W.2d. 142, 146, and generally applied either when a corporation has no power*  
12 *whatever to do an act, or when the corporation has the power but exercises it irregularly. People ex rel. Barrett*  
13 *v. Bank of Peoria, 295 Ill.App. 543, 15 N.E.2d. 333, 335. Act is "ultra vires" when corporation is without authority*  
14 *to perform it under any circumstances or for any purpose. Orlando Orange Groves Co. v. Hale, 107 Fla. 304,*  
15 *144 So. 674, 676.*

16 *By doctrine of "ultra vires" a contract made by a corporation beyond the scope of its corporate powers is*  
17 *unlawful. Community Federal Sav. & Loan Ass'n of Independence, Mo., v. Fields, C.C.A.Mo., 128 F.2d 705, 708.*

18 *While the phrase "ultra vires" has been used to designate, not only acts beyond the express and implied powers*  
19 *of a corporation, but also acts contrary to public policy or contrary to some express statute prohibiting them, the*  
20 *later class of acts is now termed illegal, and the "ultra vires" confined to the former class. In re Grand Union*  
21 *Co., C.C.A.N.Y., 219 F. 353, 363; Staacke v. Routledge, 111 Tex. 489, 241 S.W. 994, 998; Pennsylvania H. Co.*  
22 *v. Minis. 120 Md. 461, 496, 87 A. 1063. 1072.*  
23 *[Black's Law Dictionary, Fourth Edition, p. 1692]*

24 The jurisdiction principle is the root principle of administrative power. The statute is the source of agency authority  
25 as well as its limits. If an agency act is within the statutory limits (vires) it is valid. If it is outside them (ultra  
26 vires), it is invalid. No statute is needed to establish this; it is inherent in the constitutional positions of agencies  
27 and courts.

28 The Revised Code of Washington (R.C.W.) section R.C.W. §42.17.020(1), enacted sometime after the  
29 establishment of Western Area Power Administration (WAPA), where the legislature specifically defined  
30 "agency" to include "all state agencies and all local agencies." It more particularly defined "state agency" in the  
31 statute to include "every state office, public official, department, division, bureau, board, commission or other  
32 state agency."

33 The definition of "**local agency**" is equally particular and complete.

34 *"Local agency" includes every county, city, city and county, school district, municipal corporation, district,*  
35 *political subdivision, or any board, commission or agency thereof, or other local public agency.*  
36 *[R.C.W. §42.17.020(1)]*

37 *"The definition of "state agency" in R.C.W. §42.17.020(1) parallels the definition of "agency" in R.C.W.*  
38 *§34.04.010(1) as to state boards, commissions, departments, and officers (officials)."*  
39 *[Riggins v. Housing Authority, 87 Wn.2d. 97, 100, 549 P.2d. 480 (May 6th, 1976)]*

40 *"The source of a state agency's rights, powers, duties, and privileges and immunities is statutory."*  
41 *[Liquor Control Bd. v. Personnel Bd., 88 Wn.2d. 368, 371, 561 P.2d. 195 (March 10, 1977)]*

42 *"If it is a state agency, it must conform to the Administrative Procedure Act (R.C.W. 34.04)."*  
43 *[State v. Board of Valuation, 72 Wn.2d. 66, 69 (Sept. 14, 1967)]*

44 *"STATUTORY AUTHORITY TO ENACT THE REGULATION [3] We agree with appellants, an agency*  
45 *created by the statute has only those powers expressly granted or necessarily implied from the statute. Ortblad v.*  
46 *State, 85 Wn.2d. 109, 530 P.2d. 635 (1975); State v. Pierce, 11 Wn. App. 577, 523 P.2d. 1201 (1974). An agency*  
47 *cannot legislate, its rules must be within its statutory framework. Kitsap-Mason Dairymen's Ass'n v. State Tax*  
48 *Comm'n, 77 Wn.2d. 94, 309 P.2d. 751."*  
49 *[Anderson Leech & Morse v. Liquor Bd., 89 Wn.2d. 688, 694, 575 P.2d. 221 (Feb. 16, 1978)]*

"We note that an administrative agency created by statute has only those powers expressly granted by the statute or necessarily implied therefrom. *Barendregt v. Walla Walla Sch. Dist.* 140, 26 Wn. App. 246, 249, 611 P.2d. 1385 (1980) (citing *Orblad v. State*, 85 Wn.2d. 109, 117, 530 P.2d. 635 (1975))."  
[*Butler v. Republic School District*, 34 Wn. App. 421, 661 P.2d. 1005 (April 12, 1983)]

"An administrative agency, like the board, has only those powers granted it by the legislature. *Cole v. State, Utils. & Transp. Comm'n*, 79 Wn.2d. 302, 306, 485 P.2d. 71 (1971)."  
[*In Re Little*, 95 Wn.2d. 545, 627 P.2d. 543 (April 30, 1981)]

"An administrative agency, like the Board, only has those powers granted by the Legislature. *In re Little*, 95 Wn.2d. 545, 549, 627 P.2d. 543 (1981). . . . The Board may not amend or alter the statutes under which it functions by its own interpretation of those statutes. *In re George*, 90 Wn.2d. 90, 97, 579 P.2d. 354 (1978). . . . This it cannot do. *Baker v. Morris*, 84 Wn.2d. 804, 809, 529 P.2d. 1091 (1974). This court presumes the validity of administrative rules adopted pursuant to a legislative grant of authority, and will uphold such rules on review if they are reasonably consistent with the statute being implemented. *Fahn v. Cowlitz County*, 93 Wn.2d. 368, 374, 610 P.2d. 857, 621 P.2d. 1293 (1980). . . . [6] The United States Supreme Court has long recognized that "a statute so vague and indefinite, in form as interpreted", may violate the Fourteenth Amendment. *Winters v. New York*, 333 U.S. 507, 509, 92 L.Ed. 8450, 68 S.Ct. 6665 (1948). This court specifically has held that the due process clause of the Fourteenth Amendment requires specificity in penal statutes. *Seattle v. Rice*, 93 Wn.2d. 728, 731, 612 P.2d. 792 (1980). The test is whether men of reasonable understanding are required to guess at the meaning of the statute. *Seattle v. Rice*, at 731. See also *Seattle v. Drew*, 70 Wn.2d. 405, 408, 423 P.2d. 522, 25 A.L.R.3d. 827 (1967)."  
[*In Re Myers*, 105 Wn.2d. 257, 263, 714 P.2d. 303 (1986)]

Courts presiding over statutory or franchise matters rather than operating under the common law are mere clerks for an agency and an extension of the agency that implements the statutory franchise. As such, they exist in the Executive rather than Judicial Branch.

"It is well-settled in administrative law that: 'It is the accepted rule, not only in state courts, but, of the federal courts as well, that when a judge is enforcing administrative law they are described as mere 'extensions of the administrative agency for superior reviewing purposes' as a ministerial clerk for an agency...'"  
[30 Cal. 596; 167 Cal 762]

"A judge ceases to sit as a judicial officer because the governing principals of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments and rationale for that of the agency. Additionally, courts are prohibited from their substituting their judgments for that of the agency."  
[*AISI v. U.S.*, 568 F.2d. 284]

"... judges who become involved in enforcement of mere statutes (civil or criminal in nature and otherwise), act as mere "clerks" of the involved agency..."  
[*K.C. Davis.*, ADMIN. LAW, Ch. 1 (CTP. West's 1965 Ed.)]

"...their supposed "courts" becoming thus a court of "limited jurisdiction" as a mere extension of the involved agency for mere superior reviewing purposes."  
[*K.C. Davis*, ADMIN. LAW, Pg. 95, (CTP, 6 Ed. West's 1977), *FRC v. G.E.*, 281 U.S. 464; *Keller v P.E.*, 261 U.S. 428]

A so-called Municipal or District court that is not hearing a common law or constitutional matter is actually operating as a legislative franchise court in the Executive rather than Judicial branch. In speaking on this subject in relation to the Constitution for the united States of America, the supreme Court said:

"The term 'District Courts of the United States,' . . . without an addition expressing a wider connotation, has its historic significance. It describes the constitutional courts created under Article III of the Constitution. **Courts of the Territories are legislative courts**, properly speaking, and are **not** District Courts of the United States."  
[*Mookini v. United States*, 303 U.S. 201, 205, 58 S.Ct. 543, 82 Led. 748 (1938)]

"When the Tax Court was statutorily denominated an "Article I Court" in 1969, its judges did not magically acquire the judicial power. They still lack life tenure; their salaries may still be diminished; they are still removable by the President for "inefficiency, neglect of duty, or malfeasance in office." 26 U.S.C. § 7443(f). (In *Bowsher v. Synar*, supra at 729, we held that these latter terms are "very broad" and "could sustain removal . . . for any number of actual or perceived transgressions.") **How anyone with these characteristics can exercise judicial power "independent . . . [of] the Executive Branch" is a complete mystery. It seems to me entirely obvious that the Tax Court, like the Internal Revenue Service, the FCC, and the NLRB, exercises executive power.** Amar, Marbury, Section 13, and the Original Jurisdiction of the Supreme Court, 56 U.Chi.L.Rev. 443, 451, n. 43 (1989). See also *Northern Pipeline*, 458 U.S. at 113 (WHITE, J., dissenting) (equating administrative agencies and Article I courts); *Samuels, Kramer & Co. v. Commissioner*, 930 F.2d. 975, 992-993 (CA2 1991) (collecting academic authorities for same proposition). [501 U.S. 913]

This expression of the supreme Court of the united States of America shows that no constitutional judicial power is exercised by legislative franchise courts. Instead such courts only exercise a power derived from the legislative branch as an **extension of the legislative rather than judicial power**. A legislative tribunal does not exercise judicial power, but merely administers legislative powers according to the nature of its creation.

*"Territorial courts are legislative courts, created in virtue of the general right of sovereignty which exists in the government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the Constitution, but is conferred by Congress, in the execution of those general powers which that body possesses over the territories of the United States."*  
[9 Federal Statutes Annotated 212]

In constitutional courts (those courts that exercise judicial powers) the legislative branch cannot prescribe any qualification for the office of judge not prescribed by the constitution from which jurisdiction is vested. State ex rel. Chapman v. Appling, 220 Or. 41, 348 P.2d. 759 (1960).

The power of the Municipal or District Court is that of the old "justice of the peace" courts which were courts of "limited and special jurisdiction. State v. Officer, 4 Or. 180 (1871).

Inferior tribunals are subject to the supervisory control (judicial powers), and must show affirmative proof on the face of the inferior tribunal record to sustain a conviction.

*"If the court is . . . of some special statutory jurisdiction it is as to such proceedings an inferior court, and not aided by presumption of jurisdiction."*  
[Norman v. Zeiber, 3 Or. 198]

Inferior tribunals have no presumption of jurisdiction in their favor and all that need to be done by a Petitioner, to throw the burden of proving jurisdiction upon Respondent State of Washington, is to contest the applicability of the inferior tribunal's jurisdiction to Petitioner.

*" . . . if the record does not show upon its face the facts necessary to give jurisdiction, they will be presumed not to have existed."*  
[Norman v. Zeiber, 3 Or. 198]

The constitutional rule for inferior tribunals was set down by the Oregon Supreme Court in Evans v. Marvin, 76 Or. 540, 148 P. 1119 (1915), a case involving a justice court:

*" . . . the constitutional rule that justice courts are of **limited jurisdiction**. ...their judgments must be sustained affirmatively by positive proof that they had jurisdiction of the cases they attempt to decide."*  
[Evans v. Marvin, 76 Or. 540, 148 P. 119 (1915)]

**ALL Municipal Court's in STATE OF WASHINGTON were created by two Statutes R.C.W. §35.20 and R.C.W. §3.50.010 which both were created by the LEGISLATURE.**

*"The town of Orting had elected to create a municipal court under the authority of R.C.W. §3.50.010. **This statute provides that procedure in the municipal court is subject to the rule-making authority of the Supreme Court. R.C.W. §3.50.450.** Thus, the controlling rules of procedure are found in the Traffic Rules for Courts of Limited Jurisdiction promulgated by this court, effective July 1, 1963. See JTR T2, R.C.W. vol. 0.  
[Orting v. Rucshner, 66 Wn 2d (Aug. 1965)]*

**All District Court's in STATE OF WASHINGTON were created by Statute R.C.W. §3.66 which was created by the LEGISLATURE.**

All Superior Courts in STATE OF WASHINGTON were created by Statute R.C.W. Title 2 which was created by the LEGISLATURE.

1 The so-called SUPREME COURT of STATE OF WASHINGTON was created by Statute R.C.W. Title 2 which  
2 was created by the Legislature.

3 ALL JUDICIAL DISTRICTS WERE ABOLISHED IN 1856 BY THE 34TH CONGRESS.

4 *"The act of Congress Aug. 16, 1856, regulating Courts in this Territory, and requiring the Judges of the Supreme*  
5 *Court to assign places for holding Courts, took effect when the order was made, pursuant to the act. **The Judicial***  
6 ***District of King county having been abolished, by the order of the judges, Nov. 10, 1856, under said act, the***  
7 ***clerk of that Court, from that date, lost his legal existence—hence his subsequent official acts were nullities.** "A*  
8 *majority of the Judges met in Olympia, then the Capital of the Territory, on the 10th day of November, 1856, and*  
9 *made the necessary order to give effect to the act of Congress. It has been held by this court, in the case of the*  
10 *Territory vs. Leschi, that this act took effect from the time the orders were made by the Judges of the Supreme*  
11 *Court. It is claimed however, that the act of Congress contemplated something more than an informal meeting of*  
12 *the Judges. It will be observed on an examination of the act, that no terms are used indicating orders in term*  
13 *time—the reference is to the orders of the Judges, or a majority of them, and not of the Court. The organic act*  
14 *confers upon the Judges the appointment of clerks for the District Courts. King county, up to the passage of the*  
15 *act of Congress referred to, was a Judicial District. On the said order of the Judges made the 10<sup>th</sup> day of*  
16 *November, 1856, the District Court for King County was merged into the District Court for the Second Judicial*  
17 *District. The clerk of the King county District Court, for ministerial or judicial purposes, ceased to exist; and*  
18 *as this suit was instituted subsequently to the order made by the Judges, and the bond on which the recovery is*  
19 *claimed, was executed on the 13<sup>th</sup> day of December, 1856, it follows that there was no District Court for King*  
20 *county — no clerk having a legal official existence, and the whole proceeding a nullity."*  
21 *[Mary Ann Boyer v. Miles Fowler et al., 1 Wash.T Sup. Ct. Dec. 1860]*

22 All city and county charters in every state will clearly show that we have only executive and legislative branches  
23 in every state!

24 You will find that in every County Charter they name your Superior Court System something like they do in  
25 Washington like the KING COUNTY DEPARTMENT OF JUDICIAL ADMINISTRATION.

26 *"The King County Department of Judicial Administration by its name falls within the definition of*  
27 *agency. Furthermore, **KING COUNTY CHARTER 350.20 PROVIDES THAT IT IS AN***  
28 ***EXECUTIVE DEPARTMENT."***  
29 *[Nast v. Michels, 107 Wn.2d. 300, 305, 730 P.2d. 54 (Dec. 4, 1986)]*

30 Have you ever Failed To Appear (F.T.A.) for any type of a court appearance?

31 Have you ever been in court and heard the so called JUDGE a so-called JUDICIAL OFFICER say:

32 *"ISSUE A WARRANT FOR HIS ARREST"???*

33 That's because the so-called JUDGE a so-called JUDICIAL OFFICER IS NOT REALLY JUDICIAL, HE IS  
34 EXECUTIVE.

35 Even your phony Constitution and your State Statutes will clearly show that the EXECUTIVE AUTHORITY is  
36 vested solely in the office of the elected County Prosecutor, Deputy Prosecutor, Special Prosecutor and/or  
37 Attorney General's Office.

38 All so-called Judges are in fact and law EXECUTIVE OFFICERS and that is why the so-called JUDGE CAN  
39 ISSUE A WARRANT FOR YOUR ARREST WHEN YOU FAIL TO APPEAR! Traffic courts in California, for  
40 instance, refer to those presiding as "commissioners", not "judges".

41 ALL so called State Courts are creatures of Statute created by the LEGISLATURE and are merely  
42 ADMINISTRATIVE AGENCIES which only have the authority or jurisdiction conferred by a Statute.

43 If you search carefully the Senate and House Bills and the 1st Legislative Enactment or Session Law creating the  
44 Superior Courts in your State, you will find that it says right in your own law books, that ALL your so-called State  
45 Superior Courts are really LOWER DISTRICT FEDERAL COURTS!



1 THAT'S RIGHT, **WE HAVE NO STATE COURT'S IN EXISTENCE TODAY!**

2 Your STATE is merely a sub-chartered **Federal Municipal Corporation** pretending to be and fraudulently holding  
3 itself out to be a State, but in fact and law is NOT a State in Original Jurisdiction pursuant to the authority of the  
4 1st Original Judiciary Act wherein the District of Columbia is NOT a State.

5 Your STATE is merely a FEDERAL MUNICIPAL CORPORATION under the NEW JUDICIARY ACT wherein  
6 the DISTRICT OF COLUMBIA is now on an Equal Footing as a STATE.

7 ALL so-called private employers like McDonald's, Safeway, Albertson's, Schuck's Auto Supply, Al's Auto  
8 Supply, etc. have FEDERAL TAX ID NUMBERS issued from the FEDERAL MUNICIPAL STATUTORY  
9 STATE and are ALL sub-chartered UNITED STATES corporations.

10 STATE OF WASHINGTON, STATE OF OREGON, STATE OF CALIFORNIA, etc. are all sub-chartered  
11 UNITED STATES corporations.

12 When you put a SOCIAL SECURITY NUMBER down on an employment application, you are asking UNCLE  
13 SAM to put you on the government payroll for future Labor and Industry "benefits" if you get hurt on the job, and  
14 future unemployment should you get laid off from your job, future food stamps, future Medicaid, future Medicare,  
15 welfare, etc.

16 Every Municipal Court in your State has a FEDERAL TAX ID NUMBER and is also a FEDERAL MUNICIPAL  
17 CORPORATION. The number is what the FTC calls a "franchise mark". The use of a franchise license number  
18 issued by the national government is proof that the entity is an agent of the issuer.

19 *"A franchise entails the right to operate a business that is "identified or associated with the franchisor's  
20 trademark, or to offer, sell, or distribute goods, services, or commodities that are identified or associated with  
21 the franchisor's trademark." The term "trademark" is intended to be read broadly to cover not only trademarks,  
22 but any service mark, trade name, or other advertising or commercial symbol. This is generally referred to as the  
23 "trademark" or "mark" element.*

24 *The franchisor [the government] need not own the mark itself, but at the very least must have the right to*  
25 *license the use of the mark to others. Indeed, the right to use the franchisor's mark in the operation of the*  
26 *business - either by selling goods or performing services identified with the mark or by using the mark, in*  
27 *whole or in part, in the business' name - is an integral part of franchising. In fact, a supplier can avoid Rule*  
28 *coverage of a particular distribution arrangement by expressly prohibiting the distributor from using its mark."*  
29 *[FTC Franchise Rule Compliance Guide, May 2008;*

30 *SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]*

31 Every District Court in your State has a FEDERAL TAX ID NUMBER and is also a FEDERAL MUNICIPAL  
32 CORPORATION.

33 Every Justice of the Peace Court in your State has a FEDERAL TAX ID NUMBER and is also a FEDERAL  
34 MUNICIPAL CORPORATION.

35 Every Circuit Court in your State has a FEDERAL TAX ID NUMBER and is also a FEDERAL MUNICIPAL  
36 CORPORATION.

37 Every Superior Court in your State has a FEDERAL TAX ID NUMBER and is also a FEDERAL MUNICIPAL  
38 CORPORATION.

39 Every Supreme Court in every STATE has a FEDERAL TAX ID NUMBER and is also a FEDERAL  
40 MUNICIPAL CORPORATION.

41 If your so-called STATE COURT is really a State Court, why does it have a FEDERAL TAX ID NUMBER?

1 Do you really believe your STATE COURT is a State Court in Original Jurisdiction? Ha, Ha.

2 Did you folks know that EVERY SINGLE COURT IN EVERY STATE IS REALLY A LOWER DISTRICT  
3 FEDERAL COURT?????????

4 Read the following Washington State case law that proves these assertions.

5 The Washington State Supreme Court states that they

6 *"(a)re bound by the [U.S.] Supreme Court"*  
7 *[State v. Counts, 99 Wn.2d. 54, 659 P.2d. 1087 (1983)]*

8 In Hayne on New Trial and Appeal (Revised Edition), vol. 2, section 291, this language is used:

9 *"Under the rule of stare decisis, as shown in the preceding section, if a decision be clearly erroneous and rights*  
10 *have not grown up under it to any great extent, it may be overruled. But this is not true of a subsequent appeal in*  
11 *the same cause. However erroneous a decision of the supreme court may be, it must be adhered to in all*  
12 *subsequent stages of the same case. It becomes the law of the case and cannot be disregarded either by the trial*  
13 *court or by the supreme court. This rule is firmly established."*  
14 *[Duffy v. Blake, 94 Wash. 319, 322 [No. 13201. En Banc. January 20, 1917].*

15 *"It has become the law of this case."*  
16 *[Guarantee Trust Co. v. Scoon, 144 Wash. 33, 36 (May 17, 1927)]*

17 *"When this court has once decided a question of law, that decision, when the question arises again, is not only*  
18 *binding on all inferior courts in this state, but is binding on this court until that case is overruled. Duffy v. Blake,*  
19 *94 Wash. 319, 162 Pac. 521; Guarantee Trust Co. v. Scoon, 144 Wash. 33, 256 Pac. 74"*  
20 *[Godefroy v. Reilly, 146 Wash. 257, 259 (January 3, 1928)]*

21 *"At the outset, we reaffirm our recognition of the authority of the United States Supreme Court to act as the final*  
22 *arbitrator of controversies arising under the federal constitution. In all matters touching upon federal rights, the*  
23 *United States Supreme Court may review state court decisions. See Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.)*  
24 *304, 4 L.Ed. 97 (1816) (authority to review state civil cases); Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 5 L.Ed.*  
25 *257 (1821) (authority to review state criminal cases)."*  
26 *[State v. Chrisman, 100 Wn.2d. 814, 816, 676 P.2d. 419 [No. 46750-1. En Banc. January 26, 1984.]]*

27 **"CONSTITUTIONAL LAW (24)–COURTS (38)–PRESUMPTIONS–RULES OF DECISION–UNITED**  
28 **STATES COURTS.** *Upon Federal questions statutes will be presumed constitutional and valid unless clearly to*  
29 *the contrary; and the decisions of the United States supreme court are binding on state courts. ...We are firmly*  
30 *bound to conform to the decisions of the United States supreme court upon such questions as any Federal or*  
31 *other court."*  
32 *[Great Northern Railway v. State, 147 Wash. 630, 637 [Nos. 21092, 21093. En Banc. May 8, 1928]]*

33 THERE YOU HAVE IT: THE WASHINGTON STATE SUPREME COURT SAYS WE ARE BOUND TO THE  
34 DECISIONS OF THE UNITED STATES SUPREME COURT THE SAME AS ANY OTHER "FEDERAL  
35 COURT"!!!!!!!!!!!!!!

36 *"The supreme court of the United States is a constitutional court. All other Federal courts have been established*  
37 *by acts of Congress, pursuant to authority granted by the constitution of the United States, and, being courts*  
38 *provided for by legislative, and not directly by constitutional authority, the Congress may enact any laws it deems*  
39 *wise for the conduct and operation of such courts."*  
40 *[State Ex Rel. N.W. Oyster Co. v. Meakim, 34 Wn.(2d) 131, 138 (July 14, 1949)]*

41 THE LEGISLATURE IN WASHINGTON LIKE ALL OTHER STATES CREATED EVERY COURT IN THE  
42 STATE BY STATUTE!

43 *"State courts must follow the interpretations of the federal constitution made by the United States Supreme Court."*  
44 *[State v. Laviollette, 118 Wn.2d. 670, 826 P.2d. 684 [No. 58076-6. En Banc. March 19, 1992.]*

45 *"Decisions of the United States Supreme Court are controlling over conflicting case law and statutory law of this*  
46 *state."*  
47 *[State v. Counts, 99 Wn.2d. 54, 659 P.2d. 1087 [Nos. 47687-0, 48239-0, 47932-1. En Banc. February 24, 1983.]*

1 There you have it, the Washington Supreme Court telling you that the federal United States Supreme Court  
2 decisions control over the state!

3 *"Further, once this court has decided an issue of state law, that interpretation is binding on all lower courts until*  
4 *it is overruled by this court. Godefroy v. Reilly, 146 Wash. 257, 262 P. 639 (1928); cf. Hutto v. Davis, 454 U.S.*  
5 *370, 375, 70 L.Ed. 2d 556, 102 S.Ct. 703 (1982) ("unless we wish anarchy to prevail within the federal judicial*  
6 *system, a precedent of this court must be followed by the lower federal courts . . .").*  
7 *[State v. Gore, 101 Wn.2d. 481, 487, 681 P.2d. 227, 39 A.L.R. 4th 975 (1984)]*

8 There you have it, the Washington State Supreme Court telling you that our court is a lower federal court!

9 *"The Supreme Court's resolution of an issue of state law constitutes binding precedent until the Supreme Court*  
10 *overrules it."*  
11 *[Hamilton v. Labor & Indus., 111 Wn. 2d 569, 761 P.2d. 618 [No. 54621-5. En Banc. September 22, 1988.]]*

12 *"A Supreme Court holding constitutes binding authority that may not be overruled by the Court of Appeals."*  
13 *[State v. Williams, 93 Wn. App. 340, 969 P.2d. 106 (December 4, 1998)]*

14 There are NO State Courts in existence today period!

15 Look at State court civil rule 2 in most states and Federal Rule of Civil Procedure 2 wherein they combined "law  
16 and equity" into one form of action called CIVIL.

17 Did you know that CONGRESS NEVER empowered the States to combine "law and equity" into one form of  
18 action called CIVIL?

19 Did you know that ALL Bankruptcy, Divorce and Property Disputes are IN REM proceedings? An In Rem  
20 proceeding is one against a civil status under the statutes and the obligations associated with the civil status:

21 *IN REM. A technical term used to designate proceedings or actions instituted against the thing, in*  
22 *contradistinction to personal actions, which are said to be in personam. See In Personam. It is true that, in a*  
23 *strict sense, a proceeding in rem is one taken directly against property, and has for its object the disposition of*  
24 *property, without reference to the title of individual claimants; but, in a larger and more general sense, the terms*  
25 *are applied to actions between parties, where the direct object is to reach and dispose of property owned by them,*  
26 *or of some interest therein. Such are cases commenced by attachment against the property of debtors, or instituted*  
27 *to partition real estate, foreclose a mortgage, or enforce a lien. So far as they affect property in this state, they*  
28 *are substantially proceedings in rem in the broader sense which we have mentioned. Pennoyer v. Neff, 95 U.S.*  
29 *734, 24 L.Ed. 565; Continental Gin Co. v. Arnold, 66 Okl. 132, 167 P. 613, 617, L.R.A.1918B, 511. In the strict*  
30 *sense of the term, a proceeding "In rem" is one which is taken directly against property or one which is brought*  
31 *to enforce a right in the thing Itself. Austin v. Royal League, 316 Ill. 188, 147 N.E. 106, 109.*

32 *A divorce suit is a "suit in rem." the essential characteristic of which is found in the power of the state through*  
33 *the decree or judgment of its court to dispose of the subject-matter of the suit, the res, in accordance with the*  
34 *object of the suit, whether that subject-matter be physical property or the status of one or both of the parties*  
35 *litigant, which decree operates immediately and absolutely upon the status of the suitor which is the res in the*  
36 *suit without the necessity of execution, attachment, or contempt proceedings to enforce it. Lister v. Lister, 86*  
37 *N.J.Eq. 30, 97 A. 170, 173.*

38 *A proceeding "in rem" is in effect a proceeding against the owner, as well as a proceeding against the goods, for*  
39 *it is his breach of the law which has to be proven to establish the forfeiture, and it is his property which is sought*  
40 *to be forfeited. Mack v. Westbrook, 148 Ga. 690, 98 S.E. 339, 343.*  
41 *[Blacks' Law Dictionary, Fourth Edition, p. 900]*

42 The "civil status" that is the subject of all statutory franchise proceedings is CREATED by the state in the statute  
43 itself, and therefore is "property" of the state. That property, in turn, is granted/rented to all those who use it, and  
44 the terms of the rental are specified in the statute. From a biblical perspective, we know that the borrower is  
45 always servant to the lender:

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

1 Did you know that CONGRESS NEVER empowered the States to proceed IN REM?

2 Did you know that in ALL IN REM proceedings original jurisdiction lies exclusive of the States and solely to the  
3 FEDERAL COURTS or to the Courts of the Territories or Possessions?

4 Can one sovereign tax another sovereign?

5 *"The difficulties arising out of our dual form of government and the opportunities for differing opinions*  
6 *concerning the relative rights of state and national governments are many; **but for a very long time this court***  
7 ***has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their***  
8 ***political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation*  
9 *upon the power which springs from the bankruptcy clause. United States v. Butler, supra."*  
10 *[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]*

11 When was the above over-ruled, and if it was never over-ruled, what does this imply? It implies that the States,  
12 when they act in an administrative capacity upon federal territorial entities and citizens, are not the "States"  
13 contemplated in the Constitution. There has been a coup de etat!

14 Why then are FEDERAL TAXES being deducted out of all STATE COURT JUDGES PAYCHECKS?

15 McDonald's, Safeway, Albertsons, Schucks Auto Supply, Al's Auto Supply, etc., are ALL Political Subdivisions  
16 of the FEDERAL MUNICIPAL STATUTORY STATE.

17 ALL employees of McDonald's, Safeway, Albertsons, Schucks Auto Supply, Al's Auto Supply, etc. are QUASI  
18 FEDERAL GOVERNMENT EMPLOYEES because these entities ALL have FEDERAL TAX ID NUMBERS  
19 AND ARE ALL UNITED STATES CORPORATIONS.

20 State of Washington is a federal municipal corporation.

21 You cannot be a state citizen of these Statutory States!

22 MANY PATRIDOTS who are just too lazy to do their own research and even constitutional attorneys like Larry  
23 Becraft have failed miserably in court and just have NO understanding of the law and have NO clue. They have  
24 made the SILLY and FRIVOLOUS argument that they were NOT a STATUTORY "U.S. citizen" and U.S.  
25 corporate slave and then turned around in the same sentence and claimed to be State Citizens of the current STATE  
26 OF CALIFORNIA, STATE OF OREGON, STATE OF WASHINGTON, ETC. and the Judges and Prosecutors  
27 just snickered and giggled prior to sending these yo-yos to jail.

28 It seems like EVERYBODY knows that there are THREE (3) different United States, but they sure don't act like  
29 they know.

### 30 **15.3 Suspension of the Original State Constitutions and the Buck Act/Public Salary Tax Act**

31 All States suspended their Original State Constitutions and placed them into the Archives Division of their  
32 Secretary of State's Office and then replaced them with a much watered down version which took away ALL of  
33 our Rights and **replaced them with corporate privileges** and codified them and made the constitutions a mere  
34 statute which is now superseded by the specific statute such as speeding, running a red light, etc. This happened  
35 after the Civil War ended in 1865.

36 Every STATE has two, three or more constitutions, but NO State is operating or going by their Original  
37 Constitution! And yes, that original constitution is still in full force and effect and CANNOT be repealed.

38 Did you know that every 1st Original State Constitution had the RIGHT TO TRAVEL written right in it and says  
39 THE HIGHWAYS SHALL FOREVER BE TO ALL PERSONS FOR THE TRANSPORTATION OF THEIR

PERSONS AND PROPERTY FOR FREE THE SAME AS THE WATERWAYS and are ALL worded or patterned after the NORTHWEST ORDINANCE AND TREATY OF GUADALUPE which say THE WATERWAYS SHALL FOREVER BE FREE FOR THE TRANSPORTATION OF PERSONS AND THEIR PROPERTY.

That's Right, THE RIGHT TO TRAVEL IS A STATE CONSTITUTIONALLY PROTECTED RIGHT AND UNDER THE NORTHWEST ORDINANCE AND THE TREATY OF GUADALUPE IS THE SUPREME LAW OF THE LAND UNDER THE SUPREMACY CLAUSE OF THE FEDERAL CONSTITUTION.

ALL NEW STATE CONSTITUTIONS only gave authority to the STATUTORY STATES TO REGULATE COMMON CARRIERS, PRIVATE CARRIERS AND CONTRACT CARRIERS.

Have you ever read the Buck Act?

**"STATE OF WASHINGTON" is a fictional Statutory State within a REAL Constitutional State.**

YOU NEED TO READ THE BUCK ACT TO UNDERSTAND THAT STATE OF WASHINGTON is a corporate "STATE" WITHIN "The State of Washington."

See R.C.W. §82.04.200 which reads:

**R.C.W. §82.04.200**

*In this state" and "within this state" "IN THIS STATE" and "WITHIN THIS STATE" includes all federal areas lying within the exterior boundaries of the state. [1961 c 15 82.04.200. Prior: 1955 c 389 21; prior L 1949 c 228 2, part; 1945 c 249 1, part; 1943 c 156 2, part; 1941 c 178 2, part; 1939 c 225 2, part; 1937 c 227 2, part; 1935 c 180 5, part; Rem. Supp. 1949 8370-5, part.] (emphasis added).*

"IN THIS STATE," "WITHIN THIS STATE" as stated in the above current 1999 R.C.W. Code Section is not one of the united States of America in its original jurisdiction, nor is it part of "The State of Washington." See Session Laws of 1889-1890, December 13, 1889, page 94 making by Legislative Fiat, "State" or "State of Washington" in the Law mean, Territory or Territory of Washington. "WA" is a "fictional State within a state" which was NOT in existence at the time of the creation of The State of Washington, nor was it in existence at the time of the creation of the Territorial Code of 1881 which is still valid law today pursuant to the fact that the Code of 1881 has never been repealed.

See R.C.W. Titles 46 and 47 wherein their code sections apply only to the above defined federal areas, to wit: "In this state" and "within this state. See the Buck Act of 1940 cited below at page 4, lines 22-24, to wit: it's codification at 4 U.S.C. §§105,110, et. sec..

**R.C.W. §82.04.010 Introductory.**

*Unless the context clearly requires otherwise, the definitions set forth in the sections preceding R.C.W. 82.04.220 apply throughout this chapter. [1996 c 93 § 4; 1961 c 15 § 82.04.010. Prior: 1955 c 389 § 2; prior: 1949 c 228 § 2, part; 1945 c 249 § 1, part; 1943 c 156 § 2, part; 1941 c 178 § 2, part; 1939 c 225 § 2, part; 1937 c 227 § 2, part; 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.] And;*

**CHAPTER 82.52 EXTENSION OF EXCISES TO FEDERAL AREAS**

**Sections**

**82.52.010 STATE ACCEPTS PROVISIONS OF FEDERAL (BUCK) ACT.**

**82.52.020 STATE'S TAX LAWS MADE APPLICABLE TO FEDERAL**

**AREAS--EXCEPTION.**



NOTES: Federal areas and jurisdiction: Title 37 R.C.W.. Taxation of federal agencies and instrumentalities: State Constitution Art. 7 §§ 1, 3. And;

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**R.C.W. §82.52.010 STATE ACCEPTS PROVISIONS OF FEDERAL (BUCK) ACT.**

*The state hereby accepts jurisdiction over all federal areas located "within" its exterior boundaries to the extent that the power and authority to levy and collect taxes therein is granted by that certain act of the 76th congress of the United States, approved by the president on October 9, 1940, and entitled: "An Act to permit the states to extend their sales, use, and income taxes TO PERSONS RESIDING OR CARRYING ON BUSINESS, OR TO TRANSACTIONS OCCURRING, IN FEDERAL AREAS, AND FOR OTHER PURPOSES." [1961 c 15 § 82.52.010. Prior: 1941 c 175 § 1; Rem. Supp. 1941 § 11337-10.] And;*

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**R.C.W. §47.04.050 Acceptance of federal acts.**

*The "STATE OF WASHINGTON" hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the "STATE OF WASHINGTON". [1961 c 13 § 47.04.050. Prior: 1937 c 53 § 43; RRS § 6400-43; 1917 c 76 § 1; RRS § 6844.]*

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**R.C.W. §47.42.920 FEDERAL REQUIREMENTS--CONFLICT AND ACCORD.**

*If the secretary of the United States department of transportation finds any part of this chapter to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the "state", the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. **THE RULES UNDER THIS CHAPTER SHALL MEET FEDERAL REQUIREMENTS THAT ARE A NECESSARY CONDITION TO THE RECEIPT OF FEDERAL FUNDS BY THE STATE.** [1985 c 142 § 4.]*

In addition to the foregoing, R.C.W. §46.04.360, under the section titled "Nonresident," reads:

*"Nonresident" means any person whose residence is outside this state and who is temporarily sojourning WITHIN THIS STATE. [1961 c 12 § 46.04.360. Prior: 1959 c 49 § 37; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.] (emphasis added) [R.C.W. §46.04.360]*

How would we apply this in a traffic case? Here is an example:

*Courts must take Mandatory Judicial Notice per Federal Rule of Evidence 201 and Federal Rule of Civil Procedure 44.1 Determination of Foreign Law of which I now object, take exception and make an OFFER OF PROOF Federal Rule of Evidence 103(2) that this "fictional court" has NO jurisdiction in the premises for failure to provide proof that I was "driving" a "motor vehicle" in a "FEDERAL AREA".*

See California and North Carolina's consistent definitions of those states "municipal laws" which require some sort of "contract" for proper application within the "federal areas" of the "NEW UNION."

**California Revenue and Taxation Code, Section 11205. "In this State" etc.**

*"In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned or ceded to the United States of America. Added Stats 1941 section 1, effective July 1, 1943. Prior Law: Stats 1937 ch. 283 section 2 subd (d) p 621, as amended by Stats 1941 ch 162 section 1 p 1202."*

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**California Revenue and Taxation Code, Section 6017. "In this State" or "in the State"**

*"In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America. Added Stats 1941 ch 36 section 1, effective*

July 1, 1943. Prior Law: (a) Stats 1933 ch 1020 section 2 subd (i) p 2599, as amended by Stats 1935 ch 357 section 2 p 1256, Stats 1937 ch 778 section 1 p 2223, Stats 1939 ch 679 section 2 p 2170, Stats 1941 ch 247 section 1 p 1321. (b) Stats 1935 ch. 361 section 2 subd (j) p 1297, as amended by Stats 1937 ch 683 section 1 p 1936, Stats 1939 ch 677 section 1 p 2154, Stats 1941 ch 247 section 14 p 1334.

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"N.C. G.S. 105-164.3(7) "In this State" or "in the State" means within the exterior limits of the State of North Carolina and includes all territories within such limits owned or ceded to the United States of America. (Added Stats. 1941, c. 36, p. 536, section 1.)"

"N.C. G.S. Sections 105-187.2 A tax is imposed for the privilege of using the highways of this State. This tax is in addition to all other taxes and fees imposed. (Stats. 19889, c.692, s.4.1)

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"N.C. G.S. 12-3 Statutory Construction;

"State" and "United States".--The word "state," when applied to the different parts of the united States, shall be construed to extend to and include the District of Columbia and the several territories, so called; and the words "United States" shall be construed to include the said districts and territories and all dependencies.'

It is clear that North Carolina Statutes, California Statutes and Washington Statutes agree completely with the "Buck Act" Title 4 U.S.C.S. sections 105-110, and is identical in implication and meaning. This tax is imposed on every motor vehicle used in any "federal area" such as the Central District of STATE OF WASHINGTON aka "WA", Social Security Area, federal ZIP Code area, etc.

These definitions are consistent with the definitions mandated by the "**BUCK ACT**" which states in part:

4 U.S.C. Flag and Seal, Seat of Government, and the States

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

"**11(e)** The term "Federal Area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State."

The Social Security Department created 10 social security districts which like a thin plastic sheet overlay all the 50 states of the union. This creates a "fictional federal state within a state," for the purposes of applying the "Public Salary Tax Act" to these areas.

"There has been created a fictional Federal "state within a state."  
[Howard v. Commissioners of Sinking fund of Louisville, 344 U.S. 624, 73. S.Ct. 465, 476, 97 L.Ed. 617 (1953);  
Schwartz v. O'Hara TP. School Dist., 100 A.2d. 621, 625, 375 Pa. 440]

(Compare also 31 C.F.R. Part 51.2 and 52.2, which also identifies a fictional State within a state.)

This fictional "State" is identified by the use of two-letter abbreviations like 'WA', "OR", "ID", "AZ", and "TX" as distinguished from the authorized abbreviations like "Wash.", etc. This fictional State also uses a ZIP Codes which are within the municipal, exclusive legislative jurisdiction of Congress.

There is a vestige of State sovereignty remaining which cannot be acquired by the United States (District of Columbia) because of the limitation of the United States to powers delegated under the Constitution. See Cal. 7 Ops Atty Gen. 628; 37 Am. Jur, Municipal Corp sections 23, 26; Wichita Falls v. Bowen, 143 Tex. 45, 182 S.W.2d., 154, A.L.R. 1434; 62 Corpus Juris Secundum (C.J.S.), Mun. Corp. section 46, page 133; Norfolk County v. Portsmouth, 186 Va. 1032, 45 S.E.2d. 136; Anchorage v. Akers, (D.C. Alaska), 100 F.Supp. 2; Kiker v. Philadelphia, 346 Pa. 624, 31 A.2d. 289.

The creation of a fictional corporate “STATE” operating in federal areas within a territorial and constitutional “State” was accomplished by the institution of the "Buck Act," 4 U.S.C.S. Sections 104-113. Congressman Buck, who introduced the act, was killed when he discovered how the act would be put to the use it has today. The Public Salary Tax Act of 1939 allowed officers of the national government to be taxed by state governments within federal areas. At the same time, Social Security was offered illegally within the constitutional states and the use of the Social Security created a prima facie presumption that the party so using it as a “franchisee” of the national government is an officer and employee of the national government on official business. 26 C.F.R. §301.6109-1(b) indicates that in the case of a foreign person, identifying numbers are only required if that person is engaged in a “trade or business” or if they made an election to be a “U.S. person”, meaning public officer in the government. “Trade or business” is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.

TITLE 26--INTERNAL REVENUE  
CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY  
PART 301--PROCEDURE AND ADMINISTRATION--Table of Contents  
Information and Returns  
Sec. 301.6109-1 Identifying numbers.

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

(1) U.S. [GOVERNMENT] persons.

**Every U.S. [federal government public officer] 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. A U.S. person whose number must be included on a document filed by another person must give the taxpayer identifying number so required to the other person on request.

For penalties for failure to supply taxpayer identifying numbers, see sections 6721 through 6724. For provisions dealing specifically with the duty of employees with respect to their social security numbers, see Sec. 31.6011(b)-2 (a) and (b) of this chapter (Employment Tax Regulations). For provisions dealing specifically with the duty of employers with respect to employer identification numbers, see Sec. 31.6011(b)-1 of this chapter (Employment Tax Regulations).

(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.

1 This makes all private sector workers who have and "use" a Social Security number subject to all State and Federal  
2 laws "within the State" a "fictional Federal area" overlaying all the land "within" the United States of America.

3 "Respondent contends article 2(a) R.C.W. 9.100.010 supports its argument that "state", as used in R.C.W.  
4 9.95.120, includes the United States. However reference to article 2(a) supports petitioner's contention. Article  
5 2(a) specifically defines "state" to include the United States, making it clear that when the legislature intends the  
6 word "state" to include the federal jurisdiction, it has done so with language clearly manifesting that intent."  
7 [In re Lehman, 93 Wn.2d. 25, 27, 28 [No. 46150. En Banc. January 10, 1980.]]

8 "In State ex rel. Best v. Superior Court, supra, we said (pp. 240, 241), ". . . By the enabling act, Washington was  
9 authorized to adopt a constitution, establish a state government, and was admitted into the Union upon equal  
10 footing with the original states, which carried with it the full power of enacting laws against crimes and punishing  
11 all those within her borders who might transgress such laws, be they citizens or not. This must be so, since the  
12 state became sovereign, with full power, except those powers which had been delegated to the national  
13 government. And relator has not contended, and cannot contend, that any power was ever delegated to the  
14 national government to enact or enforce or enforce criminal laws applicable within the territorial limits of any  
15 state, except those portions thereof which were exclusively within the jurisdiction of the Federal government,  
16 such as Indian reservations and the like. . . ."  
17 [In Re Wesley v. Schneckloth, 55 Wn. (2d) 90, 98 [No. 34127. En Banc. November 19, 1959.]]  
18

19 "Both parties agreed that, prior to the passage of the Buck Act (1940) 4 U.S.C.A. SSSS 105-110, the various states  
20 of the Union had no legal basis for imposing a tax on the activities of a business or individual, when such activities  
21 were carried on exclusively **within the confines of a federal reservation**. They are also in agreement that the  
22 effect of the Buck Act was to grant to the states certain taxing powers. This is specifically provided in 4 U.S.C.A.  
23 4 106:

24 (a) No **person** shall be relieved from liability for any **income tax** levied by any State, or by any duly constituted  
25 taxing authority therein, having jurisdiction to levy such a tax, by reason of his **residing within a Federal area**  
26 or receiving **income from transactions occurring or services performed in such area**; and such State or taxing  
27 authority shall have full jurisdiction and powers to levy and collect such tax **in any Federal area within such**  
28 **State** to the same extent and with the same effect as though such area was not a Federal area." Alaska v. Baker,  
29 64 Wn.2d. 207, 390 P.2d. 1009 (1964)

30 "The area within, and under, the jurisdiction of a state may come under the exclusive jurisdiction of the United  
31 States by purchase by the Federal Government for a purpose prescribed by the Federal Constitution and with the  
32 consent of the state, or by cession of exclusive jurisdiction by the state to the United States. In either event, the  
33 land acquires a territorial status and ceases to be a part of the state, either territorially or jurisdictionally.  
34 Concessions Co. v. Morris, 109 Wash. 46, 186 Pac. 655."  
35 [Ryan v. State, 188 Wash. 115, 130 [No. 26060. En Banc. October 28, 1936.]]

36  
37 "Irrespective of what tax is called by state law, if its purpose is to produce revenue, it is income tax or receipts  
38 tax Under Buck Act [4 U.S.C.S. sections 105-110]."  
39 [Humble Oil & Refining Co. v. Calvert, (1971) 464 S.W.2d 170, aff'd. (Tex.) 478 S.W.2d 926, cert den. 409 U.S.  
40 967, 34 L.Ed.2d 234, 93 S.Ct. 293]

41 There is NO doubt that the fictional Federal Municipal Statutory State OF WASHINGTON is attempting to  
42 impose directly a "USE" tax (excise) under the provision of 4 U.S.C.S. Section 105 which states in pertinent part:

43 4 U.S.C. Flag and Seal, Seat of Government, and the States

44 "Section 105. State and so forth, taxation affecting Federal Areas; sales and use tax.

45 (a) No person shall be relieved from liability for payment of, collection of, or accounting for any sales or use tax  
46 levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such tax, on  
47 the ground that the sale or use, with respect to which tax is levied, occurred in whole or in part within a Federal  
48 area; and such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in  
49 any Federal area, within such State to the same extent and with the same effect as though such area was not a  
50 Federal area."

51 "A "Federal area" is any area designated by any agency, Division, or establishment of the federal government.  
52 This includes the Social Security areas designated by the Social Security Administration, any public housing area  
53 that has federal funding, a home that has a federal bank loan, a road that has federal funding, and almost  
54 everything that the federal government touches through any type of aid." Springfield v. Kenny, (1951 App.) 104  
55 N.E.2d. 65

1 This "Federal area" attaches to anyone who has and "uses" a social security number or any personal "minimal  
2 contacts" with the federal or State governments. Thus, the federal government has usurped the sovereignty of the  
3 People and state sovereignty by creating these "fictional federal areas" within the boundaries of the state under  
4 the authority of the Federal Constitution, Article IV, Section 2 which reads:

5 *"The Congress shall have power to dispose of and make all needfull rules and regulations respecting the territory*  
6 *or other property belonging to the United States, and nothing in this Constitution shall be so construed as to*  
7 *prejudice any claims of the United States, or of any particular state."*

8 *"Therefore, the U.S. citizens [citizens of the District of Columbia] residing in one of the states of the union, are*  
9 *classified as property and franchises of the federal government as an "individual entity."*  
10 *[Wheeling Steel Corp. v. Fox, 298 U.S. 193, 80 L.Ed. 1143, 56 S.Ct. 773]*

11 *"A "U.S. Citizen" upon leaving the District of Columbia becomes involved in "interstate commerce", as a*  
12 *"resident" does not have the common-law right to travel, of a Citizen of one of the several states."*  
13 *[Hendrick v. Maryland, S.C. Reporter's Rd. 610-625. (1914)]*

14 *"The governments of the united States and each of the several states are distinct from one another. The rights of*  
15 *a citizen under one may be quite different from those which he has under the other."*  
16 *[Colgate v. Harvey, 296 U.S. 404]*

17 *"Both before and after the Fourteenth Amendment to the federal Constitution, it has not been necessary for a*  
18 *person to be a citizen of the United States in order to be a citizen of his state."*  
19 *[United States v. Cruikshank, 92 U.S. 542, 549, 23 L.Ed. 588 (1875)]*

20 *"The several states are sovereign "countries" and the "United States Government is a foreign corporation with*  
21 *respect to a state."*  
22 *[81 Corpus Juris Secundum (C.J.S.) 896, 102 Stat. 4673, 100-702 Sec. 1022 Laws of 100<sup>th</sup> Congress. -2<sup>nd</sup> sess.,*  
23 *N.y. - In Merriam, 36 N.E. 505, 141 N.Y. 479, affirmed 16 S.Ct.1073, 163 U.S. 625, 41 L.Ed. 287, 20 Corpus Juris*  
24 *Secundum (C.J.S.) 1786]*

## 25 **15.4 What is a Resident?**

26 Citizen and Resident are not synonymous terms, domicile and residence are not synonymous, therefore a Citizen  
27 is a nonresident. Bouvier's, Blacks, Ballentine's Law Dictionaries.

28 *"Residence or doing business in a hostile territory is the test of an "alien enemy: within meaning of Trading with*  
29 *the Enemy Act and Executive Orders thereunder."*  
30 *[Executive Order March 11, 1942. No. 9095, as amended 50 U.S.C.A. Appendix 6: Trading with the enemy Act 5*  
31 *(b). In re Oneida Nat. Bank & Trust Co. of Utica, 53 N.Y.S. 2d 416, 420, 421, 183 Misc. 374]*

32 *"By the modern phrase, a man who resides under the allegiance and protection of a hostile state for commercial*  
33 *purposes is to be considered to all civil purposes as much as an 'alien enemy' as if he were born there."*  
34 *[Hutchinson v. Brock, 11 Mass. 119, 122]*

35 See also Internal Revenue Code Section 7701(39) which reads:

36 *"I.R.C. Section 7701(39) IF ANY CITIZEN OR RESIDENT OF THE UNITED STATES DOES NOT RESIDE IN*  
37 *(AND IS NOT FOUND IN) ANY UNITED STATES JUDICIAL DISTRICT, SUCH CITIZEN OR RESIDENT*  
38 *SHALL BE TREATED AS RESIDING IN THE DISTRICT OF COLUMBIA FOR PURPOSES OF ANY*  
39 *PROVISIONS OF THIS TITLE TO—*

40 *(A) jurisdiction of courts, or*

41 *(B) enforcement of summons."*

42 Also see Internal Revenue Code, Section 7408(c) and Art. 1, Section 8, Clause 17 Constitution for the United  
43 States of America as defined and reinstated in National Mutual Insurance Company of the District of Columbia,  
44 337 U.S. 582, 93 L.Ed. 1556 (1948) and further states that citizens of the District of Columbia are not embraced  
45 by the judicial power under Article III of the Constitution for the United States of America, the same statement is  
46 held in Hepburn v. Dundas v. Elizzey, 2 Cranch (U.S.) 445, 2 L.Ed. 332.; In 1804, the Supreme Court, through  
47 Chief Justice Marshall, held that a citizen of the District of Columbia was not a citizen of a state.



In National Mutual Insurance Company of the District of Columbia v. Tidewater Transfer Company, (SUPRA):

*"We therefore decline to overrule the opinion of Chief Justice Marshall, and we hold that the District of Columbia is not a state within Article 3 of the Constitution. In other words cases between citizens of the District and those of the states were not included of the catalogue of controversies over which the Congress could give jurisdiction to the federal courts by virtue of Article 3."*  
[National Mut Ins Co of District of Columbia v. Tidewater Transfer Co Inc, 337 U.S. 582, 69 S.Ct. 1173, 93 L.Ed. 1556 (1949)]

In other words Congress has exclusive legislative jurisdiction over citizens of Washington District of Columbia and through their plenary power nationally covers those citizens even when in one of the several states as though the district expands for the purpose of regulating its citizens wherever they go throughout the states in union. And furthermore, there is a limitation of power defined as follows:

4 U.S.C. §71. *Permanent seat of Government*

*All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of government of the United States.*  
(July 30, 1947, chapter 389, 61 Stat. 643.)

4 U.S.C. §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 expressly provided by law.*  
(July 30, 1947, chapter 389, 61 Stat 643.)

## 15.5 What is or Who are Citizens?

It is shown that Fourteenth Amendment citizens/subjects are artificial persons created by the legislature (Congress) and cannot claim protections secured by Article IV, section 2.

*III. Who are Citizens – 1. "Corporations as Citizens. – Corporations are not citizens within the meaning of this clause. The term 'citizen' as there used applies only to **natural persons**, members of the body politic owing allegiance to the state, not to artificial persons created by the legislature and possessing only the attributes which the legislature has prescribed."*  
[Volume IX 1888 Fed. Stats. Page 162]

*"To aliens we extend these privileges (citizenship via Fourteenth Amendment) by courtesy; to others we secure them--" (emphasis Added..)*  
[Van Valkenburg v. Brown, 43 Cal. Supreme Ct. 43, 48 (1872)]

## 15.6 What is an Alien Enemy?

So you can further understand the word Alien Enemy and what it means to be declared an enemy of the government, read the following definitions: The phrase Alien Enemy is defined in Bouvier's Law Dictionary as :

*"One who owes allegiance to the adverse belligerent."*  
[1 Kent 73]

*"He who owes a temporary but not a permanent allegiance is an alien enemy in respects to acts done during such temporary allegiance only; and when his allegiance terminates, his hostile character terminates also;*  
[1 B. & P. 163]

*"Alien enemies are said to have no rights, no privileges, unless by the king's favor during time of war;"*  
[1 Bla.Com. 372; Bynkershoek 195; 8 Term 166]

*"The phrase Alien Enemy is defined in Words and Phrases as: **Residence of person in territory** of nation at war with United States was sufficient to characterize him as "alien enemy" within Trading with the Enemy Act, even if he had acquired and retained American citizenship."*  
[Matarrese v. Matarrese, 59 A.2d. 262, 265, 142 N.J.Eq. 226]

Under the "**Buck Act**" 4 U.S.C.S. sections 105-110, the federal government has created a fictional "Federal area" within the boundaries of North Carolina, California and Washington. This area is similar to any territory that the federal government acquires through purchase or conquest, thereby imposing federal territorial law upon those "residing" in said "Federal area" which is called the "State of Washington." In fine point of fact and law, the enforcement of registration and taxation of motor vehicles is being carried out under federal military territorial law as evidenced by the Executive Branch's yellow fringed military and territorial U.S. Flag flying in the courtrooms and Department of Licensing offices. See R.C.W. 38 Militia and Military Affairs.

## 15.7 The Term "Person" Includes This State

In order to use a civil process to enforce a private right, there must be an agreement upon which the private right is alleged. The R.C.W. is a compilation of private [laws](sic) Copyrighted Codes intended to govern the members of the private corporation "forum state" known as "STATE OF WASHINGTON". STATE OF WASHINGTON having left any previously held plain of sovereignty to take on the status of a private corporation.

*"It is for some purposes, although not others, treated as a "person." When the United States enters into a commercial business, it abandons its sovereign capacity and is to be treated like any other corporation."*  
[91 Corpus Juris Secundum (C.J.S.), United States, §4]

The term person identifies this state:

**R.C.W. §1.16.080(1)**

*The term "person" may be construed to include the United States, this state, or any state or territory, or any public or private corporation or limited liability company, as well as an individual.*

The definition would not include this state **IF** this state was Sovereign.

*"In Common Usage, the term "person" does not include the sovereign and statute employing it will ordinarily not be construed to do so."*  
[U.S. v. United Mine Workers of America, U.S. 258,91]

See also United States v. Fox, 94 U.S. 315. The "person" liable to the R.C.W. is a legal fiction. R.C.W. §9A.04.110 (17)

*"Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association"*

Or see R.C.W. §46.04.405

*"Person" includes every natural person, firm, copartnership, corporation, association, or organization."*

The term "person" as used in the R.C.W. is always a fictional entity. See also cannon of statutory construction Ejusdem Generis to wit:

*"Of the same kind, class or nature. In the construction of laws, wills, and other instruments, the "ejusdem generis rule" is that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. U.S. v. LaBrecque"*  
[Black's Law Dictionary, Sixth Edition]

State of Washington is merely a municipal corporation:

*"The territory is a municipal corporation and government, representing all the people within its borders. The county of Spokane is an agency of the territory to carry on certain functions of government. Neither the territory nor county are the real party in interest; but the inhabitants are. The territory by statute is authorized to accept and collect these bonds for the use of the people, and is a trustee of a trust expressed by statute."*  
[Ainsworth v. Territory of Washington, 2 Wash. Territory 270, 278 (January 21, 1887)]

1 *"That a state government comes within the purview of the act is manifest by the definition of "person" contained*  
2 *in section 302 (h) (U.S.C.A. (Supt.), section 942 (h)). If state governments are not included within the term "any*  
3 *other government," then no political subdivision of any state nor any state agency comes within the purview of*  
4 *the act, for, obviously, the political subdivisions and agencies "of the foregoing" are such as are set up and*  
5 *included within "any other government" within the scope of the act."*  
6 *[Soundview Pulp Co. v. Taylor, 21 Wn.(d) 261, 276 (July 22, 1944)]*

7  
8 *"The state acts in two capacities: governmental and proprietary. The distinction between the two is best stated in*  
9 *Cincinnati v. Cameron, 33 Ohio St. 336, approved by this court in Seattle v. Stirrat, 55 Wash. 560, 104 Pac. 834,*  
10 *30 L.R.A. (N.S.) 1275:*

11 *"In its governmental or public character, it represents the state, while in the other it is a mere private corporation.*  
12 *As a political institution, the municipality occupies a different position, and is subject to different liabilities from*  
13 *those which are imposed upon the private corporation. But because these two characters are united in the same*  
14 *legal entity, it does not follow that the shield which covers the political equally protects the private corporation."*  
15 *[Strand v. State, 16 Wn.(2d) 107, 116 (January 6, 1943)]*

16 How would we apply this in a traffic case?:

17 *"It is an undisputed Fact of Law pursuant to Federal Rule of Civil Procedure 8(d) that I the Sovereign accused*  
18 *do not reside or travel "in this state" or "within this state" or within any other "FEDERAL AREAS" lying within*  
19 *the exterior boundaries of the State, when I temporarily sojourn or locomote on the "public highways" in a*  
20 *"recreational vehicle" pursuant to R.C.W. §46.25.050(1)(c) and defined at W.A.C. §308-100-210, as I am*  
21 *"STATELESS" to the "STATUTORY STATES," and without the conterminous United States of America and its*  
22 *instrumentalities. I do not in "RE" on any "SIDE" of the court "in this state" or "within this state."*

23 *I am not a member of, nor do I have allegiance to, the Federal Conterminous United States of America, or its*  
24 *instrumentalities known as "WA," "OR," "AK," "CA," or "MO" further defined by Zone Improvement Plan Codes*  
25 *[ZIP Codes] for federal areas. See Minimum Contacts Doctrine for judicial notice, not cited. The Defendant has*  
26 *no (corporate) STATE OF WASHINGTON address, does not reside in the STATE OF WASHINGTON or*  
27 *"WITHIN" any federal areas within the exterior boundaries of "THE STATE," and only occasionally obtains*  
28 *postal matter at general delivery or P.O. Boxes in Five (5) different states, as he travels through Washington, the*  
29 *republic."*

30 Instead, you as a non-member and non-officer of the federal municipal corporation are an internationally protected  
31 person (18 U.S.C. §112) who is neither a **"RESIDENT"**, nor [c]itizen, of the Federal Municipal Corporation AKA  
32 **"STATE OF WASHINGTON"**, nor the UNITED STATES. As such you have no 'minimal contracts' which are  
33 made with the STATE OF WASHINGTON, or STATE OF OREGON which the Supreme Court concludes is  
34 dispositive per Asahi Metal Industry Co., Ltd. v. Superior Court of California, (1987) 480 U.S. 102, 107 S.Ct.  
35 1026; Burger King Corporation v. John Rudzewicz, (1985) 471 U.S. 462, 105 S.Ct. 2174; World Wide  
36 Volkswagen Corp. v. Woodson, (1980) 444 U.S. 286, 100 S.Ct. 559, 62 L.Ed.2d. 490; International Shoes Co. v  
37 Washington, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95; Shaffer v. Heitner, (1977) 433 U.S. 186.

38 As a "STATELESS" Sovereign, your right of travel is guaranteed by the Northwest Ordinance which guarantees  
39 that the waterways shall FOREVER BE FREE the same as the HIGHWAYS and the United Nations Treaty, to  
40 which the United States is a signatory (United Nations Declaration of Rights).

41 *"U.S. Va. 1796. The provision of the constitution of the United States that all treaties made, or which shall be*  
42 *made, under the authority of that government, shall be the supreme law of the land, extends not only to treaties*  
43 *thereafter made, but also to those in existence when the constitution was ratified by the several legislatures."*  
44 *[Ware v. Hylton, 3 U.S. 199, 3 Dall. 199, 1 L.Ed. 568]*

45 *"U.S.La. 1836. Congress cannot by legislation enlarge the federal jurisdiction, and it cannot be enlarged under*  
46 *the treaty making power."*  
47 *[Mayor, Alderman and Inhabitants of City of New Orleans v. U.S., 35 U.S. 662, 10 Pet. 662, 9 L.Ed. 573]*

48 *"U.S.Mo. 1920. Valid treaties are binding within the territorial limits of the states as throughout the dominion of*  
49 *the United States."*  
50 *[State of Mo. v. Holland, 40 S.Ct. 382, 252 U.S. 416, 64 L.Ed. 641, 11 A.L.R. 984]*

1 The great CONSTITUTIONAL State of Washington is a "foreign country" within the meaning of 18 U.S.C. §11,  
2 and you are a member of a body of insurgents, within the State of Washington known to the United States as  
3 "Americans".

4 As such, you are a member of a foreign government and qualifies for protection from the State of Washington, as  
5 "**any other representative** " Statute at Large 15, of said body of insurgents (who are peaceful in their actions)  
6 [18 U.S.C. §1116 (b)(4)(B)] and is entitled to "special protection" from the State of Washington or State of  
7 Oregon, both Federal Municipal Corporations. This court lacks subject and personam jurisdiction over the  
8 Defendant, and Personam jurisdiction over the Defendant for the charges against him. The Plaintiff bears the  
9 burden of proof of jurisdiction and statutory authority.

10 The word "territory" should not go without mention because of its use in connection with the word state. Like the  
11 word state, the word territory has more than one meaning. Sometimes it is referring strictly to the geographical  
12 boundaries of a state, but most often it is used in the combined sense of both jurisdiction and a geographical  
13 boundary.

14 Since both the government of the state and "We, the people" of the State exist as states simultaneously within the  
15 same geographical territory of a state, then, it is obvious that the territory of a state must mean something more  
16 than just a geographical boundary. This is a reasonable conclusion because Black's defines the term "Territory"  
17 as:

18 *"Territory: A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical*  
19 *area under the jurisdiction of another country or sovereign power.*

20 *A portion of the United States not within the limits of any state, which has not yet been admitted as a state of the*  
21 *Union, but is organized with a separate legislature, and with executive and judicial powers appointed by the*  
22 *President."*

23 *[Black's Law Dictionary, Sixth Edition, p. 1473]*

24 The above fraud of the "Territory of Washington" is further evidenced on the 13th day in the month of December  
25 in the year A.D. 1889 in the session laws of 1889 (page 94).

26 The courts unlawfully order by rule the wrong style of process and order up **unconstitutional seals**. The judicial  
27 operates under "STATE OF WASHINGTON" meaning "territory of Washington" as defined under "**Act of Dec.**  
28 **13, page 94, Session Laws 1889-90, Resolution 33, 1889-90** and Article 27 Const. of WA," and two  
29 unconstitutional state statutes, creating the superior and supreme courts by statute without authority of law. This  
30 usurpation making or retaining a "Federal Territorial" jurisdiction unlawfully subjecting We, the People, the  
31 Posterity of the framers of the Constitution for the united States of America and subject to the principals of the  
32 Unanimous Declaration of the 13 united States of America, enacted the 4th day of July, A.D. 1776, to be not  
33 within the equal footing doctrine guaranteed by the Enabling Act of "Congress" and the Constitution of 1787, as  
34 amended 1791, to suffer martial law rule, (no law at all), no Republic and other peonage by you perpetrators  
35 pretending to be operating under the law of We, the People, the State of Washington.

36 **The First Session Laws of 1889\_90, at page 26**, of the "phony legislature" for the Corporation AKA "STATE  
37 OF WASHINGTON" pretended to enact provisions to purchase Barton's Hand Book and "pretend" Legislature  
38 Manual of Washington. At page 37 of this book are the words "STATE OF WASHINGTON," prefacing by itself,  
39 the Enabling Act and the Constitution. The intent of **Senate Joint Resolution No. 33, page 792 of the Session**  
40 **Laws of 1889\_90**, was carried to its completion. The original and independent authority, of Article XXVII of the  
41 constitution was used to create a parallel government which is in fact and law a "Federal Municipal Corporation"  
42 pretending to be our lawful government not authorized by the Constitution and certainly not republican in form.

43 The unconstitutional legislatively created "statutory courts," with no constitutional Power, can only take  
44 "jurisdiction in the premises" of the case which is the law (private law) and copyrighted by West publishing of the  
45 case or at law and only hear the issue as predicated through the syllogisms in the complaint as purviewed through

1 or defined in the "Territorial Code of 1881" which is further laid out in your revised code of Washington which is  
2 in fact and law the "Territorial Code of 1881" revised, in particular R.C.W. §82.04.200, excise and occupational  
3 tax, ""In this state" or "within this state" includes all Federal areas lying within the exterior boundaries of the state  
4 of Washington." Includes as defined in Black's Law Dictionary, Fourth Edition, p. 905, "to shut up, contain,  
5 include ". "Jurisdiction in the premises" constitutes stipulation and bars litigants from challenging the rules and  
6 code unless the original premises are rebutted and debunked. This Declaration rebuts, denies and debunks the  
7 premise we are in original jurisdiction and Of "WASHINGTON'S" premises upon premises upon premises that it  
8 and its code are constitutional and republican in form AND OPENS THIS SOPHISTRY FOR ALL TO SEE.

9 If "The State of Washington" or Oregon government had been established according to law, (the Constitution for  
10 the State of Washington) or Oregon) the Superior and Supreme Courts would not need a statute to operate under  
11 and they would take jurisdiction in law not in the premises (see, In Re Rafferty, and other cases), all process and  
12 prosecutions would be in the style and modes as mandated by the People in the Constitution. The issues would be  
13 heard under the rules of common-law. The Fundamental Common Law, (the law of God and His nature) would  
14 be the prevailing factor, along with the lawful Statutes of the Legislature would be the law in the courts, not the  
15 R.C.W.. Article IV, Section 24, mandates the superior courts promulgate and establish their own rules, the courts  
16 would declare the law, the juries, (12 Men, common-law rule), would rule on the law and the facts in all cases  
17 AND BE INSTRUCTED THAT THEY HOLD THE POWER AND THE RIGHT TO DO SO, each county under  
18 the rule of the common law would need different rules as the common law of each county would evolve somewhat  
19 different from the others. There would be Citizen Grand Jury investigations of violations of law instead of coroners  
20 and police inquest and trials with 6 chainmen (persons) advising the harbor master ("judge") on facts pertaining  
21 to the territorial maritime code violations. We, the People, would be self-governing, with true Liberty and justice  
22 for all, IN EQUITY AND ALL, THE COURTS WOULD DECLARE THE LAW, not rule on code violations.  
23 You should deny all venue and jurisdiction to this state, within this state, in this state, state and STATE OF  
24 WASHINGTON OR WA, and the same argument applies to Oregon, State of Oregon, or "STATE OF OREGON",  
25 OR, ALL THESE TERMS MEANING TERRITORY OF WASHINGTON OR OREGON AN  
26 INSTRUMENTALITY OF THE UNITED STATES.

27 A geographical boundary then, is of secondary importance; of primary importance is jurisdiction. It should be  
28 noted that, in most instances, the word state is synonymous with the word jurisdiction, both being used to mean  
29 the same thing. Obviously then, two elements must be present in order to have a complete definition of a state's  
30 territory:

- 31 (1) its jurisdiction and  
32 (2) its geographical boundary.

33 If a little "reason," "logic" and common sense is applied to the foregoing definition of the word "territory," one  
34 can easily see that the Constitution for The State of Washington created "a particular jurisdiction" in a "part of a  
35 country [state] separated from the rest," in a "Geographical area under the jurisdiction of another....sovereign  
36 power." In other words, "We, the People," the "sovereign power" "of The State of Washington created an entity  
37 known as the government of The State of Washington, which is "a particular jurisdiction" "separated from" "We,  
38 the People" in the "Geographical area" known as The State of Washington. However you rascals, not the People  
39 attempted to create a false government and almost got away with it, foisting STATE OF WASHINGTON off as  
40 The State of Washington.

## 41 **15.8 Private Automobiles are Exempt from Buck Act Taxation!**

42 *"Privately owned Buses not engaged in for hire Transportation are outside the jurisdiction of Division of Motor*  
43 *Vehicles enforcement of N.C.G.S. Article 17, Chapter 20\*\*\*" 58 N.C.A.G. 1 (It follows that those Citizens not*  
44 *engaged in extraordinary use of the highway for-profit or gain are likewise outside the jurisdiction of the Division*  
45 *of Motor Vehicles.)*



"Since a sale of personal property is not required to be evidenced by any written instrument in order to be valid, it has been held in North Carolina that there may be a transfer of title to an automobile without complying with the registration statute which requires a transfer and delivery of a certificate of title."  
[N.C. Law Review Vol. 32 page 545, Carolina Discount Corp. v. Landis Motor Co., 190 N.C. 157]

"A vested right of action is Property in the same sense in which tangible things are property, and is equally protected against interferences. Where it springs from contract, or from the principles of common law, it is not competent for the legislature to take it away." Williams v. Atlantic C.L.R.R., 153 N.C. 360, 69 S.E. 402 (1910) (Case note to North Carolina G.S. 12-3 "Statutory Construction").

"The following shall be exempt from the requirements of registration and the certificate of title:

1.) Any such vehicle driven or moved upon the highway in conformance with the provisions of this Article relating to manufacturers, dealers, or nonresidents."

2.) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another. \*\*\*\*20-51(1)(2)(comment: not driven or moved upon the highway for transporting persons or property for-profit.)

See:

**California Motor Vehicle Code, section 260: Private cars/vans etc. not in commerce / for-profit, are immune to registration fees:**

(a) A "commercial vehicle" is a vehicle of a type **REQUIRED** to be **REGISTERED** under this code".

(b) "Passenger vehicles which are not used for the transportation of persons for hire, compensation or profit, and housecars, **are not commercial vehicles**".

(c) "a vanpool vehicle is **not a commercial vehicle**."

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"A vehicle not used for commercial activity is a "consumer goods", ...it is **NOT** a type of vehicle required to be registered and "use tax" paid of which the tab is evidence of receipt of the tax."  
[Bank of Boston v. Jones, 4 U.C.C.Rep.Serv. 1021, 236 A.2d. 484, U.C.C. PP 9-109.14]

"It is held that a tax upon common carriers by motor vehicles is based upon a reasonable classification, and does not involve any unconstitutional discrimination, although it **does not apply to private vehicles**, or those used by the owner in his own business, and not for hire."  
[Desser v. Wichita, (1915) 96 Kan. 820; Iowa Motor Vehicle Asso. v. Railroad Comrs., 75 A.L.R. 22]

## 15.9 No Immunity Due to Mere Corporate Status

The Clearfield Doctrine, as set forth in Clearfield Trust Co. v. United States, 318 U.S. 363-371, states:

"Governments descend to the level of mere private corporation, and take on the characteristics of a mere private citizen where private corporate paper (Federal Reserve Notes) and securities (checks) is concerned. ...For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government."  
[Bank of United States v. Planter's Bank, 9 Wheaton (22 U.S.) 904, 6 L.Ed. 24]

"Governments lose their immunity and descend to level of private corporations when involved in commercial activity enforcing negotiable instruments, as in fines, penalties, assessments, bails, taxes, the remedy lies in the hand of the state and its municipalities seeking remedy."  
[Rio Grande Lumber Co. v. Darke, 50 Utah 114, 167 P. 241]

"It is for some purposes, although not others, treated as a "person." When the United States enters into a commercial business, it abandons its sovereign capacity and is to be treated like any other corporation."  
[91 Corpus Juris Secundum (C.J.S.), United States, Section 4]

"The term "person" may be construed to include the United States, this state, or any state or territory, or any public or private corporation or limited liability company, as well as an individual."  
[R.C.W. §1.16.080(1)]

1                   *"Governments are corporations."*  
2                   *[Penhallow v. Doane, 3 Dallas 55]*

3   Private corporations and their officers are not immune from civil damages.

4                   *"The principles of estoppel apply against the state as well as individuals."*  
5                   *[Cal. v. Sims, 32 Cal.3d 468]*

6                   *"It being impossible to obtain the remedy sought, the state and their agencies/municipalities being impotent to*  
7                   *enforce their judgments/decrees and thus should not even exercise their otherwise 'general' jurisdictions."*  
8                   *[Louisiana v. NAL, 106 La. 621]*

9                   *"Mere equity is impotent to correct the defect."*  
10                  *[McGraw v. Gormer, 96 Md. 489]*

11                  *"A law which restricts their power to render and enforce a judgment is therefore a limitation upon the exercise*  
12                  *of jurisdiction; and a law which destroys or impairs the effect which their judgments without such law would*  
13                  *have, is equally so."*  
14                  *[Fordyce v. Beecher, 2 Tex.Civ.App. 29, 31]*

15                  *"Unable to 'comply'"*  
16                  *[31 A.L.R. 649]*

17                  *"...to comply is impossible, made so by the failure of the state in its constitutional duty, U.S. Const. 1: 10:1, the*  
18                  *remedy resting in the hands of the state."*  
19                  *[Rio Grande Lumber Co. v. Darke, 50 Utah 114, 167 P. 241]*

20   Yes, we know what you are thinking.

21   All the tax protesters and all the tax gurus are absolutely wrong and don't know what they are talking about.  
22   (Excuse my language, but by now you should be as pissed off as I am at all the legal lunatics we have been getting  
23   bad advice from).

24   At first the truth will definitely piss you off. Then it will eventually set you free.

## 25   **16 How CorpGov forces you to UNLAWFULLY become its "employee" or "officer"**<sup>89</sup>

26   Government-issued identification is the method by which most people in private industry authenticate the identity  
27   of the holder. This authentication usually occurs in the context of a commercial transaction of some kind in order  
28   to prevent fraud and to secure the transaction in case the services contracted are not paid for or the contract terms  
29   are violated. The issuance of government ID therefore constitutes a formal recognition of the legitimacy of the  
30   identity of a person by the government involved.

31   The primary method of issuing government identification documents is at the state level by the issuance of either  
32   a driver's license or a state ID, both of which are issued usually by the Department of Motor Vehicles within the  
33   corporate and not de jure state. In all cases we are familiar with, these government issued driver's licenses and  
34   state ID's may *only* be issued to persons who have a "domicile" within the CORPORATE and not DE JURE  
35   "State", and who therefore consent or agree to be subject to the civil laws and "employment agreement" applying  
36   to officers of that state:

37                   [\*California Vehicle Code\*](#)

38                   516. "**Resident**" means any person who manifests an intent to live or be located in this state on more than a  
39                   temporary or transient basis. Presence in the state for six months or more in any 12-month period gives rise to  
40                   a rebuttable presumption of residency.

41                   The following are evidence of residency for purposes of **vehicle** registration:

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<sup>89</sup> Adapted from Section 7.7 of Government Establishment of Religion, Form #05.038; <http://sedm.org/Forms/FormIndex.htm>.

- (a) Address where registered to vote.  
(b) Location of employment or place of business.  
(c) Payment of **resident** tuition at a public institution of higher education.  
(d) Attendance of dependents at a primary or secondary school.  
(e) Filing a homeowner's property tax exemption.  
(f) Renting or leasing a home for use as a residence.  
(g) Declaration of residency to obtain a license or any other privilege or benefit not ordinarily extended to a nonresident.  
(h) Possession of a California driver's license.  
(i) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.  
[SOURCE: <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=49966114921+5+0+0&WASAction=retrieve/>]

#### California Vehicle Code

12505. (a) (1) For purposes of this division only and notwithstanding Section 516, **residency shall be determined as a person's state of domicile. "State of domicile" means the state where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has manifested the intention of returning whenever he or she is absent.**

**Prima facie evidence of residency for driver's licensing purposes includes, but is not limited to, the following:**

**(A) Address where registered to vote.**

**(B) Payment of resident tuition at a public institution of higher education.**

**(C) Filing a homeowner's property tax exemption.**

**(D) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.**

**(2) California residency is required of a person in order to be issued a commercial driver's license under this code.**

**(b) The presumption of residency in this state may be rebutted by satisfactory evidence that the licensee's primary residence is in another state.**

(c) Any person entitled to an exemption under Section 12502, 12503, or 12504 may operate a motor **vehicle** in this state for not to exceed 10 days from the date he or she establishes residence in this state, except that he or she shall obtain a license from the department upon becoming a **resident** before being employed for compensation by another for the purpose of driving a motor **vehicle** on the highways.

[SOURCE: <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=49860512592+2+0+0&WASAction=retrieve/>]

Most private organizations will not accept privately issued ID or anything other than government issued ID, which in turn implies that only those who possess government issued ID within a jurisdiction may engage in commerce within that same jurisdiction. In that sense, commerce within any jurisdiction is made into a "privilege" and a franchise that is only available to those who consent to choose a domicile within the Statutory State because state-issued ID is not available to those with no domicile within the Statutory State. The problem with this approach is that:

1. Having a domicile within a jurisdiction has nothing to do with maintaining safe roads that are the goal of "driver's licenses", and is therefore IRRELEVANT to the licensing or qualification process.
2. Those with no domicile within the jurisdiction where they physically are called "strangers" in the Bible, and the Bible forbids oppressing or discriminating against strangers and requires that citizens and strangers be treated EQUALLY. Refusing to issue IDs to strangers certainly constitutes "oppression" within the Biblical context:

*"You shall neither mistreat a stranger nor oppress him, for you were strangers in the land of Egypt."  
[Exodus 22:21, Bible, NKJV]*

*"One law shall be for the native-born and for the stranger who dwells among you."  
[Exodus 12:49, Bible, NKJV]*

Based on the above, the government has turned "oppressing strangers" into the source of nearly all of its jurisdiction by denying IDs to those who prefer to remain "strangers" and "transient foreigners" rather than "citizens", "residents", or "inhabitants". In that sense, they are interfering with free religious exercise, because the Bible COMMANDS Christians to remain "strangers":

*"Adulterers and adulteresses! Do you not know that friendship [and "citizenship"] with the world [or the governments of the world] is enmity with God? **Whoever therefore wants to be a friend [ "citizen" or "taxpayer" or "resident" or "inhabitant" ] of the world makes himself an enemy of God.**"*

3. Choice of domicile is a protected First Amendment choice of political association. The choice of legal domicile cannot lawfully be compelled by the government, because that would violate the First Amendment prohibition against “compelled association”:

*“The right to associate or not to associate with others solely on the basis of individual choice, not being absolute, may conflict with a societal interest in requiring one to associate with others, or to prohibit one from associating with others, in order to accomplish what the state deems to be the common good. **The Supreme Court, though rarely called upon to examine this aspect of the right to freedom of association, has nevertheless established certain basic rules which will cover many situations involving forced or prohibited associations.** Thus, where a sufficiently compelling state interest, outside the political spectrum, can be accomplished only by requiring individuals to associate together for the common good, then such forced association is constitutional. <sup>90</sup> **But the Supreme Court has made it clear that compelling an individual to become a member of an organization with political aspects, or compelling an individual to become a member of an organization which financially supports, in more than an insignificant way, political personages or goals which the individual does not wish to support, is an infringement of the individual's constitutional right to freedom of association.** <sup>91</sup> The First Amendment prevents the government, except in the most compelling circumstances, from wielding its power to interfere with its employees' freedom to believe and associate, or to not believe and not associate; it is not merely a tenure provision that protects public employees from actual or constructive discharge. <sup>92</sup> Thus, First Amendment principles prohibit a state from compelling any individual to associate with a political party, as a condition of retaining public employment. <sup>93</sup> The First Amendment protects nonpolicymaking public employees from discrimination based on their political beliefs or affiliation. <sup>94</sup> But the First Amendment protects the right of political party members to advocate that a specific person be elected or appointed to a particular office and that a specific person be hired to perform a governmental function. <sup>95</sup> In the First Amendment context, the political patronage exception to the First Amendment protection for public employees is to be construed broadly, so as presumptively to encompass positions placed by legislature outside of “merit” civil service. Positions specifically named in relevant federal, state, county, or municipal laws to which discretionary authority with respect to enforcement of that law or carrying out of some other policy of political concern is granted, such as a secretary of state given statutory authority over various state corporation law practices, fall within the political patronage*

<sup>90</sup> Lathrop v. Donohue, 367 U.S. 820, 81 S.Ct. 1826, 6 L.Ed.2d. 1191 (1961), reh'g denied, 368 U.S. 871, 82 S.Ct. 23, 7 L.Ed.2d. 72 (1961) (a state supreme court may order integration of the state bar); Railway Emp. Dept. v. Hanson, 351 U.S. 225, 76 S.Ct. 714, 100 L.Ed. 1112 (1956), motion denied, 351 U.S. 979, 76 S.Ct. 1044, 100 L.Ed. 1494 (1956) and reh'g denied, 352 U.S. 859, 77 S.Ct. 22, 1 L.Ed.2d. 69 (1956) (upholding the validity of the union shop provision of the Railway Labor Act).

The First Amendment right to freedom of association of teachers was not violated by enforcement of a rule that white teachers whose children did not attend public schools would not be rehired. Cook v. Hudson, 511 F.2d. 744, 9 Empl. Prac. Dec. (CCH) ¶ 10134 (5th Cir. 1975), reh'g denied, 515 F.2d. 762 (5th Cir. 1975) and cert. granted, 424 U.S. 941, 96 S.Ct. 1408, 47 L.Ed.2d. 347 (1976) and cert. dismissed, 429 U.S. 165, 97 S.Ct. 543, 50 L.Ed.2d. 373, 12 Empl. Prac. Dec. (CCH) ¶ 11246 (1976).

Annotation: Supreme Court's views regarding Federal Constitution's First Amendment right of association as applied to elections and other political activities, 116 L.Ed.2d. 997, § 10.

<sup>91</sup> Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) (conditioning public employment hiring decisions on political belief and association violates the First Amendment rights of applicants in the absence of some vital governmental interest).

<sup>92</sup> Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990).

Annotation: Public employee's right of free speech under Federal Constitution's First Amendment—Supreme Court cases, 97 L.Ed.2d. 903.

First Amendment protection for law enforcement employees subjected to discharge, transfer, or discipline because of speech, 109 A.L.R. Fed. 9.

First Amendment protection for judges or government attorneys subjected to discharge, transfer, or discipline because of speech, 108 A.L.R. Fed. 117.

First Amendment protection for public hospital or health employees subjected to discharge, transfer, or discipline because of speech, 107 A.L.R. Fed. 21.

First Amendment protection for publicly employed firefighters subjected to discharge, transfer, or discipline because of speech, 106 A.L.R. Fed. 396.

<sup>93</sup> Abood v. Detroit Bd. of Ed., 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed.2d. 261, 95 L.R.R.M. (BNA) 2411, 81 Lab.Cas. (CCH) ¶ 55041 (1977), reh'g denied, 433 U.S. 915, 97 S.Ct. 2989, 53 L.Ed.2d. 1102 (1977); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

<sup>94</sup> LaRou v. Ridlon, 98 F.3d. 659 (1st Cir. 1996); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

<sup>95</sup> Vickery v. Jones, 100 F.3d. 1334 (7th Cir. 1996), cert. denied, 117 S.Ct. 1553, 137 L.Ed.2d. 701 (U.S. 1997).

Responsibilities of the position of director of a municipality's office of federal programs resembled those of a policymaker, privy to confidential information, a communicator, or some other office holder whose function was such that party affiliation was an equally important requirement for continued tenure. Ortiz-Pinero v. Rivera-Arroyo, 84 F.3d. 7 (1st Cir. 1996).

exception to First Amendment protection of public employees.<sup>96</sup> However, a supposed interest in ensuring effective government and efficient government employees, political affiliation or loyalty, or high salaries paid to the employees in question should not be counted as indicative of positions that require a particular party affiliation.<sup>97</sup>

[American Jurisprudence 2d., Constitutional Law, §546: Forced and Prohibited Associations (1999)]

4. The application for the license compels a surrender of sovereignty because it mandates the use of government issued identifying numbers such as Social Security Numbers. The issuance and use of these numbers makes the holders into “public officers”, fiduciaries, “trustees”, or agents of the government without compensation. See:

Resignation of Compelled Social Security Trustee, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

5. By compelling a surrender of rights and sovereignty in obtaining the ID, the government is using franchises to compel the surrender of Constitutional rights, which the U.S. Supreme Court said is unconstitutional if the surrender occurred on land protected by the Bill of Rights.

*“It would be a palpable incongruity to strike down an act of state legislation which, by words of express divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable privilege which the state threatens otherwise to withhold. **It is not necessary to challenge the proposition that, as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may not impose conditions which require the relinquishment of Constitutional rights. If the state may compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out of existence.**”*

[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]

Consequently, the only place that driver’s licenses can be issued is on federal territory not protected by the Constitution and where Constitutional Rights do not exist that could be surrendered.

It is primarily by this method of refusing to issue ID’s to transients or persons who have no domicile or “residence” in CorpGov that the government unconstitutionally compels a violation of the First Amendment by those who are “transient foreigners” with respect to a jurisdiction and compels these persons to become subject to their jurisdiction, “taxpayers”, “citizens”, “residents”, and “inhabitants”.

The Constitution requires that all persons within a jurisdiction shall have the same rights as those similarly situated physically within that jurisdiction, even though they do not have a domicile in that place and are “nonresidents”:

American Jurisprudence 2d., Constitutional Law, §856: Residence and State Citizenship

*In considering the application of the Equal Protection Clause of the Fourteenth Amendment to legislation discriminating between the residents and nonresidents of a state, the Equal Protection Clause cannot be invoked unless the action of a state denies the equal protection of the laws to persons “within its jurisdiction.” If persons are, however, in the purview of this clause, within the jurisdiction of a state, the clause guarantees to all so situated, whether citizens or residents of the state or not, the protection of the state’s laws equally with its own citizens.<sup>98</sup> **A state is not at liberty to establish varying codes of law, one for its own citizens and another***

<sup>96</sup> McCloud v. Testa, 97 F.3d. 1536, 12 I.E.R. Cas. (BNA) 1833, 1996 Fed.App. 335P (6th Cir. 1996), reh’g and suggestion for reh’g en banc denied, (Feb. 13, 1997).

Law Reviews: Stokes, When Freedoms Conflict: Party Discipline and the First Amendment. 11 JL & Pol 751, Fall, 1995.

Pave, Public Employees and the First Amendment Petition Clause: Protecting the Rights of Citizen-Employees Who File Legitimate Grievances and Lawsuits Against Their Government Employers. 90 N.W. U LR 304, Fall, 1995.

Singer, Conduct and Belief: Public Employees’ First Amendment Rights to Free Expression and Political Affiliation. 59 U Chi LR 897, Spring, 1992.

As to political patronage jobs, see § 472.

<sup>97</sup> Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

<sup>98</sup> Wheeling Steel Corp. v. Glander, 337 U.S. 562, 69 S.Ct. 1291, 93 L.Ed. 1544, 40 Ohio.Op. 101, 55 Ohio.L.Abs. 305 (1949).

South Carolina’s exemption statute that limits exemption for personal injury awards to only South Carolina residents did not deprive a nonresident of equal protection of the laws where the classification of residents versus nonresidents was reasonably related to the legislative purpose of protecting residents from financial indigency, and where the classification was based upon the state’s interest in preventing its citizens from becoming dependent on the state for



1 governing the same conduct for citizens of sister states, except in a case when the apparent discrimination is  
2 not to cast a heavier burden upon the nonresident in its ultimate operation than the one falling upon residents,  
3 but is to restore the equilibrium by withdrawing an unfair advantage.<sup>99</sup> On the other hand, a nonresident may  
4 not complain of a restriction no different from that placed upon residents.<sup>100</sup>

5 The limitation on the right of one state to establish preferences in favor of its own citizens does not depend solely  
6 on the guarantee of equal protection of the laws,<sup>101</sup> which does not protect persons not within the jurisdiction of  
7 such a state. These limitations are broader, and nonresidents of a state who are noncitizens are also—even though  
8 they are not within the jurisdiction of a state, as that phrase is employed in the Equal Protection Clause—protected  
9 from discrimination by Article IV, § 2 of the Federal Constitution, which secures equal privileges and immunities  
10 in the several states to the citizens of each state. Moreover, any citizen of the United States, regardless of  
11 residence or whether he or she is within the jurisdiction of a state, is protected in the privileges and immunities  
12 which arise from his United States citizenship by the privileges and immunities clause of the Fourteenth  
13 Amendment.

14 There is much authority which recognizes the right of the state under certain circumstances to classify residents  
15 and nonresidents.<sup>102</sup> Utilization of different, but otherwise constitutionally adequate, procedures for residents  
16 and nonresidents does not, by itself, trigger heightened scrutiny under the Equal Protection Clause.<sup>103</sup> Thus,  
17 reasonable residency requirements are permissible under the Equal Protection Clause in cases involving voting

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support. American Service Corp. of South Carolina v. Hickle, 312 S.C. 520, 435 S.E.2d. 870 (1993), reh'g denied, (Oct. 20, 1993) and cert. denied, 510 U.S. 1193, 114 S.Ct. 1298, 127 L.Ed.2d. 651 (1994).

<sup>99</sup> Smith v. Loughman, 245 N.Y. 486, 157 N.E. 753 (1927), cert. denied, 275 U.S. 560, 48 S.Ct. 119, 72 L.Ed. 426 (1927) and reargument denied, 247 N.Y. 546, 161 N.E. 176 (1928).

A statute requiring out-of-state hunters to be accompanied by resident guides denied equal protection; the statutory classification and its legitimate objectives were tenuous and remote. State v. Jack, 167 Mont. 456, 539 P.2d. 726 (1975).

<sup>100</sup> People ex rel. Salisbury Axle Co. v. Lynch, 259 N.Y. 228, 181 N.E. 460 (1932).

<sup>101</sup> Smith Setzer & Sons, Inc. v. South Carolina Procurement Review Panel, 20 F.3d. 1311 (4th Cir. 1994); Kasom v. City of Sterling Heights, 600 F.Supp. 1555 (E.D. Mich. 1985), judgment aff'd, 785 F.2d. 308 (6th Cir. 1986).

The state had a legitimate and substantial interest in granting a preference to bidders for state highway contracts who contribute to the state's economy through construction activities within the state. APAC-Mississippi, Inc. v. Deep South Const. Co., Inc., 288 Ark. 277, 704 S.W.2d. 620 (1986).

Classifications between resident and nonresident vendors established by a statute which gives preference to resident vendors, under certain circumstances, when the state purchases supplies, services, and goods are rationally related to the state's legitimate interest to benefit its taxpayers, and thus do not deny equal protection of the laws to nonresidents, even though nonresidents who maintain offices in the state and pay state taxes are accorded a preference over other nonresidents. Gary Concrete Products, Inc. v. Riley, 285 S.C. 498, 331 S.E.2d. 335 (1985).

Note, however, that such schemes may violate the privileges and immunities clauses of Article IV, § 2 of the United States Constitution, and the Fourteenth Amendment thereto.

<sup>102</sup> Martinez v. Bynum, 461 U.S. 321, 103 S.Ct. 1838, 75 L.Ed.2d. 879, 10 Ed.Law.Rep. 11 (1983) (nonresident school students); Zobel v. Williams, 457 U.S. 55, 102 S.Ct. 2309, 72 L.Ed.2d. 672 (1982) (holding that new residents of a state may not be subjected to discriminatory treatment simply because of their recent migration); Jones v. Helms, 452 U.S. 412, 101 S.Ct. 2434, 69 L.Ed.2d. 118 (1981), on remand to, 660 F.2d. 120 (5th Cir. 1981); Fireside Nissan, Inc. v. Fanning, 30 F.3d. 206 (1st Cir. 1994) (nonresident automobile dealership owners); Mohme v. City of Cocoa, 328 So.2d. 422 (Fla. 1976), appeal after remand, 356 So.2d. 2 (Fla. Dist. Ct. App. 4th Dist. 1977); State v. Alley, 274 A.2d. 718 (Me. 1971).

A program of state bounties for destruction of Maryland-titled junk cars was not violative of the Equal Protection Clause, despite stricter proof of ownership requirements for out-of-state scrap processors. Hughes v. Alexandria Scrap Corp., 426 U.S. 794, 96 S.Ct. 2488, 49 L.Ed.2d. 220 (1976).

A Kansas statute and rules of court permitting an out-of-state lawyer to practice before Kansas tribunals only if he associates a member of the Kansas bar with him, as an attorney of record, does not violate the Fourteenth Amendment either on its face or as applied to a lawyer maintaining law offices and a practice of law both out of state and in Kansas. Martin v. Walton, 368 U.S. 25, 82 S.Ct. 1, 7 L.Ed.2d. 5 (1961), reh'g denied, 368 U.S. 945, 82 S.Ct. 376, 7 L.Ed.2d. 341 (1961).

<sup>103</sup> Whiting v. Town of Westerly, 942 F.2d. 18 (1st Cir. 1991).

1 in elections,<sup>104</sup> or local referendums,<sup>105</sup> for holding public office,<sup>106</sup> for jury service,<sup>107</sup> and for the purpose of  
2 receiving various types of government benefits,<sup>108</sup> or for tuition purposes,<sup>109</sup> are quite common, and are generally,  
3 though not always, held to be valid and proper. However, a statute providing for county-wide territorial  
4 jurisdiction of a municipal court may violate the equal protection rights of county residents who are subject to  
5 the municipal court's territorial jurisdiction, but not enfranchised to elect municipal judges.<sup>110</sup> Residence may  
6 also be a proper condition precedent to commencement of various suits. On the other hand, many license and  
7 tax laws which discriminate against nonresidents have been held to violate the Equal Protection Clause.<sup>111</sup>

8 A statute which discriminates unjustly against residents in favor of nonresidents violates the Equal Protection  
9 Clause;<sup>112</sup> however, there must be an actual discrimination against residents in order to invalidate a statute.  
10 Where residents and nonresidents are treated alike, there is no discrimination.<sup>113</sup> A state regulatory statute  
11 exempting nonresidents does not deny the equal protection of the laws guaranteed by the Fourteenth Amendment,  
12 where it rests upon a state of facts that can reasonably be conceived to constitute a distinction or difference in  
13 state policy.<sup>114</sup>

<sup>104</sup> Rosario v. Rockefeller, 410 U.S. 752, 93 S.Ct. 1245, 36 L.Ed.2d. 1 (1973), reh'g denied, 411 U.S. 959, 93 S.Ct. 1920, 36 L.Ed.2d. 419 (1973) (a 30-day residential requirement is permissible); Marston v. Lewis, 410 U.S. 679, 93 S.Ct. 1211, 35 L.Ed.2d. 627 (1973) (a 50-day durational voter residency requirement and a 50-day voter registration requirement for state and local elections are not unconstitutional under the Equal Protection Clause); Ballas v. Symm, 494 F.2d. 1167 (5th Cir. 1974); Opinion of the Justices, 111 N.H. 146, 276 A.2d. 825 (1971).

A governmental unit may, consistently with equal protection requirements, legitimately restrict the right to participate in its political processes to those who reside within its borders. Holt Civic Club v. City of Tuscaloosa, 439 U.S. 60, 99 S.Ct. 383, 58 L.Ed.2d. 292 (1978).

Excluding out-of-state property owners from voting on a water district matter while granting that right to Colorado residents who own property within the district but who do not live within the district does not violate the Fourteenth Amendment. Millis v. Board of County Com'rs of Larimer County, 626 P.2d. 652 (Colo. 1981).

On the other hand, under the Equal Protection Clause, persons living on the grounds of the National Institutes of Health, a federal enclave situated in Maryland, are entitled to protect their stake in elections by exercising their right to vote, and their living on such grounds cannot constitutionally be treated as basis for concluding that they do not meet Maryland residency requirements for voting. Evans v. Cornman, 398 U.S. 419, 90 S.Ct. 1752, 26 L.Ed.2d. 370 (1970).

<sup>105</sup> As to residence qualifications of the signers of initiative or referendum petitions, see 42 American Jurisprudence 2d., Initiative and Referendum, § 29 (1999).

<sup>106</sup> See 63C American Jurisprudence 2d., Public Officers and Employees, §81 (1999).

<sup>107</sup> See 47 American Jurisprudence 2d., Jury §§ 100, 147-149 (1999).

<sup>108</sup> Memorial Hospital v. Maricopa County, 415 U.S. 250, 94 S.Ct. 1076, 39 L.Ed.2d. 306 (1974) (a state statute requiring a year's residence in a county as a condition to an indigent's receiving nonemergency hospitalization or medical care at the county's expense is repugnant to the Equal Protection Clause); Cole v. Housing Authority of City of Newport, 435 F.2d. 807 (1st Cir. 1970) (two-year residency requirement for eligibility for low-income housing violates the Equal Protection Clause).

In the absence of a showing that the provisions of state statutes and of a District of Columbia statute enacted by Congress, prohibiting public assistance benefits to residents of less than a year, were necessary to promote compelling governmental interests, such prohibitions create a classification which constitutes an invidious discrimination denying such residents equal protection of the laws. Shapiro v. Thompson, 394 U.S. 618, 89 S.Ct. 1322, 22 L.Ed.2d. 600 (1969).

But the exclusion of migrant agricultural workers from the beneficial provisions of various federal and state statutes concerning social legislation in such areas as unemployment compensation, minimum hours and wages, Social Security, and worker's compensation is not unconstitutional. Doe v. Hodgson, 478 F.2d. 537, 21 Wage & Hour Cas. (BNA) 23, 71 Lab.Cas. (CCH) ¶ 32909 (2d Cir. 1973), cert. denied, 414 U.S. 1096, 94 S.Ct. 732, 38 L.Ed.2d. 555, 21 Wage & Hour Cas. (BNA) 446, 72 Lab.Cas. (CCH) ¶ 33004 (1973).

<sup>109</sup> Vlandis v. Kline, 412 U.S. 441, 93 S.Ct. 2230, 37 L.Ed.2d. 63 (1973).

For a state university to require proof that a law student had actually secured postgraduation employment in the state as a condition precedent to granting him residence status for purposes of tuition fees violated the Equal Protection Clause. Kelm v. Carlson, 473 F.2d. 1267, 67 Ohio.Op.2d. 275 (6th Cir. 1973).

But a state statute requiring four months' continuous residency independent of school attendance in order to establish domicile in the state for tuition purposes does not violate the Equal Protection Clause. Thompson v. Board of Regents of University of Nebraska, 187 Neb. 252, 188 N.W.2d.840 (1971).

<sup>110</sup> State v. Webb, 323 Ark. 80, 913 S.W.2d. 259 (1996), opinion supplemented on other grounds on denial of reh'g, 323 Ark. 80, 920 S.W.2d. 1 (1996).

<sup>111</sup> See 51 American Jurisprudence 2d., Licenses and Permits §§ 31, 79, 121, 123 (1999); 71 Am.Jur.2d., State and Local Taxation, §172.

As to particular types of licenses or permits, see specific topics (e.g., as to fishing or hunting licenses, see 35 American Jurisprudence 2d., Fish and Game, §§ 34, 45 (1999)).

<sup>112</sup> Little v. Smith, 124 Kan. 237, 257 P. 959, 57 A.L.R. 100 (1927).

<sup>113</sup> Geo. B. Wallace, Inc. v. Pfost, 57 Idaho 279, 65 P.2d. 725, 110 A.L.R. 613 (1937).

<sup>114</sup> Allied Stores of Ohio, Inc. v. Bowers, 358 U.S. 522, 79 S.Ct. 437, 3 L.Ed.2d. 480, 9 Ohio.Op.2d. 321, 82 Ohio.L.Abs. 312 (1959).

The constitutional guarantee as to the equal protection of the laws may render invalid statutes and ordinances which effect an unlawful discrimination in favor of a municipality or its inhabitants. Such enactments invalidly attempt to give a preference to a class consisting of residents of a political subdivision of a state.<sup>115</sup>  
[American Jurisprudence 2d., Constitutional Law, §856: Residence and State Citizenship (1999)]

The moment one becomes a “citizen”, “resident” (alien), or “inhabitant” of a jurisdiction, they no longer have sovereignty or sovereign immunity under the laws of that jurisdiction. This fact is confirmed by the Foreign Sovereign Immunities Act (F.S.I.A.), which says:

[TITLE 28](#) > [PART IV](#) > [CHAPTER 97](#) > § 1603  
[§ 1603. Definitions](#)

(b) An “agency or instrumentality of a foreign state” means any entity—

(3) which is neither a citizen of a State of the United States as defined in section 1332 (c) and (e) of this title, nor created under the laws of any third country.

Consequently, the government, by refusing to issue ID to nonresident persons physically located within the boundaries of its jurisdiction but who do not maintain a domicile there, is:

1. Engaging in compelled association in violation of the First Amendment.
2. Engaging in a conspiracy against rights, by forcing those who simply want to work and support themselves to engage in government franchises that cause a surrender of constitutional rights.
3. Engaging in racketeering in violation of 18 U.S.C. §1951, by essentially forcing those who do not wish to associate with a “state” or choose a “domicile” therein to accept legal disabilities within the marketplace because they cannot obtain employment or engage in commerce.

Those “transient foreigners” who have no domicile or “residence” within the government’s jurisdiction and who therefore retain their sovereignty, when they try to assert the same right to refuse to recognize the very government that refuses to recognize them, can and often are destroyed and harassed by the taxing authorities for asserting the same EQUAL right that the government has asserted. This kind of hypocrisy and inequality is absolutely reprehensible.

Now let’s apply the same EQUAL standard to the government. If all men are created equal, then no creation of a single man or group of men can be delegated any more rights than a single man. Consequently, those persons who wish to get together and form their own competing “state” or government and issue their own licenses and ID are often discriminated against by employers, financial institutions, and governments by the following means:

1. Government refuses to recognize the legitimacy of the ID’s and calls them a “scam”.
2. Government refuses to prosecute quasi-government institutions such as banks that refuse to recognize the legitimacy of the ID. This is illegal, because [31 C.F.R. §202.2](#) requires that all banks that are FDIC insured are considered part of the government, and therefore their discrimination takes on the character of “state action” and is regulated by the Constitution.

*Our precedents establish that, in determining whether a particular action or course of conduct is governmental in character, it is relevant to examine the following: the extent to which the actor relies on governmental assistance and benefits, see *Tulsa Professional Collection Services, Inc. v. Pope*, [485 U.S. 478](#) (1988); *Burton v. Wilmington Parking Authority*, [365 U.S. 715](#) (1961); whether the actor is performing a traditional governmental function, see *Terry v. Adams*, [345 U.S. 461](#) (1953); *Marsh v. Alabama*, [326 U.S. 501](#) (1946); cf. *San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622] Committee*, [483 U.S. 522, 544](#) -545 (1987); and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see *Shelley v. Kraemer*, [334 U.S. 1](#) (1948). Based on our application of these three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant in the District Court was pursuant to a course of state action.*  
[[Edmonson v. Leesville Concrete Company](#), [500 U.S. 614](#) (1991)]

<sup>115</sup> *Schrager v. City of Albany*, 197 Misc. 903, 99 N.Y.S.2d. 697 (Sup. Ct. 1950); *Richter Concrete Corp. v. City of Reading*, 166 Ohio.St. 279, 2 Ohio.Op.2d. 169, 142 N.E.2d. 525 (1957).

- 1 3. Those who use the IDs are accused of issued “fake” IDs.  
2 4. The Federal Trade Commission (FTC) prosecutes these entities for issuing fake IDs. See:

FTC Closes Down Fake I.D. Mill On The Internet, 12-12-2000  
<http://www.ftc.gov/opa/2000/12/martinez.shtm>

3 The implications of the above are clear:

- 4 1. Governments want to ensure that they have a monopoly on providing “protection”, and that all those who would  
5 challenge such a monopoly are criminals and are persecuted and harassed endlessly. This violates the notion of equal  
6 protection of the law and constitutes hypocrisy. The main motivation for such hypocrisy is the desire to manufacture  
7 more “taxpayers”, sponsors, and “citizens” who will subsidize a terrorist government to provide services that the  
8 compelled participants do not want, do not need, and which are actually harmful for them.  
9 2. Governments want to compel you into becoming their “employee” and “officer” and connect your otherwise private  
10 property to “public office” and “public use” so they can control you and steal your property from you. This is done by  
11 connecting your property to government issued identifying numbers such as Social Security Numbers and Taxpayer  
12 Identification Numbers, all of which are ONLY available to “public offices” within the government and not private  
13 individuals. This explains why they DEMAND a government issued number whenever you apply for their state ID.  
14 3. By refusing to recognize privately issued IDs and refusing to prosecute those “public officers” under their control for  
15 refusal to recognize them, they are sanctioning compelled conversion of private property to a public use and a “public  
16 office” in obtaining government issued IDs. This is a criminal violation of [18 U.S.C. §654](#).

17 We emphasize that the central characteristic of socialism is state ownership or control over all property, and that  
18 control is effected by compelling you to participate in government franchises, such as domicile, “residence”,  
19 government issued ID’s, Social Security, professional licensing, etc. The method for avoiding these franchises is  
20 documented below:

Liberty University, Section 4: Avoiding Government Franchises and Licenses  
<http://sedm.org/LibertyU/LibertyU.htm>

21 One of our readers sent us a very insightful question about the content of this section which we would like to  
22 comment on:

23 *QUESTION: Ultimately I am a little confused between the whole Private vs. Public thing. Ultimately hasn't*  
24 *everything been turned Commercial. See <http://sedm.org/Forms/05-MemLaw/CorpGovt.pdf>.*

25 *I am wondering if there is even a “Public” anymore. What we’re mistakenly calling Government apparently are*  
26 *just Private Corporations. If everything has been turned into a Commercial World there isn't really a Public /*  
27 *Private anymore. It just seems just one big system as follows:*

- 28 1. UNTIED STATES CORPORATION  
29 2. SUB CORPORATIONS OF THE USA  
30 3. STATES AS CORPORATIONS  
31 4. SUB CORPORATIONS OF THE STATE  
32 5. CITIES AS CORPORATIONS  
33 6. SUB CORPORATIONS OF CITIES  
34 7. IBM  
35 8. ABC  
36 9. WENDY'S  
37 ETC...ETC.

38 *My question is: The Biblical principle is you owe your allegiance to your Creator.*

- 39 1. Man owes allegiance to God the Creator  
40 2. “US Citizen” owes his allegiance to the USA  
41 3. “Taxpayer” owes his allegiance to the IRS  
42 and so forth.....

43 *I am confused. How can I claim to be a “Private Worker” working for a “Private Company” per Private Contract*  
44 *when this "Private Company" had to get a License or get State issued Corporate Charter to do business / exist.*  
45 *If the STATE Created them...then they are a STATE Created Entity and therefore not a Private Entity or Public*  
46 *but just a subsidiary of the System that Created them. Therefore while I may be a Private Worker ....I am actually*

working for a Government/State created entity. I may as well be working for the Govt/State itself therefore making me a Government Worker. Hence then I still become required to pay the Govt/State wage taxes whether I fill out a W-4 or not with the so called "Private Company".

I could claim to be a non-resident, file a W-8 BEN, etc, etc. But again ultimately I am working for a Company that got created by the STATE and therefore I may as well be a STATE worker. Hence still required to pay the "wage" taxes like I am still a Govt Worker.

Where is my logic wrong???

**ANSWER:** Very interesting question! Your confusion is understandable, however, because there is a LOT to learn before you can see the whole picture clearly. It took us seven years of study to reach this point so please be patient with yourself. You apparently don't understand that the Internal Revenue Code, Subtitle A tax is a tax upon a "trade or business", which is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as "the functions of a public office", and you don't understand all the implications of that reality:

1. The nature of the I.R.C. as an excise tax upon the privileges and franchises of a "public office" in the U.S. government is documented below:

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

2. Since the income tax is an excise tax upon "public offices", then it follows that:
  - 2.1. You are not a "taxpayer" if you are not a "public officer".
  - 2.2. Only the officers of the pseudo-government corporation are "public officers" as legally defined, and not the common worker. See [26 U.S.C. §6671\(b\)](#) and [26 U.S.C. §7343](#). Ordinary workers are not "public officers".
  - 2.3. The pseudo-government that the officers of the corporation are "public officers" within depends on the nature of the corporate charter. If it is a state corporation, then they are "public officers" of the state and NOT the federal government. If it is a federal corporation, then they are officers of the federal and NOT state government.
  - 2.4. It is unlawful for a person who is a "public officer" within the U.S. government to serve outside the District of Columbia pursuant to [4 U.S.C. §72](#). Even if the corporation requested and obtained an Employee Identification Number (EIN), if the place of incorporation of the corporation is not physically located in the District of Columbia, then they are not a federal corporation and therefore not "public officers" within the meaning of the Internal Revenue Code. The only "public officers" the federal government can legislate for are its own public officers and not those of the state governments. The state and federal governments are "foreign" with respect to each other for the purposes of legislative jurisdiction.
3. The limits upon the agency of the corporation as "public officers" of the government extends only to the subjects indicated in the "social insurance" franchise agreement that they are party to, which is codified in the Social Security Act and Internal Revenue Code Subtitle A. Nothing beyond the franchise agreement itself may be enforced against the "public officers" of the federal government.
4. You can be an employee of a company in a common law sense without being a "public officer" of the U.S. government as legally defined and without being *the* "employee" defined in the I.R.C. at [26 U.S.C. §3401\(c\)](#) or [5 U.S.C. §2105](#), both of whom are "public officers" in the U.S. government.

*Treatise on the Law of Public Offices and Officers*  
*Book 1: Of the Office and the Officer: How Officer Chosen and Qualified*  
*Chapter I: Definitions and Divisions*

§2 *How Office Differs from Employment.*-A public office differs in material particulars from a public employment, for, as was said by Chief Justice MARSHALL, "although an office is an employment, it does not follow that every employment is an office. A man may certainly be employed under a contract, express or implied, to perform a service without becoming an officer."

"We apprehend that the term 'office,'" said the judges of the supreme court of Maine, "implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office; and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office. The power thus delegated and possessed may be a portion belonging sometimes to one of the three great departments and sometimes to another; still it is a legal power which may be rightfully exercised, and in its effects it will bind the rights of others and be subject to revision and correction only according to the standing laws of the state. An employment merely has none of these distinguishing features. A public agent acts only on behalf of his principal, the public, whoso sanction is generally considered as necessary to give the acts performed the authority and power of a public act or law. And if the act be such as not to require subsequent sanction, still it is only a species



of service performed under the public authority and for the public good, but not in the exercise of any standing laws which are considered as roles of action and guardians of rights."

"The officer is distinguished from the employee," says Judge COOLEY, "in the greater importance, dignity and independence of his position; in being required to take an official oath, and perhaps to give an official bond; in the liability to be called to account as a public offender for misfeasance or non-feasance in office, and usually, though not necessarily, in the tenure of his position. In particular cases, other distinctions will appear which are not general."

[A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, pp. 3-4, §2;

SOURCE: <http://books.google.com/books?id=g-19AAAAIAAJ&printsec=titlepage>]

"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.<sup>116</sup> Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.<sup>117</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.<sup>118</sup> and owes a fiduciary duty to the public.<sup>119</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>120</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>121</sup>"

[63C American Jurisprudence 2d., Public Officers and Employees, §247 (1999)]

5. If you aren't a "public officer" but an ordinary worker, then the only way you can lawfully earn "wages" and therefore be a "taxpayer" is to volunteer by signing and submitting and IRS Form W-4, and thereby become a federal "employee" in receipt of "income" connected to the "trade or business" and "social insurance" franchise:

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".

<sup>116</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>117</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>118</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>119</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>120</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>121</sup> Indiana State Ethics Comm'n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

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.

6. The filing of IRS Form W-2 against a worker is prima facie evidence that the worker is engaged in a “public office”, as indicated in [26 U.S.C. §6041](#)(a), where “trade or business” is defined in [26 U.S.C. §7701](#)(a)(26) to mean a “public office”. If he is not a “public officer”, then it is a crime to file such a report in violation of [18 U.S.C. §912](#), impersonating a federal employee or officer. Per [26 U.S.C. §7434](#), it is a civil tort to file an IRS Form W-2 against a worker who never signed a W-4 and who is not ALREADY a “public officer”. If a W-2 was filed against a non-consenting worker, the form would have to report ZERO for “wages” because he didn’t consent to connect himself to the franchise and thereby call his earnings reportable “wages” and “gross income” under the terms of the franchise agreement.
7. All “employees” within the I.R.C. are “public officers”. This is confirmed by [26 U.S.C. §3401](#)(c), 26 C.F.R. §1.3401(c)-1, and [5 U.S.C. §2105](#).
8. There is no provision within the Internal Revenue Code, Subtitle A that CREATES public offices. It is a tax upon EXISTING public offices. You can’t lawfully “elect” yourself into a public office by simply filing a tax form. Instead, you must ALREADY lawfully occupy a public office and take an oath as a public officer BEFORE you can become a “taxpayer”.
9. We have not found any evidence to suggest that just because you work for a corporation, that makes you an “officer of the corporation”. Even if you were an officer of the corporation, that would not make you a “public officer” and a “trustee” of the government, nor can they make you such an officer without your consent. The Thirteenth Amendment hasn’t been repealed. Involuntary servitude is still illegal, so you can still choose whether you want to be a franchisee called a “public officer”, or simply a “worker” who earns no “wages” as legally defined and is therefore not a “taxpayer”. In that sense, we have two governments operating side by side, just like service stations sell two types of gas:
  - 9.1. The “unleaded” government, which is the republic that only engages in EQUAL protection and not franchises, and does not offer “social insurance” or any other kind of payments to the public at large, and which has no “taxpayers”. This is the “Constitutional State” described earlier.
  - 9.2. The “premium” government, which is the socialist democracy that offers “social insurance” PLUS protection. This is the “Statutory State”.The government that I am a “citizen” of is the “Constitutional State”. I have commercially and legally divorced the Statutory State. I cannot have or use any federal identifying number, and I don’t function as an “employee”, but an independent contractor wherever I go. When someone wants to contract with me, they go through non-statutory foreign entities I create. These entities are my interface into the commercial world, which has become essentially entirely government owned and controlled.

Consequently, there is nothing to be confused about. Your confusion stems from an incomplete study or understanding of the nature of the income tax. Ultimately, the pseudo-government is in the “protection” business as a private corporation. You can’t owe a tax unless you are a “citizen” or “resident”, which are just code words in the I.R.C. for those who work for the corporation as “public officers” by electing to have a “domicile” on federal territory in the District of Columbia pursuant to:

1. [26 U.S.C. §911](#)(d)(3).
2. [26 U.S.C. §7701](#)(a)(9) and (a)(10).
3. [26 U.S.C. §7701](#)(a)(39).
4. [26 U.S.C. §7408](#)(d).

Since you can't be compelled to choose a domicile and all tax liability originates from your voluntary choice of domicile, then you can't become a "taxpayer" without your consent. At that point, it doesn't matter whether you are working for the "STATE" or not, as long as you own yourself and all the fruits of your labor. You need to read our document below for further details about how tax withholding and reporting works, because this will clear up your confusion:

*Federal and State Tax Withholding Options for Private Employers*, Form #04.101  
<http://sedm.org/Forms/FormIndex.htm>

## **17 Frequently Asked Questions (FAQs)**

### **17.1 Is a corporation doing business with the U.S. government as a contractor a "trade or business" or a statutory "taxpayer"?**

#### **QUESTION:**

Have been learning and researching legal definitions for several weeks, and reading as much as I can. Discovered this site through a search for definitions of "trade or business". But, would like specific information for corporations, and those that manufacture products for the U.S. government. Specifically, is a corporation that contracts with the U.S. Department of Defense to provide/sell a product we build considered to be a "trade or business" or a "taxpayer"? Are the officers and workers of the corporation subjected to "taxpayer" status? If you cannot elaborate, can you point me to specific reading sections?

#### **ANSWER:**

There are TWO types of corporations and two types of human beings: PUBLIC and PRIVATE.

#### **1. PUBLIC corporations or human beings:**

- 1.1. Are registered with the state.
- 1.2. Have "Taxpayer Identification Numbers".
- 1.3. Open ENUMERATED bank accounts using a TIN or EIN.
- 1.4. Allow information returns to be filed against their transactions.

#### **2. PRIVATE corporations or human beings:**

- 2.1. Are NOT registered with the state. They do not have any status under state codes or the Internal Revenue Code, such as "S-Corp", etc.
- 2.2. Do NOT use "Taxpayer Identification Numbers" or "Employer Identification Numbers".
- 2.3. Open UNENUMERATED bank accounts as a "non-resident non-persons". See:

*Non-Resident Non-Person Position*, Form #05.020

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

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

- 2.4. Do not have and do not allow information returns to be filed against any of their earnings.
- 2.5. Submit criminal complaints against all filers of information returns and those compelling use of TINs.

The owners of the corporation or the officers within the corporation as human beings determine which of the above statuses they want to have by HOW they CHOOSE to incorporate, how they fill out their withholding paperwork, and who they do business with. Generally, those contracting with the government will be told that they MUST have a "Taxpayer Identification Number (TIN)" or "Employer Identification Number (EIN)", not as a matter of LAW, but as a matter of the POLICY of the agency letting the contract. Hence, those corporations bidding for government contracts will then be subjected to usually FALSE information return reporting AFTER they win the contract, whether they want to or not. If you examine the regulations requiring use of TINS, which incidentally do NOT pertain to PRIVATE corporations, you will see that there IS no requirement to have or use EINs, and so the policy of the agency granting the contract amounts to a CRIME, THEFT, conversion, and eminent domain over other otherwise PRIVATE property.

1 There is NO LEGAL requirement that such corporations or human beings MUST have a TIN or EIN, but POLICY  
2 of the government is what effectively compels them to have one. That compulsion is a CRIME, as you can learn  
3 by reading:

*About SSNs and TINs on Government Forms and Correspondence*, Form #05.012, Section 9

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

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

4 The first CRIME comes in compelling the bidding corporation or the people working for the corporation  
5 (including officers of the corporation) to SUBMIT an EIN, and therefore to OBTAIN one. After that, multiple  
6 crimes are committed by the agency when the false information returns are submitted using the compelled and  
7 CRIMINAL EIN. If the corporation being victimized by this form of government terrorism doesn't submit criminal  
8 complaints to stop it and file a civil suit to prosecute it, the abuse continues.

9 The same situation is also used against human beings. For further details on why use of TINs is a crime by those  
10 who are not ALREADY occupying a public office and why APPLYING for an EIN or TIN CANNOT and DOES  
11 NOT create any new public offices, see:

*Why It Is Illegal for Me to Request or Use a "Taxpayer Identification Number"*, Form #04.205

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

DIRECT LINK: <http://sedm.org/Forms/Tax/Withholding/WhyTINIlegal.pdf>

12 There is also a separation between STATE corporations and FEDERAL corporation. A corporation can be  
13 incorporated under the laws of a STATE and yet NOT be a FEDERAL corporation. What makes a STATE  
14 corporation into a FEDERAL corporation and therefore a "person" under the I.R.C. is the VOLUNTARY (not  
15 compelled) application for and the use of an "Employer Identification Number (EIN)".

## 16 **18 Conclusions and Summary**

- 17 1. De jure constitutional governments are:
  - 18 1.1. Charitable trusts and public trusts, not corporations.
  - 19 1.2. Established as a "body politic" AND "body corporate", not just a "body corporate".
- 20 2. The Constitution does NOT confer the power to incorporate upon the national government. Neither does it confer the  
21 authority to delegate any government function to a private, for-profit corporation such as the "District of Columbia".  
22 They therefore do NOT have it and have NEVER had it. This is confirmed by the debates in the federal convention.  
23 The Tenth Amendment reserves all powers not delegated to the national government to the people or the states.  
24 Therefore, the power to turn the government into a corporation is one of the reserved powers that the government may  
25 not employ in order to enslave those it is supposed to be protecting.
- 26 3. Most of the services associated with what most people regard as "government" have been maliciously transformed by  
27 errant public DIS-servants into private, for-profit franchises which destroy the constitutional rights that a REAL de jure  
28 government is established to protect. This includes:
  - 29 3.1. [Domicile](#) in the forum state, which causes one to end up being one of the following:
    - 30 3.1.1. Statutory "U.S. citizen" pursuant to [8 U.S.C. §1401](#) if a domestic national.
    - 31 3.1.2. Statutory "Permanent resident" pursuant to [26 U.S.C. §7701\(b\)\(1\)\(A\)](#) if a foreign national.
  - 32 3.2. Becoming a registered "voter" rather than an "elector".
  - 33 3.3. [I.R.C. §501\(c\)\(3\)](#) status for churches. Churches that register under this program become government "trustees"  
34 and "public officials" that are part of the government. Is THIS what you call "separation of church and state"? See:  
35 <http://famguardian.org/Subjects/Spirituality/spirituality.htm>
  - 36 3.4. Serving as a jurist. [18 U.S.C. §201\(a\)\(1\)](#) says that all persons serving as federal jurists are "public officials".
  - 37 3.5. Attorney licenses. All attorneys are "officers of the court" and the courts in turn are part of the government. See:  
38 <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/Corruption/WhyYouDontWantAnAtty/WhyYouDon'tWantAnAttorney.htm>
  - 39 3.6. Marriage licenses. See:  
40 <http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm>
  - 41 3.7. Driver's licenses. See:  
42 <http://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel.htm>

- 3.8. Professional licenses.  
3.9. Fishing licenses.  
3.10. Social Security benefits. See:  
<http://sedm.org/Forms/10-Emancipation/SSTrustIndenture.pdf>  
3.11. Medicare.  
3.12. Medicaid.  
3.13. FDIC insurance of banks. [31 C.F.R. §202.2](#) says all FDIC insured banks are "agents" of the federal government and therefore "public officers".

For further details, see:

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

4. The corporatization and privatization of the United States government began with the incorporation of the District of Columbia in 1871. Statutes at Large, 16 Stat. 419 (1871)  
5. The federal pseudo-government we have now has become a for-profit private corporation.  
5.1. The Constitution is the corporate charter.  
5.2. We The People are the stockholders.  
5.3. Federal Reserve Notes are the corporate stocks in the corporation.  
5.4. Members of the Executive and Legislative Branches, which are the only remaining branches, are the board of directors of this corporation.  
5.5. The so-called "Federal Judiciary" always was and currently is an agency within the Executive Branch of the government, and the purpose of this administrative and not judicial agency is to arbitrate disputes relating to federal franchises pursuant to Article 4, Section 3, Clause 2 of the United States Constitution. The only Article III federal court in existence is the original jurisdiction U.S. Supreme Court and not any lower court. See:  
*What Happened to Justice?*, Form #06.012  
<http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm>  
5.6. This private corporation started out as a charitable "public trust" and has since become a "sham trust" administered primarily for the personal benefit of the trustees, who are the corporate board of directors called the President and Congress. The President, in fact, is the CEO. In a sense, our pseudo-government has become Enron to the tenth power!  
6. Our money has been transformed into securities of the corporation:  
6.1. Congress has replaced its power to coin money under Constitution Article 1, Section 8, Clause 5 with its power to issue obligations of the United States government, "Federal Reserve Notes", pursuant to Article 1, Section 8. Clause 2.

*"Money: In usual and ordinary acceptance it means coins and paper currency used as circulating medium of exchange, and **does not embrace notes**, bonds, evidences of debt, or other personal or real estate. Lane v. Railey, 280 Ky. 319, 133 S.W.2d. 74, 79, 81."  
[Black's Law Dictionary, Sixth Edition, p. 1005]*

- 6.2. The Federal Reserve (FRN) is neither "federal" nor a reserve. It is a private, for-profit consortium of banks. It is also a counterfeiting franchise that exists solely to print (e.g. STEAL) enough corporate bonds to subsidize the day-to-day operations of CorpGov. Member banks, in exchange for joining the franchise, are granted the ability essentially to create money out of thin air by lending ten times the amount of corporate bonds that they have on deposit. The fiat currency that is created by the counterfeiting franchise is created by monetizing loan documents and simply entering the amount created into a computer memory bank.  
6.3. Statutory "U.S. citizens" pursuant to 8 U.S.C. §1401 holding FRN corporate securities are the equivalent of shareholders of the corporation. That makes them stockholders in a federal corporation and contractors for the government, because the U.S. Supreme Court has held that an act of incorporation constitutes a contract between the government and the shareholders:

*The court held that the first company's charter was a contract between it and the state, within the protection of the constitution of the United States, and that the charter to the last company was therefore null and void., Mr. Justice DAVIS, delivering the opinion of the court, said that, if anything was settled by an unbroken chain of decisions in the federal courts, it was that an act of incorporation was a contract between the state and the stockholders, 'a departure from which now would involve dangers to society that cannot be foreseen, would shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect which has always been felt for the judicial department of the government.'  
[New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885)]*



7. The purpose of taxation in the de jure government of collecting revenues to support the institutionalized *equal* “protection” of the government has been replaced with the sole purpose of regulating the supply of fiat corporate securities (e.g. Federal Reserve Notes), where the private corporation which pretends to be government prints as much corporate securities as it needs to sustain its operation. Without the ability to retire excess currency generated by the Federal Reserve counterfeiting franchise, our monetary system would quickly become unstable, and hyperinflation would result. All those stupid enough to be duped by the fraud of the income tax system essentially become surety to pay off the debts created by the Federal Reserve counterfeiting franchise. The income tax is a stupidity tax upon people who don’t read, learn, or follow the law and who glorify the nanny corporate pseudo-government as a pagan deity. See:

Great IRS Hoax, Form #11.302

<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

8. What were once de jure sovereign states of the Union have become federal corporations and U.S. pseudo-government subsidiaries:

8.1. De jure states of the Union tied to specific “territory” have now become “virtual states” or “private corporations” rather than geographic states and whose occupants are all statutory “U.S. citizens” and “residents” residing on federal territory regardless of where they physically live. This transformation began after the Civil War, when most states rewrote their constitutions to remove references to their geographical boundaries. In that sense, they became strictly political and business entities with no actual “territory” of their own.

8.2. All “taxpayers” within the I.R.C. are aliens engaged in a “trade or business”. This must be so, because one of the few things the federal government can do to reach inside a state is regulating the behavior of aliens. They can’t control sovereign citizens, so they must make everyone into aliens in order to destroy the separation of powers completely and compress us into one mass, as Thomas Jefferson warned they would do:

*In accord with ancient principles of the international law of nation-states, the Court in The Chinese Exclusion Case, 130 U.S. 581, 609 (1889), and in Fong Yue Ting v. United States, 149 U.S. 698 (1893), held broadly, as the Government describes it, Brief for Appellants 20, that the power to exclude aliens is "inherent in sovereignty, necessary for maintaining normal international relations and defending the country against foreign encroachments and dangers - a power to be exercised exclusively by the political branches of government . . . ." Since that time, the Court's general reaffirmations of this principle have [408 U.S. 753, 766] been legion. 6 The Court without exception has sustained Congress' "plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden." Boutilier v. Immigration and Naturalization Service, 387 U.S. 118, 123 (1967). "[O]ver no conceivable subject is the legislative power of Congress more complete than it is over" the admission of aliens. Oceanic Navigation Co. v. Stranahan, 214 U.S. 320, 339 (1909). [Kleindienst v. Mandel, 408 U.S. 753 (1972)]*

*While under our constitution and form of government the great mass of local matters is controlled by local authorities, the United States, in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory. The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the states, and admit subjects of other nations to citizenship, are all sovereign powers, restricted in their exercise only by the constitution itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations. As said by this court in the case of Cohens v. Virginia, 6 Wheat. 264, 413, speaking by the same great chief justice: "That the United States form, for many, and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In making peace, we are one people. In all commercial regulations, we are one and the same people. In many other respects, the American people are one; and the government which is alone capable of controlling and managing their interests in all these respects is the government of the Union. It is their government, and in that character they have no other. America has chosen to [130 U.S. 581, 605] be in many respects, and to many purposes, a nation; and for all these purposes her government is complete; to all these objects, it is competent. The people have declared that in the exercise of all powers given for these objects it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory."*

[. . .]

*"The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the United States as a part of those sovereign powers delegated by the constitution, the right to its exercise at any time when, in the judgment of the government, the interests of the country require it, cannot be granted away or restrained on behalf of any one. The powers of government are delegated in trust to the United States, and are incapable of transfer to any other parties. They cannot be abandoned or surrendered. Nor can their exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise of these public trusts is not the subject of barter or contract."*  
*[Chae Chan Ping v. U.S., 130 U.S. 581 (1889)]*

- 8.3. The exercise of the power to contract of the de jure Constitutional States have made them into Statutory States and federal subsidiaries of the United States federal government under the Agreement on Coordination of Tax Administration (A.C.T.A.) have made them into agents and fiduciaries of the “United States” mother corporation under the Buck Act, 4 U.S.C. §105 et seq. and moved their effective domicile to the District of Columbia pursuant to [26 U.S.C. §7408\(d\)](#), [26 U.S.C. §7701\(a\)\(39\)](#), and Federal Rule of Civil Procedure 17(b). By tacitly agreeing to participate in the “trade or business”/“public office”/“social insurance” franchise, they agreed to represent a federal corporation as officers of said corporation and the laws which apply are the place of incorporation of that federal corporation, which is the District of Columbia.
- 8.4. You must contract to procure the franchises of the Statutory States and the “United States” in order to “qualify” for them to service any of your needs. Those who refuse to partake of franchises are treated as though they don’t exist at all by the pseudo-government. If you don’t have a license number to act as a “public officer” called a “Social Security Number”, then you may as well live in a foreign country, because they won’t even talk to you.
- 8.5. When you engage in the franchise, your effective domicile becomes federal territory within the state and you become a “public officer” by virtue of partaking in the franchise.
- 8.6. The term “State of \_\_\_\_\_” is the name for this de facto corporation.

*California Revenue and Taxation Code*

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>]

- 8.7. The term “County of \_\_\_\_\_” means a subdivision of the de facto private CorpGov state. De jure counties are called “\_\_\_\_\_ county”
- 8.8. All those with a “residence” within this Statutory State are officers and employees of CorpGov who are also resident aliens completely subject to federal jurisdiction.
- 8.9. The perjury statement on most state forms places you “within” this corporate, fictitious political state as a “public officer”.

*Perjury statement at the end of California Judicial Council Form CIV-010*

“I declare under penalty of perjury under the laws of the State of California that the foregoing are true and correct.”

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=17001-18000&file=17001-17039.1>]

Private persons are not physically present and domiciled within this corporate “State”. The only “persons” the de jure government can lawfully legislate for without engaging in involuntary servitude in violation of the Thirteenth Amendment are “residents” of this fictitious corporate pseudo-government state. All of these “persons” are “public officers” participating in pseudo-government franchises who are also resident aliens. All of them are “residents” of the Statutory State by virtue of signing up for the franchises using their right to contract. A person who is not a “public officer” participating in pseudo-government franchises would be committing perjury under penalty of perjury to admit that he is “under the laws of the State of \_\_\_\_\_” as a private person.

9. In order to form a legitimate government, you need people, laws, and territory. The Statutory States have people and laws but no territory of their own.

- 9.1. All of the “territory” of the Statutory States is borrowed from the federal pseudo-government under the Buck Act, 4 U.S.C. §105 et seq. This territory consists of the federal areas within the exterior limits of the state and it qualifies as a “possession” of the United States under the Buck Act, [4 U.S.C. §110\(d\)](#) and is part of the federal zone.

- 9.2. The borrowed territory of the Statutory States is a place where both state and federal legislative jurisdiction coincide. It is the ONLY place, in fact, where these jurisdictions coincide because of the separation of powers doctrine. See:

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

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

- 9.3. Virtually all the laws passed by the Statutory States are intended exclusively for this shared territory within the federal zone. Ditto for the federal pseudo-government.
- 9.4. The statutes and contracts which regulate the “sharing” of federal territory by the Statutory State are found in:
- 9.4.1. The Buck Act, 4 U.S.C. §105 et seq.
- 9.4.2. The Assimilated Crimes Act, [18 U.S.C. §13](#).

9.4.3. The Rules of Decision Act, [28 U.S.C. §1652](#). This act prescribes which of the two conflicting laws shall prevail in the case of crimes on federal territory.

9.4.4. [28 U.S.C. §2679](#), which says that any action against an officer or employee of the United States in which the officer or employee is acting outside their authority may be prosecuted in a state court and is not a “federal question”.

9.4.5. Agreement on Coordination of Tax Administration (A.C.T.A.) between the state and the Secretary of the Treasury.

9.4.6. 26 U.S.C. §6361-6365, which governs states who are part to the above ACTA agreement. These statutes say they are repealed, but they implement contracts between the states and federal pseudo-government and so they can’t be repealed. Those acts of Congress in the Statutes At Large that embody them are still in full force.

9.4.7. Regulations implementing 26 U.S.C. §6361-6365, which have not been repealed and are still in force.

10. The federal areas within the exterior limits of your state:

10.1. Are the effective domicile or “residence” of the pseudo-government apparatus of the Statutory State. Anyone who works as a public officer for the state pseudo-government is treated as a resident alien with a domicile in this place for the purposes of the official functions of their office.

[TITLE 26](#) > [Subtitle A](#) > [CHAPTER 1](#) > [Subchapter N](#) > [PART II](#) > [Subpart D](#) > § 892  
[§ 892. Income of foreign governments and of international organizations](#)

(a) Foreign governments

(3) Treatment as resident

**For purposes of this title, a foreign government shall be treated as a corporate resident of its country.** A foreign government shall be so treated for purposes of any income tax treaty obligation of the United States if such government grants equivalent treatment to the Government of the United States.

10.2. Are not protected by the Bill of Rights. EVERYTHING is a franchise and a privilege within these areas:

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

10.3. Are the effective domicile of all those who participate in pseudo-government franchises, including the income tax, driver’s licenses, and marriage licenses.

10.4. Are the legal place where all business is conducted with the pseudo-government.

11. The all caps rendition of your birthname in association with a federally issued identifying number is the “res” and the “public officer” who is the legal object of all the pseudo-government laws that regulate franchises and “residents” of the fictitious corporate “State of\_\_\_\_\_”.

11.1. All these persons are “residents” of the federal territory within the exterior limits of the state. Since federal territory is not protected by the Bill of Rights, these fictitious entities have no rights, but only legislatively granted “privileges” as officers of the pseudo-government corporation.

11.2. These “straw men” persons are the only lawful “taxpayers”, “individuals”, and “residents” on most pseudo-government forms. They are the ONLY persons the pseudo-government can lawfully legislate for in the context of civil litigation.

11.3. If the pseudo-government writes a letter or correspondence or files a lawsuit against this artificial “res” and you respond, then you just “volunteered” to work for the pseudo-government for free and elected yourself into “public office” simply by cooperating with them. The Thirteenth Amendment says you can’t be compelled to volunteer.

In that sense, nearly all civil laws passed by the pseudo-government are entirely voluntary. If you don't want to work for the pseudo-government for free, simply decline their offer of "public office" by denying the existence of the straw man and demand compensation for acting on his behalf that you and not they determine. This technique is great for stopping tax collection activity.

- 11.4. If you want to harness the straw man entity for your own use and benefit but insulate yourself from the liabilities associated with said use, the following form is very helpful:

U.C.C. Security Agreement, Form #14.002

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

- 11.5. If you want to DESTROY the straw man entity so the pseudo-government can't use it to harass you, use the following form:

Resignation of Compelled Social Security Trustee, Form #06.002

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

12. What used to be called a "citizen" is now nothing more than a glorified privileged corporate "employee" or "officer" or "public officer" of a gigantic corporate monopoly. The term "United States" as used in most federal statutes implies the pseudo-GOVERNMENT corporation, and not the geographical states of the Union. In that sense, all states have transitioned from territorial political entities to entirely corporate and business entities.

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

(a) Definitions  
(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.

Uniform Commercial Code (U.C.C.)  
§ 9-307. LOCATION OF DEBTOR.

(h) [Location of United States]

The United States is located in the District of Columbia.

[SOURCE:  
<http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm#s9-307>]

13. The statutes or "laws" passed by the officers of CorpGov are nothing more than private internal directives or "rules" intended exclusively for company "employees" and "officers" called statutory "U.S. citizens" and "permanent residents", who collectively are domiciled in the District of Columbia. The authority to make these "rules" are described below:

United States Constitution  
Article 4, Section 3, Clause 2

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

In that sense, nearly all federal statutory law is "private law" and "special law" which applies to those who implicitly consent by partaking of federal franchises and thereby joining the pseudo-government as one of their "public officers". Remember that all "franchises" are contracts, all contracts convey rights, and that all rights are property. Therefore, those participating in franchises are in custody or receipt or agency over public property. For details, see:

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

<http://sedm.org/LibertyU/LibertyU.htm>

14. The corporate monopoly that our present de facto private, for-profit, private corporate pseudo-government has created constitutes an establishment of religion in violation of the First Amendment to the United States Constitution. This is exhaustively proven in the following resources:

14.1. Government Establishment of Religion, Form #05.038

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

14.2. Socialism: The New American Civil Religion, Form #05.016

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

15. The Bible warns us that all of this was going to happen, but we didn't heed its warnings:

15.1. The Book of Revelation describes an entity called "The Beast", which is then defined in Rev. 19:19 as "the kings of the earth". In modern times, that would be our political rulers.

15.2. Babylon the Great Harlot is described as the woman who sits on many waters, which are described as "peoples, multitudes, nations, and tongues" in Rev. 17:15.

15.3. Babylon the Great is fornicating with the Beast. Black's Law Dictionary defines "commerce" as "intercourse". The people are "fornicating" because the Bible says they are married to God and not the pseudo-government and may not commit such harlotry:

*"Commerce. ...Intercourse by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it is carried on..."*

*[Black's Law Dictionary, Sixth Edition, p. 269]*

*"Do not fear, for you will not be ashamed; neither be disgraced, for you will not be put to shame; for you will forget the shame of your youth, and will not remember the reproach of your widowhood anymore. **For your Maker is your husband, the Lord of hosts is His name; and your Redeemer is the Holy One of Israel; He is called the God of the whole earth,** for the Lord has called you like a woman forsaken and grieved in spirit, like a youthful wife when you were refused," says your God. "For a mere moment I have forsaken you, but with great mercies I will gather you. With a little wrath I hid My face from you for a moment; but with everlasting kindness I will have mercy on you," says the Lord, your Redeemer."*

*[Isaiah 54:4-8, Bible, NKJV]*

15.4. God's chosen elect have been readily and easily deceived by their crafty lawyer servants because they did not love the truth:

*"**For the mystery of lawlessness is already at work;** only He [God] who now restrains will do so until He is taken out of the way. And then the lawless one [Satan] will be revealed, whom the Lord will consume with the breath of His mouth and destroy with the brightness of His coming. The coming of the lawless one [Satan] is according to **the working of Satan, with all power, signs, and lying wonders,** and with all unrighteous deception among **those who perish, because they did not receive the love of the truth, that they might be saved [don't be one of them!]. And for this reason God will send them strong delusion [from their own government], that they should believe a lie, that they all may be condemned who did not believe the truth but had pleasure in unrighteousness.**"*

*[2 Thess. 2:3-17, Bible, NKJV]*

*"**Woe to the rebellious children,**" says the Lord, **"Who take counsel, but not of Me, and who devise plans, but not of My Spirit, that they may add sin to sin; who walk to go down to Egypt, and have not asked My advice, to strengthen themselves in the strength of Pharaoh, and to trust in the shadow of Egypt! Therefore the strength of Pharaoh shall be your shame, and trust in the shadow of Egypt shall be your humiliation ...***

*Now go, write it before them on a tablet, and note it on a scroll, that it may be for time to come, forever and ever: that this is a rebellious people, **lying children, children who will not hear the law of the Lord;** who say to the seers, "Do not see," and to the prophets, "Do not prophesy to us right things" **Speak to us smooth [politically correct] things,** prophesy deceits. Get out of the way, turn aside from the path, cause the Holy One of Israel to cease from before us."*

*Therefore thus says the Holy One of Israel:*

*"Because you despise this word [God's word], and trust in oppression and perversity, and rely on them, therefore this iniquity shall be to you like a breach ready to fall, a bulge in a high wall, whose breaking comes suddenly, in an instant. And He shall break it like the breaking of the potter's vessel, which is broken in pieces; He shall not spare. So there shall not be found among its fragments a shard to take fire from the hearth, or to take water from the cistern."*

*[Isaiah 30:1-3, 8-14, Bible, NKJV]*



16. If you would like resources useful in discontinuing participation in all government franchises, please refer to the following:

[Liberty University, Section 4: Avoiding Government Franchises and Licenses](http://sedm.org/LibertyU/LibertyU.htm)  
<http://sedm.org/LibertyU/LibertyU.htm>

17. If you would like forms useful in preventing both Executive Branch agencies and courts from confusing you with a “public officer” of CorpGov, the following forms should prove useful:

17.1. [Resignation of Compelled Social Security Trustee](http://sedm.org/Forms/FormIndex.htm), Form #06.002

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

17.2. [Affidavit of Corporate Denial](http://sedm.org/Forms/FormIndex.htm), Form #02.004

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

17.3. [IRS Form 56: Notice Concerning Fiduciary Relationship](http://sedm.org/Forms/FormIndex.htm), Form #04.204

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

If you would like to examine over 600 Mbytes of court-admissible evidence supporting everything in this memorandum of law, we invite you to obtain the following CD-ROM from our website:

[Highlights of American Legal and Political History](http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm), Form #11.202  
<http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm>

## 19 Resources for Further Reading, Research, and Rebuttal

A number of additional resources are available for those who wish to further investigate the contents of the pamphlet:

1. [Government Instituted Slavery Using Franchises](http://sedm.org/Forms/FormIndex.htm), Form #05.030. Shows how franchises are the main method or device by which our de jure government has become a de facto private corporation.

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

2. [How Scoundrels Corrupted Our Republican Form of Government](http://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm), Family Guardian Fellowship. Shows how our government has been turned into a totalitarian corporate monopoly.

<http://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>

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

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

4. [The Government “Benefits” Scam](http://sedm.org/Forms/FormIndex.htm), Form #05.040

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

5. [Government Conspiracy to Destroy the Separation of Powers](http://sedm.org/Forms/FormIndex.htm), Form #05.023

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

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

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

7. [Socialism: The New American Civil Religion](http://sedm.org/Forms/FormIndex.htm), Form #05.016. Proves that our government has not only become a private corporation, but a civil religion that competes with churches and God Himself for the affection, worship, and allegiance of its “parishioners”.

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

8. [Federal Government Corporations: An Overview](http://famguardian.org/Subjects/Freedom/ThreatsToLiberty/RL30365.pdf), CRS Report #RL30365-Congressional Research Service, Jan. 7, 2009

<http://famguardian.org/Subjects/Freedom/ThreatsToLiberty/RL30365.pdf>

9. [Highlights of American Legal and Political History](http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm), Form #11.202. Hundreds of megabytes of court-admissible evidence backing up everything in this pamphlet, right from the government’s own archives, statutes, and regulations.

<http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm>

10. [Authorities on the word “corporation”, Sovereignty Forms and Instructions Online](http://famguardian.org/TaxFreedom/CitesByTopic/corporation.htm), Form #10.004, Cites by Topic, Family Guardian Fellowship

<http://famguardian.org/TaxFreedom/CitesByTopic/corporation.htm>

11. [The United States isn’t a Country, it’s a corporation](http://famguardian.org/Subjects/Taxes/Articles/USCorporation.htm), Family Guardian Fellowship

<http://famguardian.org/Subjects/Taxes/Articles/USCorporation.htm>

12. [The Corporate Conception of the State and the Origins of Limited Constitutional Government](http://famguardian.org/Subjects/LawAndGovt/History/CorporationsOfGovernment.pdf), Washington University Journal of Law and Policy. Vol. 6, Number 1, 2001

<http://famguardian.org/Subjects/LawAndGovt/History/CorporationsOfGovernment.pdf>

13. [Federal Government Corporations: An Overview](http://famguardian.org/Subjects/LawAndGovt/History/CorporationsOfGovernment.pdf), CRS Report #RL30365, Congressional Research Service, Jan. 7, 2009

- 1 <http://famguardian.org/Subjects/Freedom/ThreatsToLiberty/RL30365.pdf>  
2 14. *Corporate Takeover of the U.S. Government Well Underway*, Family Guardian Fellowship  
3 <http://famguardian.org/Subjects/Freedom/Articles/CorporatizationOfGovt.htm>