

FEDERAL JURISDICTION



"In questions of power...let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution [and the wall of separation between church, which is you, and state, who are pagans]."
[Thomas Jefferson: Kentucky Resolutions, 1798]

"Whenever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force."
[Thomas Jefferson: Kentucky Resolutions, 1798]

"It [is] inconsistent with the principles of civil liberty, and contrary to the natural rights of the other members of the society, that any body of men therein [INCLUDING judges] should have authority to enlarge their own powers... without restraint."
[Thomas Jefferson: Virginia Allowance Bill, 1778]

DEDICATION

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

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

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

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

"Then those of Israelite lineage separated themselves from all foreigners [Washington, D.C. and governments generally are legislatively but not constitutionally "foreigners" in relation to Christians with no civil domicile on federal territory]; and they stood and confessed their sins and the iniquities of their fathers. And they stood up in their place and read from the Book of the Law of the LORD their God for one-fourth of the day; and for another fourth they confessed and worshiped the LORD their God."
[Nehemiah 9:2-3, Bible, NKJV]

Curses of Disobedience [to God's Laws]

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

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

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

[Deut. 28:43-51, Bible, NKJV]

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1 Introduction

There is much controversy in the courts and in state and federal agencies over the jurisdiction of the federal government to enforce franchises upon those domiciled within states of the Union, which are foreign but not alien in respect to federal jurisdiction. This includes enforcement authority for all the following franchises:

1. Income taxes.
2. State motor vehicle code.
3. Professional licenses.
4. Marriage licenses.
5. Social Security.
6. Medicare.
7. Unemployment insurance.

Most of this controversy appears daily in the correspondence sent out by state and federal agencies. Much of this correspondence results from false presumptions about the subject matter. It is the goal of this memorandum of law to rebut these false presumptions by providing authorities documenting the origins of federal jurisdiction.

2 Basic principles of jurisdiction

The basic concepts underlying jurisdiction depend on the following simple rules:

1. All courts exercise three types of jurisdiction:
 - 1.1. Territorial: Jurisdiction over an event that happened on the territory protected by the sovereign. For the federal government, this would be federal territory subject to the exclusive jurisdiction of Congress and which is no part of any state of the Union.
 - 1.2. Subject matter: Jurisdiction over the activity but not the territory the activity occurred on. Franchises fall in this category because they are a matter of contract or agreement and all contracts are chattel property of the grantor of the franchise.
 - 1.3. In personam: Jurisdiction over the “person”. This jurisdiction is conferred either by:
 - 1.3.1. Service of process upon the “person” AND.
 - 1.3.2. An “appearance” in an action following the service of process or a domicile or residence in the forum at the time of the event contested.
2. Civil and criminal jurisdiction attaches to the territory under the exclusive jurisdiction of the sovereign to whom it belongs. This includes:
 - 2.1. Acts committed on the territory.
 - 2.2. Real and chattel property situated within the territory.
 - 2.3. Human beings and “persons” domiciled on the territory.
3. A sovereign may not reach outside its physical territory to enforce its civil or criminal laws without comity, which is a fancy word for the consent of those it is enforcing against. This is called “extraterritorial jurisdiction” by the courts. Extraterritorial jurisdiction is also called “subject matter jurisdiction”.

“Every State or nation possesses an exclusive sovereignty and jurisdiction within her own territory, and her laws affect and bind all property and persons residing within it. It may regulate the manner and circumstances under which property is held, and the condition, capacity, and state of all persons therein, and also the remedy and modes of administering justice. And it is equally true that no State or nation can affect or bind property out of its territory, or persons not residing [domiciled] within it. No State therefore can enact laws to operate beyond its own dominions, and if it attempts to do so, it may be lawfully refused obedience. Such laws can have no inherent authority extraterritorially. This is the necessary result of the independence of distinct and separate sovereignties.”

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

"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)]

4. It is a maxim of law that debt and contract are not dependent upon place. The ordinary way of procuring debt is to contract for it, in which case the only way that any government can reach outside its own physical territory is to contract with those it seeks to enforce against:

Debitum et contractus non sunt nullius loci.
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/BouviersMaxims.htm>]

5. Civil in personam jurisdiction originates from the following three sources:
- 5.1. Choosing domicile within a specific jurisdiction.
 - 5.2. Representing an entity that has a domicile within a specific jurisdiction even though not domiciled oneself in said jurisdiction. For instance, representing a federal corporation as a public officer of said corporation, even though domiciled outside the federal zone. The authority for this type of jurisdiction is, for instance, Federal Rule of Civil Procedure 17(b).
 - 5.3. Engaging in commerce within the civil legislative jurisdiction of a specific government and thereby waiving sovereign immunity under:
 - 5.3.1. The Foreign Sovereign Immunities Act, 28 U.S.C. §1605.
 - 5.3.2. The Minimum Contacts Doctrine, which implements the Fourteenth Amendment. See International Shoe Co. v. Washington, 326 U.S. 310 (1945) .
 - 5.3.3. The Longarm Statutes of the state jurisdiction where you are physically situated at the time. For a list of such state statutes, see:
 - 5.3.3.1. *SEDM Jurisdictions Database*, Litigation Tool #09.003
<http://sedm.org/Litigation/LitIndex.htm>
 - 5.3.3.2. *SEDM Jurisdictions Database Online*, Litigation Tool #09.004
<http://sedm.org/Litigation/LitIndex.htm>
6. The most prevalent means to exercise extraterritorial jurisdiction by most governments is through government franchises such as Social Security, marriage licenses, and driver's licenses. The application to participate in the program constitutes contractual consent to abide by the terms of the franchise agreement.
7. All franchises are contracts, and therefore must satisfy all the elements of a contract to be valid or enforceable. This means there must be MUTUAL consideration and MUTUAL obligation on both sides of the transaction.

Contract. An agreement between two or more [sovereign] persons which creates an obligation to do or not to do a particular thing. As defined in Restatement, Second, Contracts §3: "A contract is a promise or a set of promises for the breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty." A legal relationships consisting of the rights and duties of the contracting parties; a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and also the right to seek a remedy for the breach of those duties. **Its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement, and mutuality of consideration.** **Lamoureaux v. Burrillville Racing Ass'n, 91 R.I. 94, 161 A.2d. 213, 215.**

Under U.C.C., term refers to total legal obligation which results from parties' agreement as affected by the Code. Section 1-201(11). As to sales, "contract" and "agreement" are limited to those relating to present or future sales of goods, and "contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. U.C.C. §2-106(a).

The writing which contains the agreement of parties with the terms and conditions, and which serves as a proof of the obligation.
[Black's Law Dictionary, Sixth Edition, p. 322]

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,¹ 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.²
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

8. It is up to each party to define whether something provided by the contract or franchise constitutes a “benefit” or “consideration” in a legal sense. The opposite party cannot determine what constitutes consideration for YOU without instituting duress upon YOU. What the government calls “benefits” do not, in fact, constitute “consideration” from a legal perspective because they obligate the government to do NOTHING. Therefore, the franchise is not a contract and therefore is not enforceable as a right in equity in a true constitutional court.

“... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time.”
[United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980)]

“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)]

For details on the above, see:

The Government “Benefits” Scam, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>

9. The federal government may NOT lawfully establish a franchise within a state of the Union or license any activity within the exclusive jurisdiction of a state of the Union.
- 9.1. All franchises presuppose that those who participate occupy a public office, as you will see later. That presumption is FALSE in the case of those not lawfully occupying such office BEFORE they sign up.
- 9.2. An example of a de facto license is a Social Security Number, which acts effectively as a de facto license to act as a “public officer” within the government. Note the phrase “trade or business” in the U.S. Supreme Court holding below, which is defined as “the functions of a public office” in 26 U.S.C. §7701(a)(26) :

“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 [e.g. “license”] 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)]

¹ 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.

² 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.

- 9.3. All franchises are contracts and constitute property of the U.S. government. Another way of saying the above is that Congress cannot establish public offices within a state and cannot have franchises as property within any United States Judicial District that encompasses an area under the exclusive jurisdiction of a state of the Union.
- 9.4. Any deviation from the above constraints is a violation of the separation of powers doctrine which is the foundation of the United States Constitution and the main protection for our constitutional rights. Any attempt to break down this separation is a direct conspiracy to deprive you of Constitutionally protected rights.

"We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, § 8. As James Madison wrote, "[t]he 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 Federalist* No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally mandated division of authority "was adopted by the Framers to ensure protection of our fundamental liberties."** *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." *Ibid.* " [U.S. v. Lopez, 514 U.S. 549 (1995)]

10. Governments operate in two capacities:

- 10.1. As a de jure government. When acting in this capacity, all franchises are implemented using civil law and require all those who participate to have a domicile within their jurisdiction to enforce against them. This means that only "citizens", "residents", and "inhabitants", all of whom have a domicile on the territory of the sovereign, may lawfully participate in the franchise.
- 10.2. As a private business or de facto government. When acting in this capacity, domicile or residence or physical presence are NOT a prerequisite or are acquired by contract. Therefore, the government acts as a private corporation in equity and waives sovereign immunity for all actions undertaken in this capacity.

"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."
[*College Savings Bank v. Florida Prepaid Postsecondary Education Expense*, 527 U.S. 666 (1999)]

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.

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)]

11. The Declaration of Independence says that our Constitutional rights are “unalienable” in relation to the government, which means that they cannot lawfully be sold, bargained away through any process, including a franchise. The goal of franchises is to give away rights in exchange for privileges.

*“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]

The word “unalienable” is defined as follows:

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

Consequently, franchises may not lawfully be offered to those domiciled on land protected by the Constitution. The only place not protected by the Constitution is federal territory. Therefore, franchises may not lawfully be offered to those domiciled within states of the Union, which are land protected by the Constitution, and may only be offered to those domiciled where rights do not exist, which is federal territory.

“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)]

12. Anyone who claims to represent the government and yet tries to entice those protected by the Constitution and domiciled in a state of the Union to contract away their rights therefore is:

12.1. Violating the legislative intent of the Declaration of Independence by engaging in a conspiracy to take away your rights.

12.2. A usurper and not a de jure government indent of making a business called a “franchise” out of destroying, regulating, and STEALING your rights.

12.3. Operating as a de facto government that is actually a private, for profit corporation.

***de facto:** In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate. Thus, an office, a position or status existing under a claim or color of right such as a de facto corporation. In this sense it is the contrary of de jure, which means rightful, legitimate, just, or constitutional. Thus, an officer, king, or government de facto is one who is in actual possession of the office or supreme power, but by usurpation, or without lawful title; while an officer, king, or governor de jure is one who has just claim and rightful title to the office or power, but has never had plenary possession of it, or is not in actual possession. MacLeod v. United States, 229 U.S. 416, 33 S.Ct. 955, 57 L.Ed. 1260. A wife de facto is one whose marriage is voidable by decree, as distinguished from a wife de jure, or lawful wife. But the term is also frequently used independently of any distinction from de jure; thus a blockade de facto is a blockade which is actually maintained, as distinguished from a mere paper blockade. Compare De jure.*
[Black’s Law Dictionary, Sixth Edition, p. 416]

12.4. Operating in equity as against you and cannot lawfully assert sovereign immunity to protect its activities. Only DE JURE governments and not private corporations can assert sovereign immunity.

13. The way to determine whether the government is acting in a private capacity in equity where it has waived sovereign immunity is to answer the following questions:

13.1. May the dispute be resolved in a true, Article III Constitutional court in the Judicial Branch rather than ONLY a legislative franchise court in the Executive Branch? If the answer is no or if there are no NON-franchise courts, then the government is operating in a private capacity as a de facto private corporation and not a government. For instance, U.S. Tax Court, Traffic Court, Family Court, U.S. District Court, and U.S. Circuit Court are ALL legislative franchise courts that may not hear constitutional issues. Franchise courts are not courts of equity, but

courts of privilege available only to franchisees called “taxpayers”, “motorists”, “spouses”, statutory “U.S. citizens”, government “employees”, etc. See the following for proof:

What Happened to Justice?, Form #06.012
<http://sedm.org/Forms/FormIndex.htm>

- 13.2. Do you have to be a statutory rather than constitutional “citizen” or a “resident” to participate in the program? If the answer is yes, then it is a de facto government function.
- 13.3. Are forms and procedures available that recognize the right to terminate participation in the franchise and do banks and financial institutions recognize the right not to participate for all? If the answer is no to either, then it is a de facto government function designed to destroy rather than protect private rights and unlawfully and unconstitutionally convert ALL rights to “public rights”.
- 13.4. Do those administering the franchise waive or ignore the statutory requirements for citizenship and residency and accept those who are not statutory “citizens” or “residents”? If they do, then they are operating a private business and not a de jure government function. In effect, signing up for the program makes you into a de facto “citizen” or “resident”. An example is Social Security. 20 C.F.R. §422.104 says that only “citizens” and “permanent residents” can participate, meaning those with a domicile on federal territory that is no part of any state of the Union. However, in practice, this is requirement is waived or ignored and they let anyone sign up, including those who are domiciled in a state of the Union, none of whom are “citizens” or “residents” under federal statutory law. Then after you join, they use this as an excuse to PRESUME you are a statutory “U.S. citizen” or “U.S. resident”. That presumption is even found in the regulations. If you use THEIR number (20 C.F.R. §422.103(d) says it is THEIRS not yours), then you are presumed to be that which you aren’t if you are domiciled in a state of the Union.

26 C.F.R. §301.6109-1(g)

(g) Special rules for taxpayer identifying numbers issued to foreign persons—

(1) General rule—

(i) Social security number.

A social security number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual. A person may establish a different status for the number by providing proof of foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will assign this status to the individual's social security number.

Consequently, Social Security is private business activity that cannot be protected by sovereign immunity and must be litigated in equity because the status of statutory “U.S. citizen” and “permanent resident status” is effectively acquired by exercising your right to contract and without ever having physically been present on federal territory. A de jure government, on the other hand, would insist on a physical presence on its territory and evidence of said presence before they could lawfully grant participation and would have to revoke it if you changed your domicile to be outside their jurisdiction.

2.1 History of corruption and corporatization of the government³

The following subsections deal with the general history of the corruption of the United States government. If you want more detail, see:

1. *Government Corruption: Causes and Remedies Course*, Form #12.026 – simple slide show describing causes of government corruption
<http://sedm.org/Forms/FormIndex.htm>
2. *Government Corruption*, Form #11.401-exhaustive sources of proof of corruption
<http://sedm.org/home/government-corruption/>
3. *De Facto Government Scam*, Form #05.043
<http://sedm.org/Forms/FormIndex.htm>

³ Source: *De Facto Government Scam*, Form #05.043, Section 6; <http://sedm.org/Forms/FormIndex.htm>.

4. Corporatization and Privatization of the Government, Form #05.024
<http://sedm.org/Forms/FormIndex.htm>
5. Sovereignty Forms and Instructions Online, Form #10.004, History (on the left menu)
<http://famguardian.org/TaxFreedom/FormsInstr.htm>
6. Great IRS Hoax, Form #11.302, Chapter 6: History of Government Income Tax Fraud, Racketeering, and Extortion in the USA
<http://sedm.org/Forms/FormIndex.htm>
7. Highlights of American Legal and Political History CD, Form #11.202-extensive CD jam packed full of court admissible evidence proving the corruption
<http://sedm.org/Forms/FormIndex.htm>

2.2 Main purpose of law is to LIMIT government power to ensure freedom and sovereignty of the people⁴

The main purpose of law is to limit government power in order to protect and preserve, freedom, choice, and the sovereignty of the people.

*"When we consider the nature and theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. 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.**"*
[Downes v. Bidwell, 182 U.S. 244 (1901)]

An important implication of the use of law to limit government power is the following inferences unavoidably arising from it:

1. The purpose of law is to define and thereby limit government power.
2. All law acts as a delegation of authority order upon those serving in the government.
3. You cannot limit government power without definitions that are limiting.
4. A definition that does not limit the thing or class of thing defined is no definition at all from a legal perspective and causes anything that depends on that definition to be political rather than legal in nature. By political, we mean a function exercised ONLY by the LEGISLATIVE or EXECUTIVE branch.
5. Where the definitions in the law are clear, judges have no discretion to expand the meaning of words. Therefore the main method of expanding government power and creating what the supreme court calls "arbitrary power" is to use terms in the law that are vague, undefined, "general expressions", or which don't define the context implied.
6. We define "general expressions" as those which:
 - 6.1. The speaker is either not accountable or [REFUSES to be accountable](#) for the accuracy or truthfulness or definition of the word or expression.
 - 6.2. Fail to recognize that there are multiple contexts in which the word could be used.
 - 6.2.1. CONSTITUTIONAL (States of the Union).
 - 6.2.2. STATUTORY (federal territory).
 - 6.3. Are susceptible to two or more CONTEXTS or interpretations, one of which the government representative interpreting the context stands to benefit from handsomely. Thus, "equivocation" is undertaken, in which they TELL you they mean the CONSTITUTIONAL interpretation but after receiving your form or pleading, interpret it to mean the STATUTORY context.

[equivocation](#)

EQUIVOCATION, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow men. Equivocation is incompatible with the Christian character and profession.

[SOURCE: <http://1828.mshaffer.com/d/search/word/equivocation/>]

⁴ Source: Legal Deception, Propaganda, and Fraud, Form #05.014, Section 4; <http://sedm.org/Forms/FormIndex.htm>.

Equivocation ("to call by the same name") is an informal logical fallacy. It is the misleading use of a term with more than one meaning or sense (by glossing over which meaning is intended at a particular time). It generally occurs with polysemic words (words with multiple meanings).

Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument appear to have the same meaning throughout.

It is therefore distinct from (semantic) ambiguity, which means that the context doesn't make the meaning of the word or phrase clear, and amphiboly (or syntactical ambiguity), which refers to ambiguous sentence structure due to punctuation or syntax.

[Wikipedia topic: Equivocation, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation>]

- 6.4. PRESUME that all contexts are equivalent, meaning that CONSTITUTIONAL and STATUTORY are equivalent.
- 6.5. Fail to identify the specific context implied.
- 6.6. Fail to provide an actionable definition for the term that is useful as evidence in court.
- 6.7. Government representatives actively interfere with or even penalize efforts by the applicant to define the context of the terms so that they can protect their right to make injurious presumptions about their meaning.
7. Any attempt to assert any authority by anyone in government to add anything they want to the definition of a thing in the law unavoidably creates a government of UNLIMITED power.
8. Anyone who can add anything to the definition of a word in the law that does not expressly appear SOMEWHERE in the law is exercising a LEGISLATIVE and POLITICAL function of the LEGISLATIVE branch and is NOT acting as a judge or a jurist.
9. The only people in government who can act in a LEGISLATIVE capacity are the LEGISLATIVE branch under our system of three branches of government: LEGISLATIVE, EXECUTIVE, and JUDICIAL.
10. Any attempt to combine or consolidate any of the powers of each of the three branches into the other branch results in tyranny.

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

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

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

[...]

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

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

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

2.3 Overview of how our system of government became corrupted: Downes v. Bidwell⁵

The dissenting opinion of Justice Harlan in the monumentally important U.S. Supreme Court case of Downes v. Bidwell described how the word game mechanisms at the end of the previous section would be abused to corrupt our system of government with a stern warning to future generations:

⁵ Source: *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 5; <http://sedm.org/Forms/FormIndex.htm>.

In view of the adjudications of this court, I cannot assent to the proposition, whether it be announced in express words or by implication, that the National Government is a government of or by the States in union, and that the prohibitions and limitations of the Constitution are addressed only to the States. That is but another form of saying that like the government created by the Articles of Confederation, the present government is a mere league of States, held together by compact between themselves; whereas, as this court has often declared, it is a government created by the People of the United States, with enumerated powers, and supreme over States and individuals, with respect to certain objects, throughout the entire territory over which its jurisdiction extends. If the National Government is, in any sense, a compact, it is a compact between the People of the United States among themselves as constituting in the aggregate the political community by whom the National Government was established. The Constitution speaks not simply to the States in their organized capacities, but to all peoples, whether of States or territories, who are subject to the authority of the United States. *Martin v. Hunter, 1 Wheat. 304, 327.*

In the opinion to which I am referring it is also said that the "practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect that the Constitution is applicable to territories acquired by purchase or conquest only when and so far as Congress shall so direct;" that while all power of government may be abused, the same may be said of the power of the Government "under the Constitution as well as outside of it;" that "if it once be conceded that we are at liberty to acquire foreign territory, a presumption arises that 379*379 our power with respect to such territories is the same power which other nations have been accustomed to exercise with respect to territories acquired by them;" that "the liberality of Congress in legislating the Constitution into all our contiguous territories has undoubtedly fostered the impression that it went there by its own force, but there is nothing in the Constitution itself, and little in the interpretation put upon it, to confirm that impression;" that as the States could only delegate to Congress such powers as they themselves possessed, and as they had no power to acquire new territory, and therefore none to delegate in that connection, the logical inference is that "if Congress had power to acquire new territory, which is conceded, that power was not hampered by the constitutional provisions;" that if "we assume that the territorial clause of the Constitution was not intended to be restricted to such territory as the United States then possessed, there is nothing in the Constitution to indicate that the power of Congress in dealing with them was intended to be restricted by any of the other provisions;" and that "the executive and legislative departments of the Government have for more than a century interpreted this silence as precluding the idea that the Constitution attached to these territories as soon as acquired."

These are words of weighty import. They involve consequences of the most momentous character. 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 be the 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.

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

The idea prevails with some — indeed, it found expression in arguments at the bar — that we have in this country substantially or practically two national governments; one, to be maintained under the Constitution, with all its restrictions; the other to be maintained by Congress outside and independently of that instrument, by exercising such powers as other nations of the earth are accustomed to exercise. It is one thing to give such a latitudinarian construction to the Constitution as will bring the exercise of power by Congress, upon a particular occasion or upon a particular subject, within its provisions. It is quite a different thing to say that Congress may, if it so elects, proceed outside of the Constitution. The glory of our American system 381*381 of government is that it was created by a written constitution which protects the people against the exercise of arbitrary, unlimited power, and the limits of which instrument may not be passed by the government it created, or by any branch of it, or even by the people who ordained it, except by amendment or change of its provisions. "To what purpose," Chief Justice Marshall said in *Marbury v. Madison, 1 Cranch, 137, 176*, "are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at

1 any time, be passed by those intended to be restrained? The distinction between a government with limited
2 and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and
3 if acts prohibited and acts allowed are of equal obligation."

4 The wise men who framed the Constitution, and the patriotic people who adopted it, were unwilling to depend
5 for their safety upon what, in the opinion referred to, is described as "certain principles of natural justice
6 inherent in Anglo-Saxon character which need no expression in constitutions or statutes to give them effect or
7 to secure dependencies against legislation manifestly hostile to their real interests." They proceeded upon the
8 theory — the wisdom of which experience has vindicated — that the only safe guaranty against governmental
9 oppression was to withhold or restrict the power to oppress. They well remembered that Anglo-Saxons across
10 the ocean had attempted, in defiance of law and justice, to trample upon the rights of Anglo-Saxons on this
11 continent and had sought, by military force, to establish a government that could at will destroy the privileges
12 that inhere in liberty. They believed that the establishment here of a government that could administer public
13 affairs according to its will unrestrained by any fundamental law and without regard to the inherent rights of
14 freemen, would be ruinous to the liberties of the people by exposing them to the oppressions of arbitrary
15 power. Hence, the Constitution enumerates the powers which Congress and the other Departments may
16 exercise — leaving unimpaired, to the States or the People, the powers not delegated to the National
17 Government nor prohibited to the States. That instrument so expressly declares in 382*382 the Tenth Article
18 of Amendment. It will be an evil day for American liberty if the theory of a government outside of the
19 supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this
20 court than to exert its full authority to prevent all violation of the principles of the Constitution.

21 Again, it is said that Congress has assumed, in its past history, that the Constitution goes into territories
22 acquired by purchase or conquest only when and as it shall so direct, and we are informed of the liberality of
23 Congress in legislating the Constitution into all our contiguous territories. This is a view of the Constitution
24 that may well cause surprise, if not alarm. Congress, as I have observed, has no existence except by virtue of
25 the Constitution. It is the creature of the Constitution. It has no powers which that instrument has not
26 granted, expressly or by necessary implication. I confess that I cannot grasp the thought that Congress which
27 lives and moves and has its being in the Constitution and is consequently the mere creature of that
28 instrument, can, at its pleasure, legislate or exclude its creator from territories which were acquired only by
29 authority of the Constitution.

30 By the express words of the Constitution, every Senator and Representative is bound, by oath or affirmation, to
31 regard it as the supreme law of the land. When the Constitutional Convention was in session there was much
32 discussion as to the phraseology of the clause defining the supremacy of the Constitution, laws and treaties of
33 the United States. At one stage of the proceedings the Convention adopted the following clause: "This
34 Constitution, and the laws of the United States made in pursuance thereof, and all the treaties made under the
35 authority of the United States, shall be the supreme law of the several States and of their citizens and
36 inhabitants, and the judges of the several States shall be bound thereby in their decisions, anything in the
37 constitutions or laws of the several States to the contrary notwithstanding." This clause was amended, on
38 motion of Mr. Madison, by inserting after the words "all treaties made" the words "or which shall be made." If
39 the clause, so amended, had been inserted in the Constitution as finally adopted, perhaps 383*383 there would
40 have been some justification for saying that the Constitution, laws and treaties of the United States constituted
41 the supreme law only in the States, and that outside of the States the will of Congress was supreme. But the
42 framers of the Constitution saw the danger of such a provision, and put into that instrument in place of the
43 above clause the following: "This Constitution, and the laws of the United States which shall be made in
44 pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States,
45 shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the
46 constitution or laws of any State to the contrary notwithstanding." Meigs's Growth of the Constitution, 284,
47 287. That the Convention struck out the words "the supreme law of the several States" and inserted "the
48 supreme law of the land," is a fact of no little significance. The "land" referred to manifestly embraced all
49 the peoples and all the territory, whether within or without the States, over which the United States could
50 exercise jurisdiction or authority.

51 Further, it is admitted that some of the provisions of the Constitution do apply to Porto Rico and may be
52 invoked as limiting or restricting the authority of Congress, or for the protection of the people of that island.
53 And it is said that there is a clear distinction between such prohibitions "as go to the very root of the power of
54 Congress to act at all, irrespective of time or place, and such as are operative only `throughout the United
55 States' or among the several States." In the enforcement of this suggestion it is said in one of the opinions just
56 delivered: "Thus, when the Constitution declares that 'no bill of attainder or ex post facto law shall be passed,'
57 and that 'no title of nobility shall be granted by the United States,' it goes to the competency of Congress to pass
58 a bill of that description." I cannot accept this reasoning as consistent with the Constitution or with sound rules
59 of interpretation. The express prohibition upon the passage by Congress of bills of attainder, or of ex post facto
60 laws, or the granting of titles of nobility, goes no more directly to the root of the power of Congress than does
61 the express prohibition against the imposition by Congress of any 384*384 duty, impost or excise that is not
62 uniform throughout the United States. The opposite theory, I take leave to say, is quite as extraordinary as that
63 which assumes that Congress may exercise powers outside of the Constitution, and may, in its discretion,
64 legislate that instrument into or out of a domestic territory of the United States.

1 In the opinion to which I have referred it is suggested that conditions may arise when the annexation of distant
2 possessions may be desirable. "If," says that opinion, "those possessions are inhabited by alien races, differing
3 from us in religion, customs, laws, methods of taxation and modes of thought, the administration of government
4 and justice, according to Anglo-Saxon principles, may for a time be impossible; and the question at once arises
5 whether large concessions ought not to be made for a time, that ultimately our own theories may be carried out,
6 and the blessings of a free government under the Constitution extended to them. We decline to hold that there is
7 anything in the Constitution to forbid such action." In my judgment, the Constitution does not sustain any such
8 theory of our governmental system. Whether a particular race will or will not assimilate with our people, and
9 whether they can or cannot with safety to our institutions be brought within the operation of the Constitution, is
10 a matter to be thought of when it is proposed to acquire their territory by treaty. A mistake in the acquisition of
11 territory, although such acquisition seemed at the time to be necessary, cannot be made the ground for violating
12 the Constitution or refusing to give full effect to its provisions. The Constitution is not to be obeyed or
13 disobeyed as the circumstances of a particular crisis in our history may suggest the one or the other course to
14 be pursued. The People have decreed that it shall be the supreme law of the land at all times. When the
15 acquisition of territory becomes complete, by cession, the Constitution necessarily becomes the supreme law
16 of such new territory, and no power exists in any Department of the Government to make "concessions" that
17 are inconsistent with its provisions. The authority to make such concessions implies the existence in
18 Congress of power to declare that constitutional provisions may be ignored under special or 385*385
19 embarrassing circumstances. No such dispensing power exists in any branch of our Government. The
20 Constitution is supreme over every foot of territory, wherever situated, under the jurisdiction of the United
21 States, and its full operation cannot be stayed by any branch of the Government in order to meet what some
22 may suppose to be extraordinary emergencies. If the Constitution is in force in any territory, it is in force there
23 for every purpose embraced by the objects for which the Government was ordained. Its authority cannot be
24 displaced by concessions, even if it be true, as asserted in argument in some of these cases, that if the tariff act
25 took effect in the Philippines of its own force, the inhabitants of Mandanao, who live on imported rice, would
26 starve, because the import duty is many fold more than the ordinary cost of the grain to them. The meaning of
27 the Constitution cannot depend upon accidental circumstances arising out of the products of other countries
28 or of this country. We cannot violate the Constitution in order to serve particular interests in our own or in
29 foreign lands. Even this court, with its tremendous power, must heed the mandate of the Constitution. No one
30 in official station, to whatever department of the Government he belongs, can disobey its commands without
31 violating the obligation of the oath he has taken. By whomsoever and wherever power is exercised in the name
32 and under the authority of the United States, or of any branch of its Government, the validity or invalidity of
33 that which is done must be determined by the Constitution.

34 In *DeLima v. Bidwell*, just decided, we have held that upon the ratification of the treaty with Spain, Porto Rico
35 ceased to be a foreign country and became a domestic territory of the United States. We have said in that case
36 that from 1803 to the present time there was not a shred of authority, except a dictum in one case, "for holding
37 that a district ceded to and in possession of the United States remains for any purpose a foreign territory;" that
38 territory so acquired cannot be "domestic for one purpose and foreign for another;" and that any judgment to
39 the contrary would be "pure judicial legislation," for which there was no warrant in the Constitution or in the
40 powers conferred upon this court. Although, as we have just decided, 386*386 Porto Rico ceased, after the
41 ratification of the treaty with Spain, to be a foreign country within the meaning of the tariff act, and became a
42 domestic country — "a territory of the United States" — it is said that if Congress so wills it may be controlled
43 and governed outside of the Constitution and by the exertion of the powers which other nations have been
44 accustomed to exercise with respect to territories acquired by them; in other words, we may solve the question
45 of the power of Congress under the Constitution, by referring to the powers that may be exercised by other
46 nations. I cannot assent to this view. I reject altogether the theory that Congress, in its discretion, can exclude
47 the Constitution from a domestic territory of the United States, acquired, and which could only have been
48 acquired, in virtue of the Constitution. I cannot agree that it is a domestic territory of the United States for the
49 purpose of preventing the application of the tariff act imposing duties upon imports from foreign countries, but
50 not a part of the United States for the purpose of enforcing the constitutional requirement that all duties,
51 imposts and excises imposed by Congress "shall be uniform throughout the United States." How Porto Rico can
52 be a domestic territory of the United States, as distinctly held in *DeLima v. Bidwell*, and yet, as is now held,
53 not embraced by the words "throughout the United States," is more than I can understand.

54 We heard much in argument about the "expanding future of our country." It was said that the United States is to
55 become what is called a "world power;" and that if this Government intends to keep abreast of the times and be
56 equal to the great destiny that awaits the American people, it must be allowed to exert all the power that other
57 nations are accustomed to exercise. My answer is, that the fathers never intended that the authority and
58 influence of this nation should be exerted otherwise than in accordance with the Constitution. If our
59 Government needs more power than is conferred upon it by the Constitution, that instrument provides the
60 mode in which it may be amended and additional power thereby obtained. The People of the United States
61 who ordained the Constitution never supposed that a change could be made in our system of government
62 387*387 by mere judicial interpretation. They never contemplated any such juggling with the words of the
63 Constitution as would authorize the courts to hold that the words "throughout the United States," in the
64 taxing clause of the Constitution, do not embrace a domestic "territory of the United States" having a civil
65 government established by the authority of the United States. This is a distinction which I am unable to
66 make, and which I do not think ought to be made when we are endeavoring to ascertain the meaning of a
67 great instrument of government.

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

1 Could it possibly be doubted that if Congress has been handed by the U.S. Supreme Court ANY CIRCUMSTANCE in
2 which it can exercise its discretion in a way that COMPLETELY disregards the entire constitution, that they would not
3 succumb to the temptation to enact it, expand it, and make it apply through trickery to everyone, as they have done with the
4 income tax and federal franchises in general? NOT!

5 *"In every government on earth is some trace of human weakness, some germ of corruption and degeneracy,
6 which cunning will discover, and wickedness insensibly open, cultivate and improve."
7 [Thomas Jefferson: Notes on Virginia Q.XIV, 1782. ME 2:207]*

8 THIS in fact, is what Justice Harlan was talking about in the following excerpt in the above:

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

15 [...]

16 ***"This nation is under the control of a written constitution, the supreme law of the land and the only source
17 of the powers which our Government, or any branch or officer of it, may exert at any time or at any place,
18 Monarchical and despotic governments, unrestrained by written constitutions, may do with newly acquired
19 territories what this Government may not do consistently with our fundamental law. To say otherwise is to
20 concede that Congress may, by action taken outside of the Constitution, engraft upon our republican
21 institutions a colonial system such as exists under monarchical governments. Surely such a result was never
22 contemplated by the fathers of the Constitution. If that instrument had contained a word suggesting the
23 possibility of a result of that character it would never have been adopted by the People of the United States.
24 The idea that this country may acquire territories anywhere upon the
25 earth, by conquest or treaty, and hold them as mere colonies or
26 provinces — the people inhabiting them to enjoy only such rights as
27 Congress chooses to accord to them — is wholly inconsistent with the
28 spirit and genius as well as with the words of the Constitution."***

29 ***"The idea prevails with some — indeed, it found expression in arguments at the bar — that we have in this
30 country substantially or practically two national governments; one, to be maintained under the Constitution,
31 with all its restrictions; the other to be maintained by Congress outside and independently of that instrument,
32 by exercising such powers as other nations of the earth are accustomed to exercise."*** It is one thing to give
33 such a latitudinarian construction to the Constitution as will bring the exercise of power by Congress, upon a
34 particular occasion or upon a particular subject, within its provisions. It is quite a different thing to say that
35 Congress may, if it so elects, proceed outside of the Constitution. ***The glory of our American system 381*381
36 of government is that it was created by a written constitution which protects the people against the exercise of
37 arbitrary, unlimited power, and the limits of which instrument may not be passed by the government it
38 created, or by any branch of it, or even by the people who ordained it, except by amendment or change of its
39 provisions. "To what purpose," Chief Justice Marshall said in Marbury v. Madison, 1 Cranch, 137,
40 176,"are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at
41 any time, be passed by those intended to be restrained? The distinction between a government with limited
42 and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and
43 if acts prohibited and acts allowed are of equal obligation."***

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

45 Justice Harlan is saying that we now have a Dr. Jekyll and Mr. Hyde government. They did in fact do what he predicted:
46 Graft a monarchical colonial system for federal territory onto an egalitarian free republican system. Starting with the
47 Downes case, the U.S. Supreme Court declared and recognized essentially that:

- 48 1. NO PART of the Constitution limits what the national government can do in a territory, including the prohibition
49 against Titles of Nobility and even ex post facto laws.
- 50 2. As long as Congress is legislating for territories, it can do whatever it wants, including an income tax, just like every
51 other nation of the earth. In fact, this is the source of all the authority for enacting the income tax to begin with.
- 52 3. If Congress wants to invade the states commercially and tax them, all it has to do is:

3.1. Write such legislation ONLY for the territories and implement it as a franchise. Since all franchises are based on contract, then they can be enforced extraterritorially, including in a state. This is the basis for the Social Security Act of 1935, in fact.

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://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

"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.⁶ Conversely, a franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee.⁷ "

[36 American Jurisprudence 2d, Franchises, §6: As a Contract (1999)]

For further details on the Social Security FRAUD, see:

Resignation of Compelled Social Security Trustee, Form #06.002

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

3.2. Entice people in states of the Union with a bribe to sign up for the territorial franchise, and make it IMPOSSIBLE to quit the system. This uses capitalism to implement socialism.

3.3. Through legal deception and fraud, make the franchise legislation LOOK like:

3.3.1. It applies to CONSTITUTIONAL states rather than only STATUTORY "States" and territories.

3.3.2. It ISN'T a franchise or excise.

These things are done through "equivocation", in which TERRITORIAL STATUTORY "States" under 4 U.S.C. §110(d) and CONSTITUTIONAL States of the Union are made to appear and act the same. This was also done in the Sixteenth Amendment, which granted no new powers to Congress, as held by the U.S. Supreme Court in *Stanton v. Baltic Mining Co.*, 240 U.S. 103 (1916). See:

Why You Aren't Eligible for Social Security, Form #06.001

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

3.4. Establish an EXTRACONSTITUTIONAL revenue collection apparatus that is NOT part of the constitutional government. Namely the I.R.S. is not now and never has been part of the U.S. Government. Instead, it is a straw man for the Federal Reserve. The Federal Reserve, in fact, is not more governmental than Federal Express. See:

Origins and Authority of the Internal Revenue Service, Form #05.005

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

3.5. Use propaganda and abusive regulation of the banking system and employers to turn banks and private companies in states of the Union into federal employment recruiters, in which you can't open an account or pursue "employment" without becoming a privileged and enfranchised public officer representing an PUBLIC/GOVERNMENT office domiciled on federal territory and subject to the territorial law. See:

Federal and State Tax Withholding Options for Private Employers, Form #09.001

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

3.6. Bribe CONSTITUTIONAL states with "commercial incentives" or subsidies if they in essence agree by compact or agreement to act as federal territories and allow the income tax to be enforced within their borders. This is done through DEBT and the Federal Reserve as well as the Agreements on Coordination of Tax Administration (ACTA) between the national government and the states. Now obviously, they can only do that within

⁶ *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.

⁷ *Pennsylvania R. Co. v. Bowers*, 124 Pa 183, 16 A 836.

ENCLAVES within their external borders using the Public Salary Tax Act of 1939, but they will PRETEND for the sake of filthy lucre that it applies EVERYWHERE in the state by:

3.6.1. Not defining the term “State” within their revenue codes.

3.6.2. Calling those who insist on these limits “frivolous” in court.

- 3.7. Engage in an ongoing propaganda campaign to discredit and persecute all those who expose and try to remedy the above. This is done by making the government UNACCOUNTABLE for the truth or accuracy of ANYTHING it says or does administratively. We have been a target of that campaign. See:

Reasonable Belief About Income Tax Liability, Form #05.007

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

- 3.8. Legislatively create a conflict of interest in the judges administering the territorial so that they will be forced to apply it to the states of the Union.
- 3.9. Get the U.S. Supreme Court, through pressure on individual justices, to allow the financial and criminal conflict of interest with judges to stand and expand.
- 3.10. Use the U.S. Supreme Court as a method to embargo challenges to the above illegalities by denying appeals. This was done using the Certiorari Act of 1925 proposed by former President and Chief Justice William Howard Taft. This was the same President who proposed the Sixteenth Amendment and FRAUDULENTLY got it passed by lame duck Secretary of State Philander Knox.⁸

That last step: creating a conflict of interest in judges was accomplished starting in 1918, right after Downes v. Bidwell and just after the Sixteenth Amendment and Federal Reserve Act were passed in 1913. In particular, here is how it was accomplished:

1. Making judges into “taxpayers” started in 1918. This allowed them to become the target of political persecution by the Bureau of Internal Revenue if they properly enforce and protect the civil status of parties.
 - 1.1. This began first with the Revenue Act of 1918, 40 Stat. 1065, Section 213(a) and was declared unconstitutional.
 - 1.2. The second attempt to make judges taxpayers occurred the Revenue Act of 1932, 47 Stat. 169 and this time it stuck.
 - 1.3. This conflict of interest is also documented in Evans v. Gore, 253 U.S. 245 (1920) , Miles v. Graham, 268 U.S. 501 (1925), O’Malley v. Woodrough, 309 U.S. 277 (1939), and U.S. v. Hatter, 532 U.S. 557, 121 S.Ct. 1782, (2001).
2. Judges have been allowed, illegally, to serve as BOTH franchise judges under Article IV of the Constitution and CONSTITUTIONAL judges under Article III. When given a choice of the two, they will always pick the Article IV franchise judge status, because it financially rewards them and unduly elevates their own importance and jurisdiction.
3. The IRS is allowed to financially reward judges and prosecutors for convicting those who do not consent to the identity theft. See 26 U.S.C. §7623, Internal Revenue Manual (I.R.M.), Section 25.2.2.

The above process is EXACTLY what they have done. From the 10,000 foot or MACRO view, it essentially amounts to identity theft. That identity theft is exhaustively described in the following:

Government Identity Theft, Form #05.046

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

Our document *Legal Deception, Propaganda, and Fraud*, Form #05.014 describes how that identity theft is accomplished by the abuse of conflict of interest, the rules of statutory interpretation, and equivocation from a general perspective. That language abuse is also particularized in the above document to specific other legal contexts, such as:

1. Domicile identity theft.
2. Citizenship identity theft.
3. Franchise identity theft.

Ultimately, however, all of the identity theft they employ is accomplished by misrepresenting their authority and enforcing laws outside their territory. It really boils down to:

⁸ See: *The Law that Never Was*, William Benson. It documents the fraudulent ratification of the Sixteenth Amendment. See also *Great IRS Hoax*, Form #11.302, Section 6.7.1; <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

1. Replacing PRIVATE rights with PUBLIC privileges.
2. Turning “citizens” and “residents” into the equivalent of government public officers or employees.
3. Turning all civil law essentially into the employment agreement of virtually everyone who claims to be a STATUTORY “citizen” or “resident”.
4. A commercial invasion of the states of the Union in violation of Article 4, Section 4.
5. The abuse of franchises and privileges within the states of the Union to create a caste system that emulates the British Monarchy we tried to escape by fighting a revolution.
6. Using the civil statutory law as a mechanism to limit and control PEOPLE rather than the GOVERNMENT.
7. Creating a government of UNLIMITED powers. There are no limits on what an EMPLOYER can order his EMPLOYEES or OFFICERS to do, and THAT is what you are if you claim to be a STATUTORY “citizen” under any act of Congress.
8. Using “selective enforcement” to discredit and destroy all those who attempt to QUIT their job as a government officer or employee called a STATUTORY “citizen” or “resident”. THIS is how the fraudulent identity theft scheme and government mafia protects and expands itself.

2.4 Thomas Jefferson’s Warnings and Predictions Concerning the Corruption of the Government

Thomas Jefferson, one of our most beloved founding fathers and author of our Declaration of Independence, wrote extensively about defects in the design of our system of government and his predictions for how it would eventually be corrupted. In this document, corruption is a synonym for “de facto”. All of his predictions have come true. You can read his writings on this subject at:

Thomas Jefferson on Politics and Government
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeffcont.htm>

Jefferson’s writings on the subject of separation of powers within the above work may be found at:

Separation of Powers
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1070.htm>

A system of government in which all power is concentrated in a single man, group of men or branch within the government is the epitome of de facto government, because its activities are completely unrestrained and have no limits. The founding fathers believed that absolute, uncontrolled, unchecked, consolidated power corrupted absolutely. The opposite of the centralization of power is what the founders called the “separation of powers”, which was a refinement in the implementation of governments engineered by Baron de Montesquieu in his book Spirit of Laws, upon which the founders based their writing of the United States Constitution:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty.”

[The Spirit of Laws, Baron de Montesquieu, <http://famguardian.org/Publications/SpiritOfLaws/sol-02.htm>]

Below is Thomas Jefferson’s description of the separation of powers:

“To make us one nation as to foreign concerns, and keep us distinct in domestic ones, gives the outline of the proper division of powers between the general and particular governments. But, to enable the federal head to exercise the powers given it to best advantage, it should be organized as the particular ones are, into legislative, executive, and judiciary.”

[Thomas Jefferson to James Madison, 1786. ME 6:9]

“The first principle of a good government is certainly a distribution of its powers into executive, judiciary, and legislative, and a subdivision of the latter into two or three branches.”

[Thomas Jefferson to John Adams, 1787. ME 6:321]

“The constitution has divided the powers of government into three branches, Legislative, Executive and Judiciary, lodging each with a distinct magistracy. The Legislative it has given completely to the Senate and House of Representatives. It has declared that the Executive powers shall be vested in the President, submitting special articles of it to a negative by the Senate, and it has vested the Judiciary power in the courts of justice, with certain exceptions also in favor of the Senate.”

[Thomas Jefferson: Opinion on Executive Appointments, 1790. ME 3:15]

"My idea is that... the Federal government should be organized into Legislative, Executive and Judiciary, as are the State governments, and some peaceable means of enforcement devised for the Federal head over the States."

[Thomas Jefferson to John Blair, 1787. ME 6:273, Papers 12:28]

Each Branch is Independent

"The leading principle of our Constitution is the independence of the Legislature, Executive and Judiciary of each other."

[Thomas Jefferson to George Hay, 1807. FE 9:59]

"There are many [in Congress] who think that not to support the Executive is to abandon Government."

[Thomas Jefferson to Colonel Bell, 1797. ME 9:386]

"[The] principle [of the Constitution] is that of a separation of Legislative, Executive and Judiciary functions except in cases specified. If this principle be not expressed in direct terms, it is clearly the spirit of the Constitution, and it ought to be so commented and acted on by every friend of free government."

[Thomas Jefferson to James Madison, 1797. ME 9:368]

"Our Constitution has wisely distributed the administration of the government into three distinct and independent departments. To each of these it belongs to administer law within its separate jurisdiction. The Judiciary in cases of meum and tuum, and of public crimes; the Executive, as to laws executive in their nature; the Legislature in various cases which belong to itself, and in the important function of amending and adding to the system."

[Thomas Jefferson: Batture at New Orleans, 1812. ME 18:129]

"The three great departments having distinct functions to perform, must have distinct rules adapted to them. Each must act under its own rules, those of no one having any obligation on either of the others."

[Thomas Jefferson to James Barbour, 1812. ME 13:129]

"The Constitution intended that the three great branches of the government should be co-ordinate and independent of each other. As to acts, therefore, which are to be done by either, it has given no control to another branch... Where different branches have to act in their respective lines, finally and without appeal, under any law, they may give to it different and opposite constructions... From these different constructions of the same act by different branches, less mischief arises than from giving to any one of them a control over the others."

[Thomas Jefferson to George Hay, 1807. ME 11:213]

"If the Legislature fails to pass laws for a census, for paying the Judges and other officers of government, for establishing a militia, for naturalization as prescribed by the Constitution, or if they fail to meet in Congress, the Judges cannot issue their mandamus to them; if the President fails to supply the place of a judge, to appoint other civil or military officers, to issue requisite commissions, the Judges cannot force him. They can issue their mandamus or distring as [i.e., property seizures] to no executive or legislative officer to enforce the fulfillment of their official duties any more than the President or Legislature may issue orders to the Judges or their officers. Betrayed by the English example, and unaware, as it should seem, of the control of our Constitution in this particular, they have at times overstepped their limit by undertaking to command executive officers in the discharge of their executive duties; but the Constitution, in keeping the three departments distinct and independent, restrains the authority of the Judges to judiciary organs as it does the Executive and Legislative to executive and legislative organs."

[Thomas Jefferson to William C. Jarvis, 1820. ME 15:277]

"It may be objected that the Senate may by continual negatives on the person, do what amounts to a negative on the grade [of an appointee], and so, indirectly, defeat [the] right of the President [to determine the grade]. But this would be a breach of trust; an abuse of power confided to the Senate, of which that body cannot be supposed capable. So the President has a power to convoke the Legislature, and the Senate might defeat that power by refusing to come. This equally amounts to a negative on the power of convoking. Yet nobody will say they possess such a negative, or would be capable of usurping it by such oblique means. If the Constitution had meant to give the Senate a negative on the grade or destination, as well as the person, it would have said so in direct terms, and not left it to be effected by a sidewind. It could never mean to give them the use of one power through the abuse of another."

[Thomas Jefferson: Opinion on Executive Appointments, 1790. ME 3:17]

"Legislative, Executive and Judiciary offices shall be kept forever separate, and no person exercising the one shall be capable of appointment to the others, or to either of them."

[Thomas Jefferson: Draft Virginia Constitution, 1776. Papers 1:347]

1 "Citizens, whether individually or in bodies corporate or associated, have a right to apply directly to any
2 department of their government, whether Legislative, Executive or Judiciary, the exercise of whose powers they
3 have a right to claim, and neither of these can regularly offer its intervention in a case belonging to the other."
4 [Thomas Jefferson to James Sullivan, 1807. ME 11:382]

5 "Where... petitioners have a right to petition their immediate representatives in Congress directly, I have
6 deemed it neither necessary nor proper for them to pass their petition through the intermediate channel of the
7 Executive. But as the petitioners may be ignorant of this, and, confiding in it, may omit the proper measure, I
8 have usually put such petitions into the hands of the Representatives of the State, informally to be used or not as
9 they see best, and considering me as entirely disclaiming any agency in the case."
10 [Thomas Jefferson to Joseph B. Varnum, 1808. ME 12:196]

11 "It seems proper that every person should address himself directly to the department to which the Constitution
12 has allotted his case; and that the proper answer to such from any other department is, 'that it is not to us that
13 the Constitution has assigned the transaction of this business.'"
14 [Thomas Jefferson to James Madison, 1791. ME 8:250]

15 "The courts of justice exercise the sovereignty of this country in judiciary matters, are supreme in these, and
16 liable neither to control nor opposition from any other branch of the government."
17 [Thomas Jefferson to Edmond C. Genet, 1793. ME 9:234]

18 "The interference of the Executive can rarely be proper where that of the Judiciary is so."
19 [Thomas Jefferson to George Hammond, 1793. FE 6:298]

20 "For the Judiciary to interpose in the Legislative department between the constituent and his representative, to
21 control them in the exercise of their functions or duties towards each other, to overawe the free correspondence
22 which exists and ought to exist between them, to dictate what may pass between them and to punish all others,
23 to put the representative into jeopardy of criminal prosecution, of vexation, expense and punishment before the
24 Judiciary if his communications, public or private, do not exactly square with their ideas of fact or right or with
25 their designs of wrong, is to put the Legislative department under the feet of the Judiciary, is to leave us, indeed,
26 the shadow but to take away the substance of representation, which requires essentially that the representative
27 be as free as his constituents would be, that the same interchange of sentiment be lawful between him and them
28 as would be lawful among themselves were they in the personal transaction of their own business; is to do away
29 the influence of the people over the proceedings of their representatives by excluding from their knowledge by
30 the terror of punishment, all but such information or misinformation as may suit their own views."
31 [Thomas Jefferson: Virginia Petition, 1797. ME 17:359]

32 "If the three powers maintain their mutual independence on each other our Government may last long, but not
33 so if either can assume the authorities of the other."
34 [Thomas Jefferson to William Charles Jarvis, 1820. ME 15:278]

35 All Powers in One Branch Produces Despotism

36 "[A very capital defect in a constitution is when] all the powers of government, legislative, executive and
37 judiciary result to the legislative body. The concentrating these in the same hands is precisely the definition of
38 despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and
39 not by a single one. One hundred and seventy-three despots would surely be as oppressive as one."
40 [Thomas Jefferson: Notes on Virginia Q.XIII, 1782. ME 2:162]

41 "[Where] there [is] no barrier between the legislative, executive, and judiciary departments, the legislature may
42 seize the whole... Having seized it and possessing a right to fix their own quorum, they may reduce that quorum
43 to one, whom they may call a chairman, speaker, dictator, or by any other name they please."
44 [Thomas Jefferson: Notes on Virginia Q.XIII, 1782. (*) ME 2:178]

45 "I said to [President Washington] that if the equilibrium of the three great bodies, Legislative, Executive and
46 Judiciary, could be preserved, if the Legislature could be kept independent, I should never fear the result of
47 such a government; but that I could not but be uneasy when I saw that the Executive had swallowed up the
48 Legislative branch."
49 [Thomas Jefferson: The Anas, 1792. ME 1:318]

50 Unlimited Powers are Always Dangerous

51 "Nor should [a legislative body] be deluded by the integrity of their own purposes and conclude that...
52 unlimited powers will never be abused because themselves are not disposed to abuse them. They should look
53 forward to a time, and that not a distant one, when corruption in this as in the country from which we derive
54 our origin, will have seized the heads of government and be spread by them through the body of the people,
55 when they will purchase the voices of the people and make them pay the price. Human nature is the same on
56 every side of the Atlantic, and will be alike influenced by the same causes."

[Thomas Jefferson: Notes on Virginia Q.XIII, 1782. ME 2:164]

"Mankind soon learn to make interested uses of every right and power which they possess or may assume. The public money and public liberty, intended to have been deposited with three branches of magistracy but found inadvertently to be in the hands of one only, will soon be discovered to be sources of wealth and dominion to those who hold them; distinguished, too, by this tempting circumstance: that they are the instrument as well as the object of acquisition. With money we will get men, said Caesar, and with men we will get money."
[Thomas Jefferson: Notes on Virginia Q.XIII, 1782. ME 2:164]

"It is the old practice of despots to use a part of the people to keep the rest in order; and those who have once got an ascendancy and possessed themselves of all the resources of the nation, their revenues and offices, have immense means for retaining their advantages."
[Thomas Jefferson to John Taylor, 1798. ME 10:44]

Below are some of Jefferson's predictions on how the separation of powers would be systematically destroyed by public servants, most of whom he predicted would be in the federal judiciary:

"The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel of the law, can turn its guns on those they were meant to defend, and control and fashion their proceedings to its own will."
[Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68]

"It is a misnomer to call a government republican in which a branch of the supreme power is independent of the nation."
[Thomas Jefferson to James Pleasants, 1821. FE 10:198]

"In England, where judges were named and removable at the will of an hereditary executive, from which branch most misrule was feared and has flowed, it was a great point gained by fixing them for life, to make them independent of that executive. But in a government founded on the public will, this principle operates in an opposite direction and against that will. There, too, they were still removable on a concurrence of the executive and legislative branches. But we have made them independent of the nation itself. They are irremovable but by their own body for any depravities of conduct, and even by their own body for the imbecilities of dotage."
[Thomas Jefferson to Samuel Kercheval, 1816. ME 15:34]

"Let the future appointments of judges be for four or six years and renewable by the President and Senate. This will bring their conduct at regular periods under revision and probation, and may keep them in equipoise between the general and special governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses."
[Thomas Jefferson to William T. Barry, 1822. ME 15:389]

The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them."
[Thomas Jefferson to Spencer Roane, 1821. ME 15:326]

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

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

Irregular and Censurable Decisions

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

1 *"The judges... are practicing on the Constitution by inferences, analogies, and sophisms, as they would on an*
2 *ordinary law. They do not seem aware that it is not even a Constitution formed by a single authority and subject*
3 *to a single superintendence and control, but that it is a compact of many independent powers, every single one*
4 *of which claims an equal right to understand it and to require its observance."*
5 *[Thomas Jefferson to Edward Livingston, 1825. ME 16:113]*

6 *"[The] practice of Judge Marshall of traveling out of his case to prescribe what the law would be in a moot*
7 *case not before the court, is very irregular and very censurable."*
8 *[Thomas Jefferson to William Johnson, 1823. ME 15:447]*

9 Consolidating Decisions

10 *"The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot*
11 *and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the*
12 *special governments into the jaws of that which feeds them."*
13 *[Thomas Jefferson to Spencer Roane, 1821. ME 15:326]*

14 *"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground*
15 *to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-*
16 *ordination of a general and special government to a general and supreme one alone. This will lay all things at*
17 *their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliare*
18 *jurisdictionem.'"*
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21 *Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is*
22 *scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow,*
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24 *States and the government be consolidated into one. To this I am opposed."*
25 *[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]*

26 Undermining Republican Government

27 *"At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and*
28 *harmless members of the government. Experience, however, soon showed in what way they were to become the*
29 *most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and*
30 *irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and*
31 *unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little*
32 *and little the foundations of the Constitution and working its change by construction before any one has*
33 *perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth,*
34 *man is not made to be trusted for life if secured against all liability to account."*
35 *[Thomas Jefferson to A. Coray, 1823. ME 15:486]*

36 *"This member of the government... has proved that the power of declaring what the law is, ad libitum, by*
37 *sapping and mining, slyly, and without alarm, the foundations of the Constitution, can do what open force*
38 *would not dare to attempt."*
39 *[Thomas Jefferson to Edward Livingston, 1825. ME 16:114]*

40 *"I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where its*
41 *toleration leads to public ruin. As for the safety of society, we commit honest maniacs to Bedlam; so judges*
42 *should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed,*
43 *injure them in fame or in fortune; but it saves the republic, which is the first and supreme law."*
44 *[Thomas Jefferson: Autobiography, 1821. ME 1:122]*

45 *"If, indeed, a judge goes against the law so grossly, so palpably, as no imputable degree of folly can account*
46 *for, and nothing but corruption, malice or wilful wrong can explain, and especially if circumstances prove such*
47 *motives, he may be punished for the corruption, the malice, the wilful wrong; but not for the error: nor is he*
48 *liable to action by the party grieved. And our form of government constituting its respective functionaries*
49 *judges of the law which is to guide their decisions, places all within the same reason, under the safeguard of the*
50 *same rule."*
51 *[Thomas Jefferson: Batture at New Orleans, 1812. ME 18:130]*

52 *"One single object... [will merit] the endless gratitude of society: that of restraining the judges from usurping*
53 *legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly*
54 *called our General Government, but what I call our foreign department."*
55 *[Thomas Jefferson to Edward Livingston, 1825. ME 16:113]*

1 "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the
2 center of all power, it will render powerless the checks provided of one government on another and will
3 become as venal and oppressive as the government from which we separated."
4 [Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

5 "What an augmentation of the field for jobbing, speculating, plundering, office-building and office-hunting
6 would be produced by an assumption of all the State powers into the hands of the General Government!"
7 [Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

8 Thomas Jefferson also predicted that the most severe threat of destruction of the separation of powers would come from the
9 federal judiciary:

10 "Our government is now taking so steady a course as to show by what road it will pass to destruction; to wit: by
11 consolidation first and then corruption, its necessary consequence. The engine of consolidation will be the
12 Federal judiciary; the two other branches the corrupting and corrupted instruments."
13 [Thomas Jefferson to Nathaniel Macon, 1821. ME 15:341]

14 "The [federal] judiciary branch is the instrument which, working like gravity, without intermission, is to
15 press us at last into one consolidated mass."
16 [Thomas Jefferson to Archibald Thweat, 1821. ME 15:307]

17 "There is no danger I apprehend so much as the consolidation of our government by the noiseless and
18 therefore unalarming instrumentality of the Supreme Court."
19 [Thomas Jefferson to William Johnson, 1823. ME 15:421]

20 Jefferson, of course, was absolutely correct in his predictions that the federal judiciary would be the source of corruption
21 that would transform a de jure government into a de facto government. You can read exactly how this happened in a book
22 available on our website below:

What Happened to Justice?, Form #06.012
<http://sedm.org/Forms/FormIndex.htm>

23 **2.5 How Scoundrels Corrupted Our Republican Form of Government: With franchises⁹**

24 "All systems of government suppose they are to be administered by men of common sense and common honesty.
25 In our country, as all ultimately depends on the voice of the people, they have it in their power, and it is to be
26 presumed they generally will choose men of this description: but if they will not, the case, to be sure, is without
27 remedy. If they choose fools, they will have foolish laws. If they choose knaves, they will have knavish ones. But
28 this can never be the case until they are generally fools or knaves themselves, which, thank God, is not likely
29 ever to become the character of the American people." [Justice Iredell] (Fries's Case (CC) F Cas No 5126,
30 supra.)
31 [[Ludecke v. Watkins](#), 335 U.S. 160; 92 L.Ed 1881, 1890; 68 S.Ct. 1429 (1948)]

32 "The chief enemies of republican freedom are [mental sloth](#), [conformity](#), [bigotry](#), [superstition](#), [credulity](#),
33 monopoly in the market of ideas, and utter, benighted ignorance."
34 [Adderley v. State of Florida, 385 U.S. 39, 49 (1967)]

35 **2.5.1 Original Design of our Republic**

36 The Great IRS Hoax, Form #11.302, Section 4.1 showed you the [hierarchy of sovereignty](#) and where you fit personally in
37 that hierarchy. They showed you in Great IRS Hoax, Form #11.302, Section 4.5 that [Article 4, Section 4](#) of the U.S.
38 Constitution guarantees to all Americans a "[republican form of government](#)". Then in section 5.1.1 they showed you the
39 order that our state and federal governments were created and the distinct sovereignties that comprise all the elements of
40 our republican political system. Now we are going to tie the whole picture together and show you graphically the tools and
41 techniques that specific covetous government servants have used over the years to corrupt and debase that system for their
42 own personal financial and political benefit.

43 "The king establishes the land by [justice](#); but he who receives bribes overthrows it."

⁹ Source: [How Scoundrels Corrupted Our Republican Form of Government](#), Family Guardian Fellowship;
<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>.

2 After you have learned these techniques by which corruption is introduced, we will spend the rest of the chapter showing
3 *exactly* how these techniques have been specifically applied over the years to corrupt and debase and destroy our political
4 system and undermine our personal liberties, rights, and freedoms. This will train your perception to be on the lookout for
5 any future attempts by our covetous politicians to further corrupt our system so that you can act swiftly at a political level to
6 oppose and prevent it.

7 First of all, the foundation of our republican form of government is all the following as a group:

- 8 1. Sovereign power held by the People through their direct participation in the affairs of government as jurists and voters.

9 *"The sovereignty of a state does not reside in the persons who fill the different departments of its government,*
10 *but in the People, from whom the government emanated; and they may change it at their discretion.*
11 *Sovereignty, then in this country, abides with the constituency, and not with the agent; and this remark is true,*
12 *both in reference to the federal and state government."*
13 *[Spooner v. McConnell, 22 F. 939, 943]*

14
15 *"There is no such thing as a power of inherent sovereignty in the government of the United States In this*
16 *country sovereignty resides in the people, and Congress can exercise no power which they have not, by their*
17 *Constitution entrusted to it: All else is withheld."*
18 *[Julliard v. Greenman: 110 U.S. 421, (1884)]*

- 19 2. All powers exercised by government are directly delegated to those serving in government by the people, both
20 collectively and individually.

21 *"The question is not what power the federal government ought to have, but what powers, in fact, have been*
22 *given by the people... The federal union is a government of delegated powers. It has only such as are expressly*
23 *conferred upon it, and such as are reasonably to be implied from those granted. In this respect, we differ*
24 *radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or*
25 *other legislative body subject to no restriction except the discretion of its members." (Congress)*
26 *[U.S. v. William M. Butler, 297 U.S. 1 (1936)]*

27 *"The Government of the United States is one of delegated powers alone. Its authority is defined and limited by*
28 *the Constitution. All powers not granted to it by that instrument are reserved to the States or the people."*
29 *[United States v. Cruikshank, 92 U.S. 542 (1875)]*

30 *"It is again to antagonize Chief Justice Marshall, when he said: 'The government of the Union, then (whatever*
31 *may be the influence of this fact on the case), is emphatically and truly a government of the people. In form and*
32 *in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them*
33 *and for their benefit. This government is acknowledged by all to be one of enumerated powers.' 4 Wheat. 404, 4*
34 *L.Ed. 601."*
35 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

36 The implication is that the people AS INDIVIDUALS are EQUAL to the government in the eyes of the law because you
37 can't delegate what you don't have:

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

40 *Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.*

41 *Nemo plus juris ad alienum transfere potest, quam ispe habent. One cannot transfer to another a right which he*
42 *has not. Dig. 50, 17, 54; 10 Pet. 161, 175.*

43 *Nemo potest facere per alium quod per se non potest. No one can do that by another which he cannot do by*
44 *himself.*

45 *Qui per alium facit per seipsum facere videtur. He who does anything through another, is considered as doing it*
46 *himself. Co. Litt. 258.*

1 *Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.*
2 *15 Bin. Ab. 327.*

3 *Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy. 4 Co. 24.*

4 *What a man cannot transfer, he cannot bind by articles.*

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

6 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm/>*

7 3. Separation of powers between three branches of government. That separation is described in:

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

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

8 4. Distinct separation of property rights between PUBLIC and PRIVATE. By "public" we mean GOVERNMENT
9 property. That separation is described in:

Separation Between Public and Private Course, Form #12.025

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

10 Without ALL of the above, every government becomes corrupt and turns into a de facto government as described in:

De Facto Government Scam, Form #05.043

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

11 The concept separation of powers is called the "[Separation of Powers Doctrine](#)":

12 *"[Separation of powers](#). The governments of the states and the United States are divided into three departments*
13 *or branches: the legislative, which is empowered to make laws, the executive which is required to carry out the*
14 *laws, and the judicial which is charged with interpreting the laws and adjudicating disputes under the laws.*
15 *Under this constitutional doctrine of "separation of powers," one branch is not permitted to encroach on the*
16 *domain or exercise the powers of another branch. See U.S. Constitution, Articles I-III. See also Power*
17 *(Constitutional Powers)."*

18 *[Black's Law Dictionary, Sixth Edition, p. 1365]*

19 Here is how no less than the U.S. Supreme Court described the purpose of this separation of powers:

20 *"We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.*
21 *Const., Art. I, 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal*
22 *government are few and defined. Those which are to remain in the State governments are numerous and*
23 *indefinite." The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally mandated division***
24 ***of authority "was adopted by the Framers to ensure protection of our fundamental liberties."** Gregory v.*
25 ***Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and***
26 ***independence of the coordinate branches of the Federal Government serves to prevent the accumulation of***
27 ***excessive power in any one branch, a healthy balance of power between the States and the Federal***
28 ***Government will reduce the risk of tyranny and abuse from either front."** Ibid.*

29 *[U.S. v. Lopez, [514 U.S. 549](#) (1995)]*

30 The founding fathers believed that men were inherently corrupt. They believed that absolute power corrupts absolutely so
31 they avoided concentrating too much power into any single individual.

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

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

36 *"Our government is now taking so steady a course as to show by what road it will pass to destruction; to wit: by*
37 *consolidation first and then corruption, its necessary consequence. The engine of consolidation will be the*
38 *Federal judiciary; the two other branches the corrupting and corrupted instruments."*

39 *[Thomas Jefferson to Nathaniel Macon, 1821. ME 15:341]*

40 *"The [federal] judiciary branch is the instrument which, working like gravity, without intermission, is to press*
41 *us at last into one consolidated mass."*

42 *[Thomas Jefferson to Archibald Thweat, 1821. ME 15:307]*

1 *"There is no danger I apprehend so much as the consolidation of our government by the noiseless and therefore*
2 *unalarming instrumentality of the Supreme Court."*
3 *[Thomas Jefferson to William Johnson, 1823. ME 15:421]*

4 *"I wish... to see maintained that wholesome distribution of powers established by the Constitution for the*
5 *limitation of both [the State and General governments], and never to see all offices transferred to Washington*
6 *where, further withdrawn from the eyes of the people, they may more secretly be bought and sold as at market."*
7 *[Thomas Jefferson to William Johnson, 1823. ME 15:450]*

8 *"What an augmentation of the field for jobbing, speculating, plundering, office-building and office-hunting*
9 *would be produced by an assumption of all the State powers into the hands of the General Government!"*
10 *[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]*

11 *"I see,... and with the deepest affliction, the rapid strides with which the federal branch of our government is*
12 *advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all*
13 *powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their*
14 *power... It is but too evident that the three ruling branches of [the Federal government] are in combination to*
15 *strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all*
16 *functions foreign and domestic."*
17 *[Thomas Jefferson to William Branch Giles, 1825. ME 16:146]*

18 *"We already see the [judiciary] power, installed for life, responsible to no authority (for impeachment is not*
19 *even a scare-crow), advancing with a noiseless and steady pace to the great object of consolidation. The*
20 *foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the*
21 *removal of every check, every counterpoise to the engulfing power of which themselves are to make a sovereign*
22 *part."*
23 *[Thomas Jefferson to William T. Barry, 1822. ME 15:388]*

24 For further quotes supporting the above, see:

<p><u><i>Thomas Jefferson on Politics and Government</i></u> http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1060.htm</p>
--

25 They instead wanted an egalitarian and utopian society. They loathed the idea of a king because they had seen how corrupt
26 the monarchies of Europe had become by reading the history books. They loathed it so much that they specifically
27 prohibited titles of nobility in Article 1, Section 9, Clause 8:

28 [U.S. Constitution; Article 1, Section 9, Clause 8](#)

29 *No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust*
30 *under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of*
31 *any kind whatever, from any King, Prince or foreign State.*

32 So the founders instead distributed and dispersed political power into several independent branches of government that
33 have sovereign power over a finite sphere and prohibited the branches from assuming each others duties. This, they
34 believed, would prevent collusion against their rights and liberties. They therefore divided the government into the
35 Executive, Legislative, and Judicial branches and made them independent of each other, and assigned very specific duties
36 to each. In effect, these three branches became "[foreign](#)" to each other and in constant competition with each other for
37 power and control.

38 The founders further dispersed political power by dividing power between the several states and the federal government and
39 gave most of the power to the states. They gave each state their own seats in Congress, in the Senate. They made the states
40 just like "foreign countries" and independent nations so that there would be the greatest separation of powers possible
41 between the federal government and the states:

42 ***"The States between each other are sovereign and independent.** They are distinct and separate sovereignties,*
43 *except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue***
44 ***to be nations, with all their rights, and under all their national obligations, and with all the rights of nations***
45 ***in every particular**; except in the surrender by each to the common purposes and objects of the Union, under*
46 *the Constitution. The rights of each State, when not so yielded up, remain absolute."*
47 *[Bank of Augusta v. Earle, [38 U.S. \(13 Pet.\) 519](#), 10 L.Ed. 274 (1839)]*

1 Then the founders created multiple states so that the states would be in competition with each other for citizens and for
2 commerce. When one state got too oppressive or taxed people too much, the people could then move to an economically
3 more attractive state and climate. This kept the states from oppressing their citizens and it gave the people a means to keep
4 their state and their government in check. Then they put the federal government in charge of regulating commerce among
5 and between the states, and the intention of this was to *maximize*, not obstruct, commerce between the states so that we
6 would act as a unified economic union and like a country. Even so, they didn't want our country to be a "nation" under the
7 [law of nations](#), because they didn't want a [national government](#) with unlimited powers. They wanted a "federation", so
8 they called our central government the "federal government" instead of a "[national government](#)". To give us a "[national](#)
9 [government](#)" would be a recipe for tyranny:

10 ***"By that law the several States and Governments spread over our globe, are considered as forming a society,***
11 ***not a NATION. It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth***
12 ***Henry, that this last great idea has been even contemplated. 3rdly, and chiefly, I shall examine the important***
13 ***question before us, by the Constitution of the United States, and the legitimate result of that valuable***
14 ***instrument. "***

15 *[Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#), 1 L.Ed. 440 (1794)]*

16 The ingenious founders also made the people the sovereigns in charge of both the state and federal governments by giving
17 them a Bill of Rights and mandating frequent elections. Frequent elections:

- 18 1. Ensured that rulers would not be in office long enough to learn enough to get sneaky with the people or abuse their
19 power.
- 20 2. Kept the rulers accountable to the people and provided a prompt feedback mechanism to make sure politicians and
21 rulers were incentivized to listen to the people.
- 22 3. Created a stable political system that would automatically converge onto the will of the majority so that the country
23 would be at peace instead of at war within itself.

24 The founders even gave the people their own house in Congress called the House of Representatives, so that the power
25 between the states, in the Senate, and the People, in the House, would be well-balanced. They also made sure that these
26 sovereign electors and citizens were well armed with a good education, so they could keep their government in check and
27 capably defend their freedom, property, and liberty by themselves. When things got rough and governments became
28 corrupt, these rugged and self-sufficient citizens were also guaranteed the right to defend their property using arms that the
29 [U.S. Constitution](#) said in the [Second Amendment](#) that they had a right to keep and use. This ensured that citizens
30 wouldn't need to depend on the government for a handout or socialist benefits and wouldn't have to worry about having a
31 government that would plunder their property or their liberty.

32 Finally, the founding fathers created the institution of trial by jury, so that if government got totally corrupt and passed
33 unjust laws that violated God's laws, the people could put themselves back in control through jury nullification. This also
34 effectively dealt with the problem of corrupt judges, because both the jury and the grand jury could override the judge as
35 well when they detected a conflict of interest by judging both the facts *and* the law. Here is how [Thomas Jefferson](#)
36 described the duty of the jury in such a circumstance:

37 *"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on*
38 *themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality*
39 *in the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty."*

40 *[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]*

41 The design that our founding fathers had for our political system was elegant, unique, unprecedented, ingenious, perfectly
42 balanced, and inherently just. It was founded on the concept of [Natural Order](#) and [Natural Law](#), which as we explained in
43 section 4.1 are based on the sequence that things were created. This concept made sense, even to people who didn't believe
44 in God, so it had wide support among a very diverse country of immigrants from all over the world and of many different
45 religious faiths. [Natural Law](#) and [Natural Order](#) unified our country because it was just and fair and righteous. That is the
46 basis for the phrase on our currency, which says:

47 *"E Pluribus Unum"*

48 ...which means: "From many, one." Our system of [Natural Law](#) and [Natural Order](#) also happened to be based on
49 God's sovereign design for *self*-government, as we explained throughout chapter 4. The founders also recognized
50 that [liberty](#) without God and morality are impossible:

1 *"We have no government armed with the power capable of contending with human passions unbridled by*
2 *morality and religion. Avarice [greed], ambition, revenge, or gallantry [debauchery], would break the*
3 *strongest cords of our Constitution as a whale goes through a net. **Our Constitution was made only for a***
4 ***moral and religious people. It is wholly inadequate to the government of any other."***
5 *[John Adams, 2nd President]*

6 So the founders included the requirement for BOTH God and Liberty on all of our currency. They put the phrase "[In God](#)
7 [We Trust](#)" and the phrase "Liberty" side by side, and they were probably thinking of the following scripture when they did
8 that!:

9 *"Now the Lord is the Spirit; and where the Spirit of the Lord is, there is liberty."*
10 *[2 Cor. 3:17, Bible, NKJV]*

11 By creating such distinct separation of powers among all the forces of government, the founders ensured that the only way
12 anything would get done within government was exclusively by informed consent and *not* by force or terror. The
13 Declaration of Independence identifies the source of ALL "just" government power as "consent". Anything not consensual
14 is therefore unjust and tyrannical. An informed and sovereign People will only do things voluntarily and consensually
15 when it is in their absolute best interests. This would ensure that government would never engage in anything that wasn't in
16 the best interests of everyone as a whole, because people, at least theoretically, would never consent to anything that would
17 either hurt them or injure their Constitutional rights. The Supreme Court described this kind of government by consent as
18 "government by compact":

19 *"In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly*
20 *acquired by force or fraud, or both...In America, however the case is widely different. **Our government is***
21 ***founded upon compact [consent expressed in a written contract called a Constitution or in positive law].***
22 ***Sovereignty was, and is, in the people.***
23 *[Glass v. The Sloop Betsy, 3 (U.S.) Dall 6]*

24 Here is the legal definition of "compact" to prove our point that the Constitution and all federal law written in
25 furtherance of it are indeed a "compact":

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

33 Enacting a mutual agreement into positive law then, becomes the vehicle for expressing the fact that the People collectively
34 agreed and consented to the law and to accept any adverse impact that law might have on their liberty. Public servants
35 then, are just the apparatus that the sovereign People use for governing themselves through the operation of positive law.
36 As the definition above shows, the apparatus and machinery of government is simply the "rudder" that steers the ship, but
37 the "Captain" of the ship is the People *both* individually and collectively. In a true Republican Form of Government, the
38 REAL government is the people individually and collectively, and not their "public servants". That is the true meaning of
39 the phrase "a government of the people, by the people, and for the people" used by Abraham Lincoln in the Gettysburg
40 Address.

41 Our de jure Constitutional Republic started out as a perfectly balanced and just system indeed. But somewhere along the
42 way, it was deliberately corrupted by evil men for personal gain. Just like Cain (in the Bible) destroyed the tranquility and
43 peace of an idyllic world and divided the Family of Adam by first introducing murder into the world, greedy politicians
44 who wanted to line their pockets corrupted our wonderful system and brought evil into the government. How did it
45 happen? They did it with a combination of force, fraud, and the corrupting influence of money. This process can be shown
46 graphically and described in scientific terms over a period of years to show *precisely* how it was done. We will now
47 attempt to do this so that the process is crystal clear in your mind. What we are trying to show are the following elements
48 in our diagram:

- 49 1. The distinct sovereignties between governments:
50 1.1. States
51 1.2. The federal government
52 2. The sovereignties within governments:

2.1. Executive branch

2.2. Legislative branch

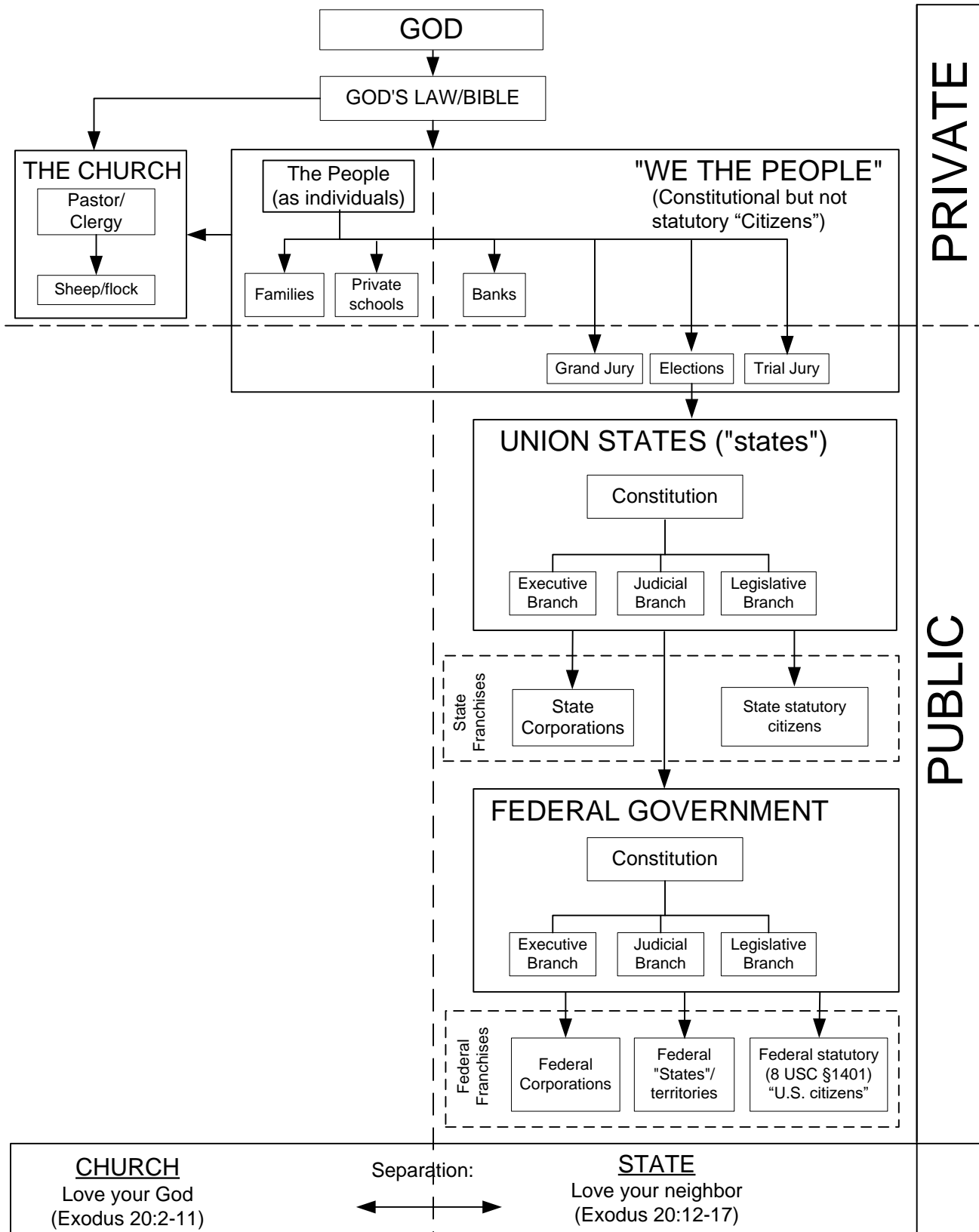
2.3. Judicial branch

3. The hierarchy of sovereignty between all the sovereignties based on their sequence of creation.

4. The corrupting influence of force, fraud, and money, including the branch that initiated it, the date it was initiated, and the object it was initiated against.

To meet the above objectives, we will start off with the diagram found in Great IRS Hoax, Form #11.302, Section 5.1.1 and expand it with some of the added elements found in the [Natural Order diagram](#) found earlier in Great IRS Hoax, Form #11.302, Section 4.1. To the bottom of the diagram, we add the Ten Commandments, which establishes the “Separation of Church v. State”. The first four commandments in [Exodus 20:2-11](#) establish the church and the last six commandments found in [Exodus 20:12-17](#) define how we should relate to other people, who Jesus later called our “neighbor” in [Matt. 22:39](#). The main and only purpose of government is to love and protect and serve its inhabitants and citizens, who collectively are "neighbors". What results is a schematic diagram of the initial political system that the founders gave us absent all corruption. This is called the “[De jure](#) U.S. Government”. It is the only lawful government we have and its organization is defined by our Constitution. It's organization is also defined by the Bible, which we also call "Natural Law" throughout this document.

Figure 1: De Jure Hierarchy of Sovereignty



1

2 Each box in the above diagram represents a sovereignty or sovereign entity that helps distribute power throughout our
 3 system of government to prevent corruption or tyranny. The arrows with dark ends indicate an act of creation by the

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sovereign above. That act of creation carries with it an implied delegation of authority to do specific tasks and establishes a fiduciary relationship between the creator, and his subordinate creation. The above system as shown functions properly and fully and provides the best defense for our liberties only when there is complete separation between each sovereignty, which is to say that all actions performed and all choices made by any one sovereign:

1. Are completely free of fraud, force, conflict of interest, or duress.
2. Are accomplished completely voluntarily, which is to say that they are done for the mutual benefit of all parties involved rather than any one single party exercising undue influence.
3. Involve fully informed consent made with a full awareness by all parties to the agreement of all rights which are being surrendered to procure any benefits acquired.
4. Are done mainly or exclusively for the benefit of the sovereign above the agent who is the actor.
5. Are done for righteous reasons and noble intent, meaning that they are accomplished for the benefit of someone else rather than one's own personal or financial benefit. This requirement is the foundation of what a fiduciary relationship means and also the only way that conflicts of interest and the corruption they can cause can be eliminated.

2.5.2 Main Technique of Corruption: Introduce Franchises to replace UNALIENABLE PRIVATE Rights with REVOCABLE PUBLIC Statutory PRIVILEGES

*"The rich ruleth over the poor, and the borrower [is] servant to the lender."
[Prov. 22:7, Bible, NKJV]*

The secret to how scoundrels corrupt our republic based on inalienable rights and replace it with a democracy based on revocable statutory privileges is to offer to loan you government property with conditions or legal strings attached. That process is called a "franchise". The Bible and the U.S. Supreme Court both describe EXACTLY, from a legal perspective, WHEN AND HOW you personally facilitate this inversion of the de jure hierarchy in the previous section to make public servants into masters and make you the sovereign into a government employee or officer. It is done with loans of government property that have legal strings attached. This loan is what we call "government franchises" (Form #05.030) on our website. The word "privilege" in fact is synonymous with loans of absolutely owned GOVERNMENT property and the legal strings attached to the loan.

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

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

Curses of Disobedience [to God's Laws]

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

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

"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance,

which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.
[Deut. 28:43-51, Bible, NKJV]

The problem with all such loans is that the covetous de facto (Form #05.043) government offering them can theoretically attach ANY condition they want to the loan. If the property is something that is life threatening to do without, then they can destroy ALL of your constitutional rights and leave you with no judicial or legal remedy whatsoever for the loss of your fundamental or natural PRIVATE rights and otherwise PRIVATE property! This, in fact, is EXACTLY what Pharaoh did to the Israelites during the famine in Egypt, described in Genesis 47.

"But when Congress creates a statutory right [a "privilege" or "public right" in this case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts."
[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

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

[...]

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

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

"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally signified a peculiar right or private law conceded to particular persons or places **whereby a certain individual or class of individuals was exempted from the rigor of the common law.** Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to enjoy some particular advantage or exemption..."
[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;
SOURCE:
http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf
f]

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

Whether you know it or not, by accepting such physical or intangible property you are, in effect, manifesting your implied consent (assent) under the Uniform Commercial Code (U.C.C.) to enter into a contract with the government that offered it in the process. Lawyers commonly call this type of interaction a "quid pro quo". That contract represents a constructive

waiver of the sovereignty and sovereign immunity that comes from God Himself. Because the government is asking you to GIVE PRIVATE/CONSTITUTIONAL rights in relation to them as consideration that would otherwise be [INALIENABLE \(Form #12.038\)](#), they are acting in a private, non-governmental capacity as a [de facto government \(Form #05.043\)](#) with no real official, judicial, or [sovereign immunity](#). That [franchise contract \(Form #12.012\)](#) will, almost inevitably, end up being an [adhesion contract](#) that will be extremely one-sided and will not only NOT "[benefit](#)" you (the "Buyer") in the aggregate, but will work an extreme injury, inequality, and [injustice \(Form #05.050\)](#) that God actually forbids:

Lending to the Poor

If one of your brethren becomes poor [desperate], and falls into poverty among you, then you shall help him, like a stranger or a sojourner [transient foreigner and/or non-resident non-person, [Form #05.020](#)], that he may live with you. Take no usury or interest from him; but fear your God, that your brother may live with you. You shall not lend him your money for usury, nor lend him your food at a profit. I am the Lord your God, who brought you out of the land of Egypt, to give you the land of Canaan and to be your God.

The Law Concerning Slavery

And if one of your brethren who dwells by you becomes poor, and sells himself to you, you shall not compel him to serve as a slave. As a hired servant and a sojourner he shall be with you, and shall serve you until the Year of Jubilee. And then he shall depart from you—he and his children with him—and shall return to his own family. He shall return to the possession of his fathers. For they are My servants [[Form #13.007](#)], whom I brought out of the land of Egypt; they shall not be sold as slaves. You shall not rule over him with rigor, but you shall fear your God.
[Lev. 25:35-43, Bible, NKJV]

Adhesion Contract

Also found in: [Dictionary](#), [Thesaurus](#), [Financial](#), [Wikipedia](#).

Related to Adhesion Contract: [unilateral contract](#), [exculpatory clause](#), [personal contract](#), [Unconscionable contract](#)

Adhesion Contract

A type of contract, a legally binding agreement between two parties to do a certain thing, in which one side has all the bargaining power and uses it to write the contract primarily to his or her advantage.

An example of an adhesion contract is a standardized contract form that offers goods or services to consumers on essentially a "take it or leave it" basis without giving consumers realistic opportunities to negotiate terms that would benefit their interests. When this occurs, the consumer cannot obtain the desired product or service unless he or she acquiesces to the form contract.

There is nothing unenforceable or even wrong about adhesion contracts. In fact, most businesses would never conclude their volume of transactions if it were necessary to negotiate all the terms of every [Consumer Credit](#) contract. Insurance contracts and residential leases are other kinds of adhesion contracts. This does not mean, however, that all adhesion contracts are valid. Many adhesion contracts are [Unconscionable](#); they are so unfair to the weaker party that a court will refuse to enforce them. An example would be severe penalty provisions for failure to pay loan installments promptly that are physically hidden by small print located in the middle of an obscure paragraph of a lengthy loan agreement. In such a case a court can find that there is no meeting of the minds of the parties to the contract and that the weaker party has not accepted the terms of the contract.

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.

adhesion contract (contract of adhesion)

n. a contract (often a signed form) so imbalanced in favor of one party over the other that there is a strong implication it was not freely bargained. Example: a rich landlord dealing with a poor tenant who has no choice and must accept all terms of a lease, no matter how restrictive or burdensome, since the tenant cannot afford to move. An adhesion contract can give the little guy the opportunity to claim in court that the contract with the big shot is invalid. This doctrine should be used and applied more often, but the same big guy-little guy inequity may apply in the ability to afford a trial or find and pay a resourceful lawyer. (See: [contract](#))

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The temptation of the offer of the government franchise as an adhesion contract is exhaustively described, personified, and even dramatized in the following:

1. The Temptation of Jesus by Satan on the Mountain in [Matthew 4:1-11](https://www.biblegateway.com/passage/?search=Matthew+4&version=NKJV).
<https://www.biblegateway.com/passage/?search=Matthew+4&version=NKJV>
2. *Devil's Advocate: What We are Up Against*, SEDM (OFFSITE LINK)
<https://sedm.org/what-we-are-up-against/>
3. *Philosophical Implications of the Temptation of Jesus*, Stefan Molyneux
<https://sedm.org/philosophical-implications-of-the-temptation-of-jesus/>
4. *Social Security: Mark of the Beast*, Form #11.407
<http://famguardian.org/Publications/SocialSecurity/TOC.htm>

James Madison, whose notes were used to draft the Bill of Rights, predicted this perversion of the de jure Constitutional design, when he very insightfully said the following:

"With respect to the words general welfare, I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creator."

"If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may appoint teachers in every State, county and parish and pay them out of their public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may assume the provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing, from the highest object of state legislation down to the most minute object of police, would be thrown under the power of Congress.... Were the power of Congress to be established in the latitude contended for, it would subvert the very foundations, and transmute the very nature of the limited Government established by the people of America."

"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare, the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to particular exceptions."

[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]

The term "general welfare" is synonymous with "benefit" in franchise language. "general welfare" as used above is, in fact, the basis for the entire [modern welfare state](#) that will eventually lead to a massive financial collapse and crisis worldwide.¹⁰ Anyone who therefore supports such a system is ultimately an anarchist intent on destroying our present dysfunctional government and thereby committing the crime of Treason.¹¹

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

The Bible also describes how to REVERSE this inversion, how to restore our constitutional rights, and how to put public servants back in their role as servants rather than masters. Note that accepting custody or "benefit" or loans of government

¹⁰ For details on the devastating political effects of the modern welfare state, see:

Communism, Socialism, Collectivism Page, Section 10: Welfare State, Family Guardian Fellowship,
https://famguardian.org/Subjects/Communism/Communism.htm#Welfare_State

¹¹ In the landmark case of *Steward Machine Co. v. Davis*, 310 U.S. 548 (1937) legalizing social security, the U.S. Supreme Court had the following to say about the treason of inverting the relationship of the states to the federal government:

"If the time shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of the States shall bow to the dictation of Congress by conforming their legislation thereto, when the power and majesty and honor of those who created shall become subordinate to the thing of their creation, I but feebly utter my apprehensions when I express my firm conviction that we shall see 'the beginning of the end.'"
[*Steward Machine Co. v. Davis*, 310 U.S. 548, 606 (1937)]

1 property in effect behaves as an act of contracting, because it accomplishes the same effect, which is to create implied
2 “obligations” in a legal sense:

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

6

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

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

16

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

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

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

26 Following the above commandments requires not signing up for and quitting any and all government benefits and services
27 you may have consensually signed up for or retained eligibility for. All such applications and/or eligibility is called
28 “special law” in the legal field.

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

40 We also prove that all such “special law” is not “law” in a classical sense, but rather an act of contracting, because it does
41 not apply equally to all. It is what the U.S. Supreme Court referred to as “class legislation” in Pollock v. Farmers Loan and
42 Trust in which they declared the first income tax unconstitutional:

43 ***"The income tax law under consideration is marked by discriminating features which affect the whole***
44 ***law. It discriminates between those who receive an income of four thousand dollars and those who do not.***
45 ***It thus vitiates, in my judgment, by this arbitrary discrimination, the whole legislation.*** Hamilton says in
46 *one of his papers, (the Continentalist,) "the genius of liberty reprobates everything arbitrary or discretionary in*
47 *taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property*
48 *the State demands; whatever liberty we may boast of in theory, it cannot exist in fact while [arbitrary]*
49 *assessments continue." I Hamilton's Works, ed. 1885, 270. The legislation, in the discrimination it makes, is*
50 *class legislation. **Whenever a distinction is made in the burdens a law imposes or in the benefits it confers***
51 ***on any citizens by reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to***
52 ***oppression and abuses, and to general unrest and disturbance in society [e.g. wars, political conflict,***
53 ***violence, anarchy]. It was hoped and believed that the great amendments to the Constitution which followed***
54 *the late civil war had rendered such legislation impossible for all future time. But the objectionable legislation*

reappears in the act under consideration. It is the same in essential character as that of the English income statute of 1691, which taxed Protestants at a certain rate, Catholics, as a class, at double the rate of Protestants, and Jews at another and separate rate. Under wise and constitutional legislation every citizen should contribute his proportion, however small the sum, to the support of the government, and it is no kindness to urge any of our citizens to escape from that obligation. If he contributes the smallest mite of his earnings to that purpose he will have a greater regard for the government and more self-respect 597*597 for himself feeling that though he is poor in fact, he is not a pauper of his government. And it is to be hoped that, whatever woes and embarrassments may betide our people, they may never lose their manliness and self-respect. Those qualities preserved, they will ultimately triumph over all reverses of fortune.”
[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895)]

To realistically apply the above biblical prohibitions against contracting with any government so as to eliminate the reversal of roles and destroy the dulocracy, see:

Path to Freedom, Form #09.015
<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

Section 5 of the above document in particular deals with how to eliminate the dulocracy. Section 5.6 also discusses the above mechanisms.

The idea of a present day dulocracy is entirely consistent with the theme of our website, which is the abuse of government franchises and privileges to destroy PRIVATE rights, STEAL private property, promote unhappiness, and inject malice and vitriol into the political process, as documented in:

Government Instituted Slavery Using Franchises, Form #05.030
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

The U.S. Supreme Court and the Bible both predicted these negative and unintended consequences of the abuse of government franchises, when they said:

*“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.”*
[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]

*“Where do wars and fights come from among you? **Do they not come from your desires for pleasure [unearned money or “benefits”, privileges, or franchises, from the government] that war in your members [and your democratic governments]? You lust [after other people's money] and do not have**. You murder [the unborn to increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering your government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers to subsidize your idleness]. Yet you do not have because you do not ask [the Lord, but instead ask the deceitful government]. You ask and do not receive, because you ask amiss, that you may spend it on your pleasures. **Adulterers and adulteresses! Do you not know that friendship [statutory “citizenship”] with the world [or the governments of the world] is enmity with God?** Whoever therefore wants to be a friend [STATUTORY “citizen”, “resident”, “inhabitant”, “person” franchisee] of the world [or the governments of the world] makes himself an enemy of God.”*
[James 4:4, Bible, NKJV]

The “foundations of the government” spoken of above are PRIVATE property, separation between public and private, and equality of treatment and opportunity, which collectively are called “legal justice”, as we point out on our opening page:

Our ministry accomplishes the above goals by emphasizing:

1 12. The pursuit of legal “justice” (Form #05.050), which means absolutely owned private property (Form
2 #10.002), and equality of TREATMENT and OPPORTUNITY (Form #05.033) under REAL LAW (Form
3 #05.048). The following would be INJUSTICE, not JUSTICE:

4 12.1 Outlawing or refusing to recognize or enforce absolutely owned private property (Form #12.025).

5 12.2 Imposing equality of OUTCOME by law, such as by abusing taxing powers to redistribute wealth. See
6 Form #11.302.

7 12.3 Any attempt by government to use judicial process or administrative enforcement to enforce any civil
8 obligation derived from any source OTHER than express written consent or to an injury against the equal
9 rights of others demonstrated with court admissible evidence. See Form #09.073 and Form #12.040.

10 12.4 Offering, implementing, or enforcing any civil franchise (Form #05.030). This enforces superior powers
11 on the part of the government as a form of inequality and results in religious idolatry. This includes making
12 justice into a civil public privilege (Form #05.050, Section 13) or turning CONSTITUTIONAL PRIVATE
13 citizens into STATUTORY PUBLIC citizens engaged in a public office and a franchise (Form #05.006).

14 Not only would the above be INJUSTICE, it would outlaw HAPPINESS, because the right to absolutely own
15 private property is equated with “the pursuit of happiness” in the Declaration of Independence, according to
16 the U.S. Supreme Court. See Form #05.050 for the definition of “justice”. Click here to view a video on why
17 all franchises produce selfishness, unhappiness, inequality, and ingratitude.
18 [SEDM Website Opening Page; SOURCE: <http://sedm.org>]

19 Too many public servants have assumed absolute authority over the people they are supposed to serve. This REVERSAL of
20 roles and making the SERVANTS into the MASTERS was never the intent of the Founding Fathers who established the
21 American governments as republics where the rights of the people are to be paramount and the sovereignty of the
22 governments are limited by the rights of the people. Sovereignty in America is not based on the same premise as
23 sovereignty in Europe. Sovereignty in Europe was based on the notion of the Divine Right of Kings where the king's
24 sovereignty was absolute and the people were his subjects. Sovereignty in America is based on the notion that citizens are
25 endowed by the Creator with unalienable rights and then lend their permission to the governments to carry out certain,
26 limited responsibilities on their behalf. In a republican form of government, the government is never allowed to overstep its
27 authority or trample on the rights of the citizen no matter how egalitarian the political arguments may be.

28 Jesus Himself also emphasized that public SERVANTS should never become RULERS or have superior authority to the
29 people they are supposed to SERVE when He said the following.

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

37 Notice the word “ransom for many” in the above. This is an admission that Jesus acknowledges that cunning public servant
38 lawyers have KIDNAPPED our legal identity from the protection of God’s law and that legal identity has been transported
39 to a legislatively foreign jurisdiction, the District of Criminals. We exhaustively prove this with evidence in the following
40 memorandum of law:

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

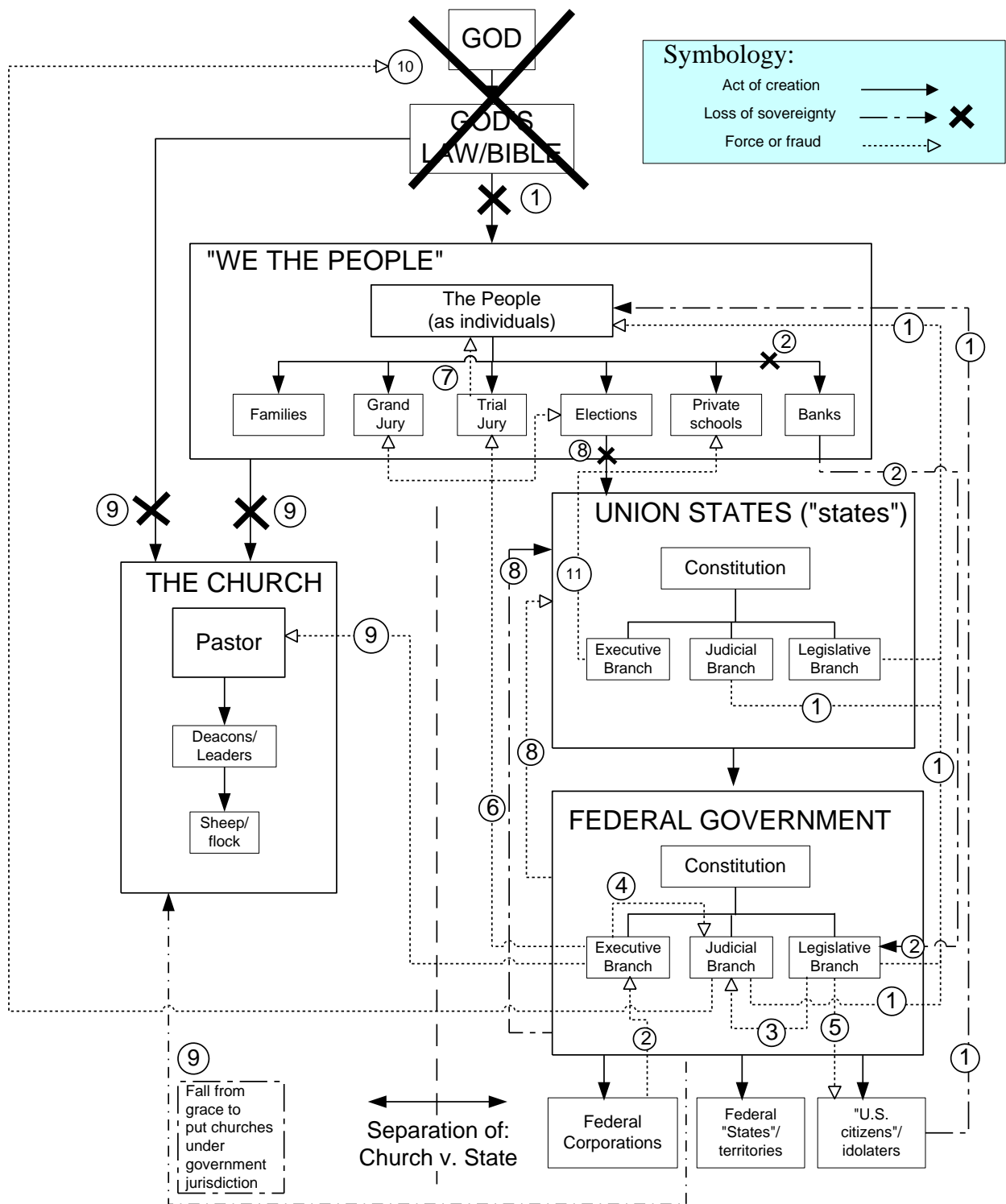
41 Jesus also states in Matt. 20:25-28 that it is the DUTY and obligation of every Christian to fight this corruption of our
42 political system. The Holy Bible is our Delegation of Authority to do precisely this, in fact, and to restore God to His
43 proper role as the ruler of ALL nations and ALL politicians and the only rightful Lawgiver of all human law. That
44 delegation of authority is described in:

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

2.5.3 Graphical Depiction of the Corruption

With the above in mind, we will now add all of the corrupting influences accomplished to our system of government over the years. These are shown with dashed lines representing the application of unlawful or immoral force or fraud. The hollow end of each line indicates the sovereign against which the force or fraud is applied. The number above or next to the dotted line indicates the item in the table that follows the diagram which explains each incidence of force or fraud.

Figure 2: Graphical depiction of the process of corruption



1

2 Below is a table explaining each incidence of force or fraud that corrupted the originally perfect system:

1 Table 1: Specific instances of force, fraud, and conflict of interest that corrupted our political system

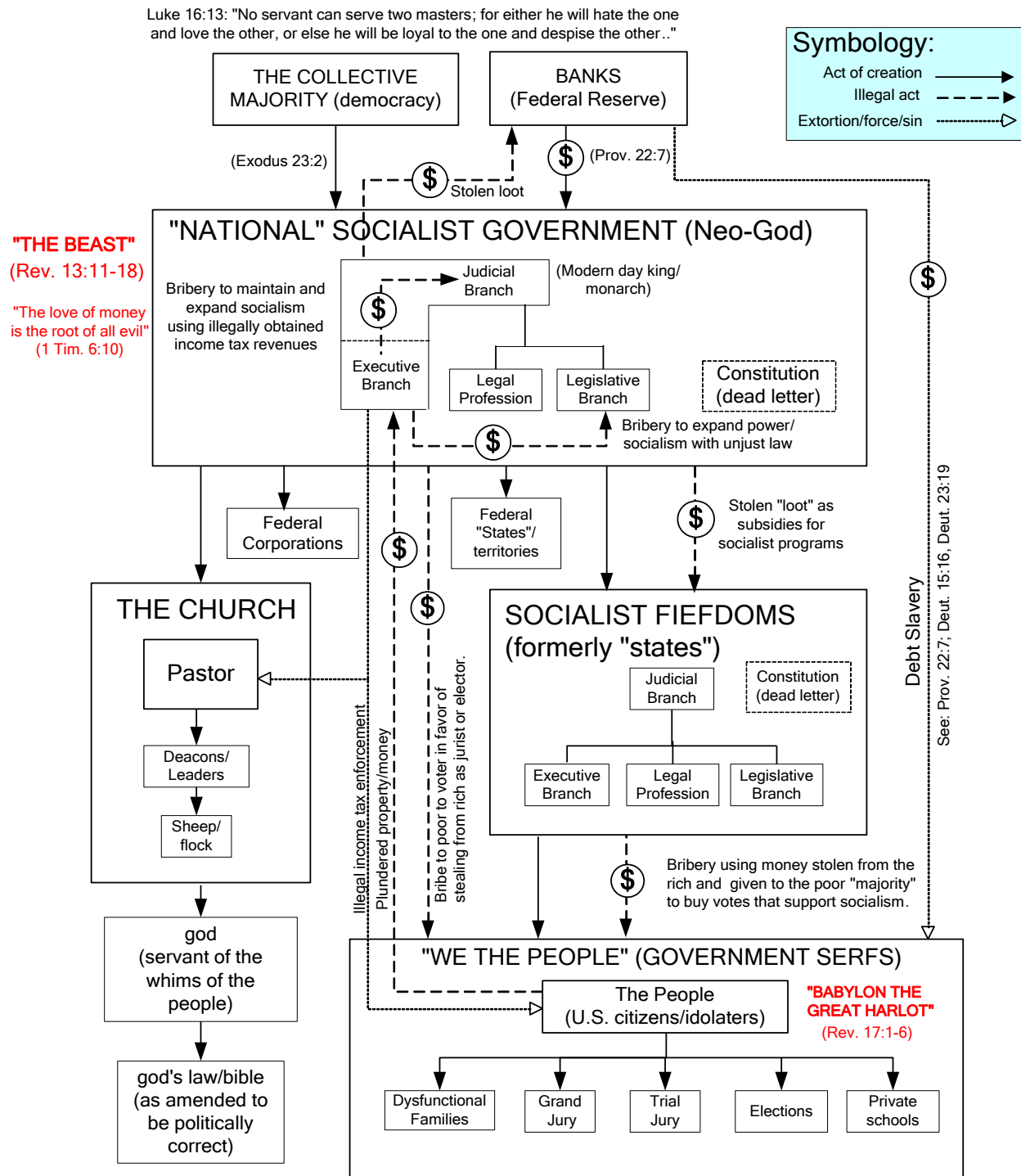
# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
1	1868	State legislatures State judges Federal legislature Federal judges	18 U.S.C. §241 (conspiracy against rights) Thirteenth Amendment (slavery and peonage) 42 U.S.C. §1994 (peonage) 18 U.S.C. §1581 (peonage/slavery) 18 U.S.C. §2381 (treason)	After the civil war, the 14 th Amendment was passed in 1868. That amendment along with "words of art" were used as a means to deceive constitutional citizens to falsely believe that they were also privileged statutory "U.S. citizens" pursuant to 8 U.S.C. §1401, and thus to unconstitutionally extent federal jurisdiction and enforce federal franchises within states of the Union. The citizenship status described in that amendment was only supposed to apply to emancipated slaves but the federal government in concert with the states confused the law and the interpretation of the law enough that everyone thought they were statutory federal citizens rather than the "non-citizen nationals" immune from federal jurisdiction, which is foreign with respect to states of the Union. This put Americans in the states in a privileged federal status and put them under the jurisdiction of the federal government. At the point that Americans voluntarily and unknowingly accept privileged federal citizenship, they lose their sovereignty and go to the bottom of the sovereignty hierarchy. State courts and state legislatures cooperated in this conspiracy against rights by requiring electors and jurists to be presumed statutory "U.S. citizens" in order to serve. At the same time, they didn't define the term "U.S. citizen" in their election laws or voter registration, creating a "presumption" in favor of people believing that they are statutory "citizens of the United States", even though technically they are not.
2	1913	Corporations/ businesses/ and special interests	18 U.S.C. §201 (bribery of public officials) Const. Art. 1, Sect. 2, Clause 3 (direct taxes) Const. Art. 1, Sect. 9, Clause 4 (direct taxes) 18 U.S.C. §219 (government employees acting as agents of foreign principals-Federal Reserve)	Around the turn of the century, the gilded age created a lot of very wealthy people and big corporations. The corrupting influence of the money they had lead them to dominate the U.S. senate and the Republican party., which was the majority party at the time. The people became restless because they were paying most of the taxes indirectly via tariffs on imported goods while the big corporations were paying very little. This lead to a vote by Congress to send the new Sixteenth Amendment to the states for ratification. Corporations heavily influenced this legislation so that it would favor taxing individuals instead of corporations, which lead the Republicans in the Senate to word the Amendment ambiguously so that it could or would be misconstrued to apply to natural persons instead of the corporations it was really intended to apply to by the American people. This created much subsequent litigation and confusion on the part of the Average American about exactly what the taxing powers of Congress are, and gave Congressman a lot of wiggle room to misrepresent the purpose of the Sixteenth Amendment to their constituents. Today, Congressmen use the ambiguity of the Amendment to regularly lie to their Constituents by saying that the "Sixteenth Amendment" authorizes Congress to tax the income of every American. This is an absolute lie and is completely inconsistent with the rulings of the U.S. Supreme Court. Courts below the Supreme Court have also used the same ambiguity mechanism to expand the operation of the income tax beyond its clearly limited application to the federal zone. During the same year as the Sixteenth Amendment was ratified, in 1913, the Congress also passed the Federal Reserve Act immediately after the Sixteenth Amendment. By doing this, they surrendered their control over the money system to a consortium of private banks. The Sixteenth Amendment was passed first in February of 1913 because it was the lender-security for the Non-Federal Reserve that would be needed to create a "credit line" and collateral. The Federal Reserve Act was passed in December of that same year. At that point, the Congress had an unlimited private credit line from commercial banks and a means to print as much money as they wanted in order to fund socialist expansion of the government. But remember that the bible says: <i>"The rich ruleth over the poor, and the borrower [is] servant to the lender."</i> <i>[Prov. 22:7]</i>
3	1911- 1939	Federal legislature	28 U.S.C. §144 (conflict of interest of federal judges) 28 U.S.C. §455 (conflict of interest of federal judges)	In 1911, the U.S. Congress passed the Judicial Code of 1911 and thereby made all District and Circuit courts into entirely administrative courts which had jurisdiction over only the federal zone. All the federal courts except the U.S. Supreme Court changed character from being Article III courts to Article IV territorial courts only. All the district courts were renamed from "District Court of the United States" to "United States District Court". The Supreme Court said in <i>Balzac v. Porto Rico</i> , 258 U.S. 298 (1922) that the "United States District Court" is an Article IV territorial court, not an Article III constitutional court. Consequently, all the federal courts excepting the Supreme Court became administrative courts that were part of the Executive rather than the Judicial Branch of the government and all the judges became Executive Branch employees. See our article " Authorities on Jurisdiction of Federal Courts " (http://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm) for further

# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
				<p>details.</p> <p>The Revenue Act of 1932 than tried to apply income taxes against federal judges. The purpose was to put them under complete control of the Executive Branch through terrorism and extortion by the IRS. This was litigated by the Supreme Court in 1932 in the case of <i>O'Malley v. Woodrough</i>, 309 U.S. 277 (1939) just before the war started. The court ruled that the Executive Branch couldn't unilaterally modify the terms of their employment contracts, so they rewrote the tax law to go around it subsequent to that by only taxing NEW federal judges and leaving the existing ones alone so as not to violate the Constitutional prohibition against reducing judges salaries. Since that time, federal judges have been beholden to the greed and malice of the Legislative branch because they are under IRS control. This occurred at a time when we had a very popular socialist President who threatened the Supreme Court if they didn't go along with his plan to replace capitalism with socialism, starting with Social Security. President Roosevelt tried to retire all the U.S. Supreme Court justices and then double the size of the court and pack the court with all of his own socialist cronies in a famous coup called "The Roosevelt Supreme Court Packing Plan".</p>
4	1939- Present	Federal executive branch	28 U.S.C. §144 (conflict of interest of federal judges) 28 U.S.C. §455 (conflict of interest of federal judges) Separation of powers Doctrine	<p>Right after the Supreme Court case of <i>O'Malley v. Woodrough</i> in 1939, the U.S. Congress wasted no time in passing a new Revenue Act that skirted the findings of the Supreme Court's that declared income taxes levied against them to be unconstitutional. In effect, they made the payment of income taxes by federal judges an implied part of their employment agreement as "appointed officers" of the United States government in receipt of federal privileges. Once the judges were under control of the IRS, they could be terrorized and plundered if they did not cooperate with the enforcement of federal income taxes. This also endowed all federal judges with an implied conflict of interest in violation of 28 U.S.C. §455 and 28 U.S.C. §144</p>
5	1939- Present	Federal legislative branch	Const. Art. 1, Sect. 2, Clause 3 Const. Art. 1, Sect. 9, Clause 4 18 U.S.C. §1589(3) (forced labor)	<p>The Revenue Act of 1939 passed by the U.S. Congress instituted a very oppressive income tax to fund the upcoming World War II effort. It was called the "Victory Tax" and it was a voluntary withholding effort, but after the war and after people on a large scale got used to sending their money to Washington, D.C. every month through payroll withholding, the politicians cleverly decided not to tell them the truth that it was voluntary. The politicians then began rewriting the tax laws to further confuse and deceive people and hide the truth about the voluntary nature of the income tax. This included the Internal Revenue Codes of 1954 and 1986, which were major updates of the IRC that further hid the truth from the legal profession and added so much complexity to the tax laws that no one even understands them anymore.</p>
6	1950- Present	Federal executive branch	18 U.S.C. §597 (expenditures to influence voting) 18 U.S.C. §872 (extortion) 18 U.S.C. §880 (receiving the proceeds of extortion) 18 U.S.C. §1957 (Engaging in monetary transactions in property derived from specified unlawful activity)	<p>Federal government uses income tax revenues after World War II to begin socialist subsidies, starting with Lyndon Johnson's "Great Society" plan. Instead of paying off the war debt and ending the income tax like we did after the Civil war in 1872, the government adopted socialism and borrowed itself into a deep hole, following the illustrious example of Franklin Roosevelt's "New Deal" program. This socialist expansion was facilitated by the enactment of the Federal Reserve Act of 1913, which gave the government unlimited borrowing power. The income tax, however, had to continue because it was the "lender security" for the PRIVATE Federal Reserve banking trust that was creating all this debt and fake money. The income tax had the effect of making all Americans into surety for government debts they never authorized. The Civil Rights movement of the 1960's accelerated the growth of the socialist cancer to cause voters to abuse their power to elect politicians who would subsidize and expand the welfare-state concept.</p> <p><i>"Democracy has never been and never can be so desirable as aristocracy or monarchy, but while it lasts, is more bloody than either. Remember, democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy that never did commit suicide."</i> [John Adams, 1815]</p>
7	1939- Present	Trial jury	18 U.S.C. §2111 (robbery)	<p>Trial juries filled with people receiving government socialist handouts (money STOLEN from hard-working Americans) vote against tax protesters to illegally enforce the income tax laws, and especially in the case of the wealthy. Trial by jury becomes MOB RULE and a means to mug and rob the producers of society. The jurists are also under duress by the judge,</p>

# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
				who does not allow evidence to be admitted that would be prejudicial to government (or his retirement check) and who makes cases unpublished where the government lost on income tax issues. Because these same jurists were also educated in public schools, they are easily lead like sheep to do the government's dirty work of plundering their fellow citizens by upholding a tax that is actually voluntary. The result is slavery of wage earners and the rich to the IRS. The war of the "have-nots" and the "haves" using the taxing authority of the government continues on and expands.
8	1960- Present	Federal government	18 U.S.C. §873 (blackmail)	The federal government begins using income tax revenues and socialist welfare programs to manipulate the states. For instance: 1. They made it mandatory for states to require people getting drivers licenses to provide a Socialist Security Number or their welfare subsidies would be cut off. 2. They encourage states to require voters and jurists to be "U.S. citizens" in order to serve these functions so that they would also be put under federal jurisdiction. 3. They mandate that all persons receiving welfare benefits or unemployment benefits that include federal subsidies to have Socialist Security Numbers.
9	1980's- Present	Federal executive branch	18 U.S.C. §208 (conflict of interest) 18 U.S.C. §872 (extortion) 18 U.S.C. §876 (mailing threatening communications)	IRS abuses its power to manipulate and silence churches that speak out about government abuses or are politically active. This has the effect of making the churches politically irrelevant forces in our society so that the government would have no competition for the affections and the allegiance of the people.
10	1960- Present	Federal judicial branch	God's laws (bible)	Federal judiciary eliminates God and prayer in the schools. This leaves kids in a spiritual vacuum. Drugs, sex, teenage pregnancy run rampant. Families begin breaking apart. God is blasphemed. Single parents raise an increasing number of kids and these children don't have the balance they need in the family to have proper sex roles. Gender identity crisis and psychology problems result, causing homosexuality to run rampant. This further accelerates the breakdown of the family because these dysfunctional kids have dysfunctional families of their own. Because God is not in the schools, eventually the people begin to reject God as well. This expands the power of government because when the people aren't governed by God, they are ruled by tyrants and become peasants and serfs eventually. That is how the Israelites ended up in bondage to the Egyptians: because they would not serve God or trust him for their security. They wanted a big powerful Egyptian government to take care of them and be comfortable and safe, which was idolatry toward government.
11	2000- Present	State executive branch	18 U.S.C. §208 (acts affecting a personal financial interest)	The state executive branches abuse their power to set very high licensing requirements for home schools and private schools, backed by teacher's unions and contributions of these unions to their political campaigns. Licensing requirements become so high that only public schools have the capital to comply, virtually eliminating private and home schooling. Teachers and inferior environment in public schools further contributes to bad education and liberal socialist values, further eroding sovereignty of the people and making them easy prey for sly politicians who want to enslave them with more unjust laws and expand their fiefdom. Government continues to grow in power and rights and liberties simultaneously erode further.

1 After our corrupt politicians are finished socially re-engineering our system of government using the tax code and a
2 corrupted federal judiciary, below is what happens to our original republican government system. This is what we refer to
3 as the “De facto U.S. Government”. It has replaced our “De jure U.S. Government” not through operation of law, but
4 through fraud, force, and corruption. One of our readers calls this new architecture for social organization “The New
5 Civil Religion of Socialism”, where the collective will of the majority or whatever the judge says is sovereign, not God, and
6 is the object of worship and servitude in courtrooms all over the country, who are run by devil-worshipping modern-day
7 monarchs called “judges”. These tyrants wear black-robos and chant in Latin and perform exorcism on hand-cuffed
8 subjects to remove imaginary “demons” from the people that are defined by majority vote among a population of criminals
9 (by God’s law), homosexuals, drug abusers, adulterers, and atheists. The vilification of these demons are also legislated
10 into existence with “judge-made law”, which is engineered to maximize litigation and profits to the legal industry. The
11 legal industry, in turn, has been made into a part of the government because it is licensed and regulated by government.
12 This profession “worships” the judge as an idol and is comprised of golf and law school buddies and fellow members of the
13 American Bar Association, who hobnob with the judge and do whatever he says or risk having their attorney license pulled.
14 In this totalitarian socialist democracy/oligarchy shown below, the people have no inalienable or God-given individual
15 rights, but only statutory “privileges” and franchises granted by the will of the majority that are excise taxable. After all,
16 when God and Truth are demoted to being a selfish creation of man and a politically correct vain fantasy, then the concept
17 of “divine right” vanishes entirely from our political system.

18 **Figure 3: Our present SOCIALIST Oligarchy**



1

2 In the above diagram, all people in receipt of federal funds stolen through illegally collected or involuntarily paid federal
 3 income taxes effectively become federal "employees". They identified themselves as such when they filed their W-4
 4 payroll withholding form, which is a contract that says on the top "Employee Withholding Allowance Certificate". The
 5 Internal Revenue Code identifies "employee" to mean someone who works for the federal government in 26 U.S.C.
 6 §3401(c). These federal "employees" are moral and spiritual "whores" and "harlots". They are just like Judas or
 7 Essau...they exchanged the Truth for a lie and liberty for slavery and they did it mainly for money and personal security.
 8 They are:

Federal Jurisdiction

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EXHIBIT: _____

1. So concerned about avoiding being terrorized by their government or the IRS for “making waves”.
2. So immobilized by their own fear and ignorance that they don’t dare do anything.
3. So addicted to sin and other unhealthy distractions that they don’t have the time to do justice.
4. So poor that they can’t afford a expensive lawyer to be able to right the many wrongs imposed on them by a corrupted government. Justice is a luxury that only the rich can afford in our society.
5. So legally ignorant, thanks to our public “fool”, I mean “school” system that they aren’t able to right their wrongs on their own in court without a lawyer.
6. So afraid of corrupt judges and lawyers who are bought and paid for with money that they stole from hardworking Americans in illegally enforcing what is actually a voluntary Subtitle A income against those who in fact and indeed can only be described per the law as “nontaxpayers”
7. So unable to take care of their own needs because:
 - 7.1. Most of their money has been plundered by a government unable and unwilling to control its spending.
 - 7.2. They have allowed themselves to depend too much on government and allowed too much of their own hard-earned money to be stolen from them.
 - 7.3. They spent everything they had and went deep in debt to buy things they didn't need.
8. So covetous of that government welfare or socialist security or unemployment check or paycheck that comes in the mail every month.

...that they wouldn’t dare upset the apple cart or try to right the many wrongs that maintain the status quo by doing justice as a voter or jurist. As long as they get their socialist handout and they live comfortably on the “loot” their “Parens Patriae”, or “Big Brother” sends them, they don’t care that massive injustice is occurring in courtrooms and at the IRS every day and that they are sanctioning, aiding, and abetting that injustice as voters and jurists with a financial conflict of interest in criminal violation of 18 U.S.C. §§201 and 208. In effect, they are bribed to look the other way while their own government loots and oppresses their neighbor and then uses that loot to buy votes and influence.

“Thou shalt not steal.”
[Exodus 20:15, Bible, NKJV]

“For all the law is fulfilled in one word, even in this: “You shall love your neighbor as yourself.”
[Gal 5:14, Bible, NKJV]

Would you rob your neighbor? No you say? Well then, would you look the other way while someone else robs him in your name? Government is **YOUR AGENT**. If government robs your neighbor, God will hold you, not the agent who did it for you, personally responsible, because government is your agent. God put you in charge of your government and you are the steward. Frederic Bastiat described the nature of this horrible corruption of the system in the following book on our website:

The Law, by Frederic Bastiat
<http://famguardian.org/Publications/TheLaw/TheLaw.htm>

If you want to know what the above type of government is like spiritually, economically, and politically, read the first-hand accounts in the Book of Judges found in the Bible. Corruption, sin, servitude, violence, and wars characterize this notable and most ignominious period and “social experiment” as documented in the Bible. Now do you understand why God’s law mandates that we serve ONLY Him and not be slaves of man or government? When we don’t, the above totalitarian socialist democracy/tyranny is the result, where politicians and judges in government become the only sovereign and the people are there to bow down to and “worship” and serve an evil and corrupt government as slaves.

2.5.4 God's Remedy for the Corruption

Below is the way God himself describes the corrupted dilemma we find ourselves in because we have abandoned the path laid by our founding fathers, as described in [Isaiah 1:1-26](#):

*Alas, sinful nation,
A people laden with iniquity
A brood of evildoers
Children who are corrupters!
They have forsaken the Lord
They have provoked to anger
The Holy One of Israel,*

1 They have turned away backward.
2 Why should you be stricken again?
3 You will revolt more and more.
4 The whole head is sick [*they are out of their minds!: insane or STUPID or both*].
5 And the whole heart faints....

6 Wash yourselves, make yourselves clean;
7 Put away the evil of your doings from before My eyes.
8 Cease to do evil.
9 Learn to do good;
10 Seek justice.
11 Rebuke the oppressor [*the IRS and the Federal Reserve and a corrupted judicial system*];
12 Defend the fatherless.
13 Plead for the widow [and the "nontaxpayer"]....

14 How the faithful city has become a harlot!
15 It [the Constitutional Republic] was full of justice;
16 Righteousness lodged in it,
17 But now murderers [*and abortionists, and socialists, and democrats, and liars and corrupted judges*].
18 Your silver has become dross,
19 Your wine mixed with water.
20 Your princes [President, Congressmen, Judges] are rebellious.
21 Everyone loves bribes,
22 And follows after rewards.
23 They do not defend the fatherless,
24 nor does the cause of the widow [or the "nontaxpayer"] come before them.

25 Therefore the Lord says,
26 The Lord of hosts, the Mighty One of Israel,
27 "Ah, I will rid Myself of My adversaries,
28 And take vengeance on My enemies.
29 I will turn My hand against you,
30 And thoroughly purge away your dross,
31 And take away your alloy.
32 I will restore your judges [*eliminate the BAD judges*] as at the first,
33 And your counselors [*eliminate the BAD lawyers*] as at the beginning.
34 Afterward you shall be called the city of righteousness, the faithful city."
35 [Isaiah 1:1-26, Bible, NKJV]

36 So according to the Bible, the real problem is corrupted lawyers and judges and people who are after money and rewards. .
37 For evidence of exactly what about them he thinks became corrupted, see:

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

38 God furthermore says in the Isaiah scripture above that the way to fix the corruption and graft is to eliminate the bad
39 judges and lawyers. Whose job is that? It is the even more corrupted Congress! (see [28 U.S.C. §134\(a\)](#) and [28 U.S.C.](#)
40 [§44\(b\)](#))

41 "O My people! Those who lead you cause you to err,
42 And destroy the way of your paths."
43 [Isaiah 3:12, Bible, NKJV]

44 "The king establishes the land by justice; but he who receives bribes [or government "benefits", if paid to
45 voters, jurists, judges, or prosecutors] overthrows it."
46 [Prov. 29:4, Bible, NKJV]

47 Can thieves and corrupted judges and lawyers and jurors, who are all bribed with unlawfully collected monies they lust
48 after in the pursuit of socialist benefits, reform themselves if left to their own devices?

49 "When you [the jury] saw a thief [the corrupted judges and lawyers paid with extorted and stolen tax money],
50 you consented with him, And have been a partaker with adulterers."
51 [Psalm 50:18, Bible, NKJV]

52 "The people will be oppressed.
53 Every one by another and every one by his [socialist] neighbor [sitting on a jury who

was indoctrinated and brainwashed in a government school to trust government];
*The child will be insolent toward the elder,
And the base toward the honorable."*
[Isaiah 3:5, Bible, NKJV]

"It must be conceded that there are rights [and property] in every free government beyond the control of the State [or any judge or jury]. A government which recognized no such rights, which held the lives, liberty and property of its citizens, subject at all times to the disposition and unlimited control of even the most democratic depository of power, is after all a despotism. It is true that it is a despotism of the many--of the majority, if you choose to call it so--but it is not the less a despotism."
[Loan Ass'n v. Topeka, 87 U.S. (20 Wall.) 655, 665 (1874)]

The answer is an emphatic no. It is up to We The People as the sovereigns in charge of our lawless government to right this massive injustice because a corrupted legislature and judiciary and the passive socialist voters in charge of the government today simply cannot remedy their own addiction to the money that was stolen from their neighbor by the criminals they elected into office. These elected representatives were supposed to be elected to serve and protect the people, but they have become the worst abusers of the people because they only got into politics and government for selfish reasons. Notice we didn't say they got into "public service", because we would be lying to call it that. It would be more accurate to call what they do "self service" instead of "public service". One of our readers has a name for these kinds of people. He calls them SLAT: Scum, Liars, and Thieves. If you add up all the drug money, all the stolen property, all the white collar crime together, it would all pale in comparison to the "extortion under the color of law" that our own de facto government is instituting against its own people. If we solve no crime problem other than that one problem, then the government will have done the most important thing it can do to solve our crime problem and probably significantly reduce the prison population at the same time. There are lots of people in jail who were put there wrongfully for income tax crimes that aren't technically even crimes. These people were maliciously prosecuted by a corrupted Satan worshipping DOJ with the complicity of a corrupted judiciary and they MUST be freed because they have become slaves and political prisoners of a corrupted state for the sake of statutes that operate as the equivalent of a "civil religion" and which are not and cannot be law in their case. That's right: the corrupted state has erected a counterfeit church and religion that is a cheap imitation of God's design complete with churches, prayers, priests, deacons, tithes, and even its own "Bible" (franchise) and they have done so in violation of the First Amendment. The nature of that civil religion is exhaustively described below:

Socialism: The New American Civil Religion, Form #05.016
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf> (OFFSITE LINK)
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm> (OFFSITE)

Why does God describe the source of the corruption as bad lawyers and judges instead of the people accepting the franchises as "Buyers", you might ask? The answer is that:

1. The Constitution and the Declaration of Independence recognize natural rights as INALIENABLE. See Unalienable Rights Course, Form #12.038
<https://sedm.org/LibertyU/UnalienableRights.pdf>
2. An INALIENABLE right is one that YOU AREN'T ALLOWED BY LAW to consent (Form #05.003) to give away.
3. If you can't even lawfully consent (Form #05.003) to give away the right, then you can never lose it or contract it away by participating in a government franchise (Form #05.030) or accepting a loan of government property.
4. The fact that judges and lawyers ALLOW inalienable rights (Form #12.038) to be given away in a place where they aren't allowed to be given away is a sign that they love money and enhancing their own power more than they love freedom or the Constitution.
5. Because they love money and power more than they love freedom and obeying the constitution, they are committing treason punishable by death in violation of 18 U.S.C. §2381 and serving Satan himself.

Below is how we explain this conundrum in our Disclaimer:

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

"No servant [or government or biological person] 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 [government].**"
[\[Luke 16:13, Bible, NKJV\]](#)

[Disclaimer, Section 4: Meaning of Words: "Private"; SOURCE: <https://famguardian.org/disclaimer.htm>]

2.5.5 **De Jure v. De Facto Government**

We will now close this section with a tabular summary that compares our original "de jure" government to the "de facto" government that we presently suffer under. This corrupted "de facto" government only continues to exist because of our passive and tolerant approach towards the illegal activities of the government servants. We can fix this if we really want to, folks. Let's do it!

Table 2: Comparison of our "De jure" v. "De facto" government

#	Type of Separation of Powers	De jure government	De facto government
1	Separation of Church and State	Government has no power to control or regulate the political activities of churches	IRS 501(c) designation allows government to remove tax exemption from churches if they get politically involved
2	Separation of Money and State	Only lawful money is gold and the value of the dollar is tied to gold. Government can't manufacture more gold so they can't abuse their power to coin money to enrich themselves.	Fiat currency is Federal Reserve Notes (FRNs). Government can print any amount of these it wants and thereby enrich itself and steal from the those who hold dollars by lowering the value of the dollars in circulation (inflation)
3	Separation of Marriage and State	People getting married did not have marriage licenses from the state. Instead, the ceremony was exclusively ecclesiastical and it was recorded only in the family Bible and church records.	Pastor acts as an agent of both God and the state. He performs the ceremony and is also licensed by the state to sign the state marriage license. Churches force members getting married to obtain state marriage license by saying they won't marry them without a state-issued marriage license.
4	Separation of School and State	Schools were rural and remote and most were private or religious. There were very few public schools and a large percentage of the population was home-schooled.	Most student go to public schools. They are dumbed-down by the state to be good serfs/sheep by being told they are "taxpayers" and being shown in high school how to fill out a tax return without even being shown how to balance a check book. They are taught that government is the sovereign and not the people, and that people should obey the government.
5	Separation of State and Federal government	States control the Senate and all legislation and taxation internal to a state. Federal government controls only foreign commerce in the form of imposts, excises, and duties under Article 1, Section 8, Clause 3 of the Constitution.	Federal government receives lions share of income taxes over both internal and external trade. It redistributes the proceeds from these taxes to the socialist states, who are coerced to modify their

			laws in compliance with federal dictates in order to get their fair share of this stolen “loot”.
6	Separation between branches of government: Executive, Legislative, Judicial	Three branches of government are entirely independent and not controlled by other branches.	Judges are “employees” of the executive branch and have a conflict of interest because they are beholden to IRS extortion. Executive controls the illegal tax collection activities of the IRS and dictates to other branches it’s tax policy through illegal IRS extortion. Using the IRS, Executive becomes the “Gestapo” that controls everything and everyone. Congress and the courts refuse to reform this extortion because they benefit most financially by it.
7	Separation of Commerce and State	Federal government regulates only foreign commerce of corporations. States regulate all internal commerce. Private individuals have complete privacy and are not regulated because they don’t have Socialist Security Numbers and are not monitored by the IRS Gestapo. Banks are independent and do not have to participate in a national banking system so they don’t coerce their depositors to bet government-issued numbers nor do they snoop/spy on their depositors as an agent of the IRS Gestapo. Private employers are not regulated or monitored by federal Gestapo and their contracts with their employees are private and sacred.	All credit issued by a central, private Federal Reserve consortium. Federal Reserve rules coerce private banks to illegally enforce federal laws in states of the Union that only apply in the federal zone. Namely, they force depositors to have Socialist Security Numbers and they report all currency transactions over \$3,000 to the Dept of the Treasury (CTR’s). “Spying” on financial affairs citizens by government makes citizens afraid of IRS and government and coerces them to illegally pay income taxes by government. Employers are coerced to enslave their employees to IRS through wage reporting and withholding, often against the will of employees.
8	Separation of Media and State	Press was free to report as they saw fit under the First Amendment. Most newspapers were small-town newspapers and were private and independent.	Television, radio, the internet, and corporations have taken over the media and concentrated control of it to the hands of a very few huge and “privileged” corporations that are in bed with the federal and state governments. Media is no longer independent, and broadcasters don’t dare cross the government for fear of either losing their FCC license, being subjected to an IRS audit, or having their government sponsorship revoked.
9	Separation of	Families were completely separate from the state.	Using income taxes, mom was

	Family and State	<p>Private individuals were not subject to direct taxation or regulation by either state or federal government. No Socialist Security Numbers and no government surveillance of private commerce by individuals. Women stayed home and out of the workforce. Men dominated the political and commercial landscape and also defended their family from encroachments by government. Children were home-schooled and worked on the farm. They inherited the republican values of their parents. Morality was taught by the churches and there was an emphasis on personal responsibility, modesty, manners, respect, and humility.</p>	<p>removed from the home to enter the workforce so she could replace the income stolen from dad by the IRS through illegal enforcement of the tax laws. Conflict over money breaks families down and divorce rate reaches epidemic proportions. Children are neglected by their parents because parents both have to work full-time and duke it out with each other in divorce court. Majority of children raised in single parent homes. Television and a liberal media dominates and distorts the thoughts and minds of the children. Public schools filled with homosexuals and liberals, many of whom have no children of their own, teach our children to be selfish, rebellious, sexually promiscuous, homosexual drug-abusers. Pornography invades the home through the internet, cable-TV, and video rentals, creating a negative fixation on sex. Television interferes with family communication so that children are alienated from their parents so that they do not inherit good morals or respect for authority from their parents.. Crime rate and prison population reaches unprecedented levels. Citizens therefore lose their ability to govern themselves and the legal field and government come in and take over their lives.</p>
10	Separation of Charity and State	<p>Churches and families were responsible for charity. When a person was old or became unemployed, members of the church or family would take them. Personal responsibility and morality within churches and families would encourage them to improve their lives.</p>	<p>Monolithic, huge, and terribly inefficient government bureaucracies replace families and churches as major source of charity. These bureaucracies have no idea what personal responsibility is and are not allowed to talk about morality because they are not allowed to talk about God. Generations of people grow up under this welfare umbrella without every having to take responsibility for themselves, and these people abuse their voting power to perpetuate it. Supremacy of families and churches is eliminated and government</p>

			becomes the new “god” for everyone to worship. See Jeremiah 2:26-28.
11	Separation of Public and Private Property	All property is presumed to be absolutely owned, private, and not subject to state or public or government control. This is the foundation of the Fifth Amendment protection for private property. See: Separation Between Public and Private Course, Form #12.025 .	Corrupt and covetous public servants implement socialism, where all property is presumed to be absolutely owned by the government, and everyone is a BORROWER of said property with conditions. Those conditions are called "franchises", and government can regulate and control ANYONE and ANYTHING it wants. See Government Instituted Slavery Using Franchises, form #05.030 .

If you would like to know all the characteristics of the de facto government we live under and see proof that it is de facto, see:

1. [Government Corruption](#), Form #11.401 (OFFSITE LINK) -SEDM
<http://sedm.org/GovCorruption/GovCorruption.htm>
2. [Government Corruption: Causes and Remedies Course](#), Form #12.026 (OFFSITE LINK) – SEDM
<http://sedm.org/GovCorruption/GovCorruption.pdf>
3. [De Facto Government Scam](#), Form #05.043 (OFFSITE LINK)-Proves that we don't have a real, de jure government, and explains all the ways this de facto government illegally expands and protects its own criminal extortion enterprise and protection racket.
<http://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

3 Choice of Law Rules

The term “choice of law” describes the process that judges and attorneys must use in deciding which laws to apply to a particular case or controversy before them. In our country, there are 52 unique and distinct state and federal sovereignties that are “foreign” with respect to each other, each with their own laws, courts, and penal systems. When legal disputes arise, the task of deciding which laws from which of these sovereignties may be applied to decide a case is the very first step in resolving the crime or controversy. These “choice of law” rules are described in the following additional valuable resource:

[*Conflicts in a Nutshell*](#), David D. Seigel, West Publishing, 1994, ISBN 0-314-02952-4

3.1 Itemized list of choice of law rules

The following list summarizes the “choice of law” rules applying to litigation in federal court:

1. Federal district and circuit courts are administrative franchise courts created under the authority of Article 4, Section 3, Clause 2 of the Constitution and which have jurisdiction only over the following:
 - 1.1. Plenary/General jurisdiction over federal territory: Implemented primarily through “public law” and applies generally to all persons and things. This is a requirement of “equal protection” found in [42 U.S.C. §1981](#). Operates upon:
 - 1.1.1. The District of Columbia under Article 1, Section 8, Clause 17 of the U.S. Constitution.
 - 1.1.2. Federal territories and possessions under Article 4, Section 3, Clause 3 of the U.S. Constitution.
 - 1.1.3. Special maritime jurisdiction (admiralty) in territorial waters under the exclusive jurisdiction of the general/federal government.
 - 1.1.4. Federal areas within states of the Union ceded to the federal government. Federal judicial districts consist entirely of the federal territory within the exterior boundaries of the district, and do not encompass land not

ceded to the federal government as required by 40 U.S.C. §255 and its successors, [40 U.S.C. §3111](#) and [3112](#). See section 6.4 of the [Tax Fraud Prevention Manual, Form #06.008](#) et seq for further details.

1.1.5. Domiciliaries of the federal United States** temporarily abroad. See 26 U.S.C. §911 and Cook v. Tait, 265 U.S. 47, 44 S.Ct. 447, 11 Virginia Law Review, 607 (1924).

1.2. Subject matter jurisdiction:

1.2.1. "Public laws" which operate throughout the states of the Union upon the following subjects:

1.2.1.1. Excise taxes upon imports from foreign countries. See Article 1, Section 8, Clause 1 of the U.S. Constitution. Congress may NOT, however, tax any article exported from a state pursuant to Article 1, Section 9, Clause 5 of the Constitution. Other than these subject matters, NO national taxes are authorized:

"The States, after they formed the Union, continued to have the same range of taxing power which they had before, barring only duties affecting exports, imports, and on tonnage. 2 Congress, on the other hand, to lay taxes in order 'to pay the Debts and provide for the common Defence and general Welfare of the United States', Art. 1, Sec. 8, U.S.C.A.Const., can reach every person and every dollar in the land with due regard to Constitutional limitations as to the method of laying taxes."
[Graves v. People of State of New York, [306 U.S. 466](#) (1939)]

*"The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra."*
[Ashton v. Cameron County Water Improvement District No. 1, [298 U.S. 513](#); 56 S.Ct. 892 (1936)]

*"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)]

1.2.1.2. Postal fraud. See Article 1, Section 8, Clause 7 of the U.S. Constitution..

1.2.1.3. Counterfeiting under Article 1, Section 8, Clause 6 of the U.S. Constitution.

1.2.1.4. Treason under Article 4, Section 2, Clause 3 of the U.S. Constitution.

1.2.1.5. Interstate commercial crimes under Article 1, Section 8, Clause 3 of the U.S. Constitution.

1.2.1.6. Jurisdiction over naturalization and exportation of Constitutional aliens.

1.2.1.7. Slavery, involuntary servitude, or peonage under the Thirteenth Amendment, 42 U.S.C. §1994, 18 U.S.C. §1581. and 18 U.S.C. §1589(3).

*"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. **This legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends.** We entertain no doubt of the validity of this legislation, or of its applicability to the case of any person holding another in*

*a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding.
It operates directly on every citizen of the Republic, wherever his residence may be.”*
[Clyatt v. U.S., 197 U.S. 207 (1905)]

1.2.2. “Private law” or “special law” pursuant to Article 4, Section 3, Clause 2 of the U.S. Constitution. Applies only to persons and things who individually consent through private agreement or contract. Note that this jurisdiction also includes contracts with states of the Union and private individuals in those states. Includes, but is not limited exclusively to the following:

1.2.2.1. Federal franchises, such as Social Security, Medicare, etc. See:

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

1.2.2.2. Federal employees, as described in Title 5 of the U.S. Code.

1.2.2.3. Federal contracts and “public offices”.

1.2.2.4. Federal chattel property.

1.2.2.5. Internal Revenue Code, Subtitle A.

1.2.2.6. Social Security, found in 42 U.S.C. Chapter 7.

2. Internal Revenue Manual, Section 4.10.7.2.9.8 says that the IRS cannot cite rulings below the Supreme Court to apply to more than the specific person who litigated:

Internal Revenue Manual
[4.10.7.2.9.8 \(05-14-1999\)](#)
Importance of Court Decisions

1. Decisions made at various levels of the court system are considered to be interpretations of tax laws and may be used by either examiners or taxpayers to support a position.

2. Certain court cases lend more weight to a position than others. A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the Code.

3. Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers.

Federal courts have repeatedly stated that the general government is one of finite, enumerated, delegated powers. The implication of that concept is that whatever the government can do, the people can do also because the authority to do it came from the People. Consequently, if the IRS can refuse to be bound by rulings below the U.S. Supreme Court, the same constraints apply to us as the source of all their power:

“Sovereignty itself is, of course, not subject to law, for it is the author and source of law...While sovereign powers are delegated to...the government, sovereignty itself remains with the people.”
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

“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)]

“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)]

3. There is no federal common law within states of the Union, according to the Supreme Court in *Erie Railroad v. Tompkins*, 304 U.S. 64 (1938). Consequently, the rulings of federal district and circuit courts have no relevancy to state citizens domiciled in states of the union who do not declare themselves to be “U.S. citizens” under 8 U.S.C. §1401 and who would litigate under diversity of citizenship, as described in Article III, Section 2 of the U.S. Constitution but NOT 28 U.S.C. §1332.

"There is no Federal Common Law, and Congress has no power to declare substantive rules of Common Law applicable in a state. Whether they be local or general in their nature, be they commercial law or a part of the Law of Torts"
[Erie Railroad v. Tompkins, 304 U.S. 64 (1938)]

"Common law. As distinguished from statutory law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs and, in this sense, particularly the ancient unwritten law of England. In general, it is a body of law that develops and derives through judicial decisions, as distinguished from legislative enactments. The "common law" is all the statutory and case law background of England and the American colonies before the American revolution. *People v. Rehman*, 253 C.A.2d. 119, 61 Cal.Rptr. 65, 85. It consists of those principles, usage and rules of action applicable to government and security of persons and property which do not rest for their authority upon any express and positive declaration of the will of the legislature. *Bishop v. U.S., D.C.Tex.*, 334 F.Supp. 415, 418.

"Calif. Civil Code, Section 22.2, provides that the "common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or laws of this State, is the rule of decision in all the courts of this State."

"In a broad sense, "common law" may designate all that part of the positive law, juristic theory, and ancient custom of any state or nation which is of general and universal application, thus marking off special or local rules or customs.

"For federal common law, see that title.

"As a compound adjective "common-law" is understood as contrasted with or opposed to "statutory," and sometimes also to "equitable" or to "criminal."
[Black's Law Dictionary, Sixth Edition, p. 276]

4. The [Rules of Decision Act, 28 U.S.C. §1652](#), requires that the laws of the states of the Union are the only rules of decision in federal courts. This means that federal courts MUST cite state law and not federal law in all tax cases and MAY NOT cite federal case law in the case of persons not domiciled on federal territory and who are therefore not statutory "U.S. citizens" or "U.S. residents".

[TITLE 28 > PART V > CHAPTER 111 > § 1652](#)
[§ 1652. State laws as rules of decision](#)

The laws of the several states, except where the Constitution or treaties of the United States or Acts of Congress otherwise require or provide, shall be regarded as rules of decision in civil actions in the courts of the United States, in cases where they apply.

The thing they deliberately and self-servingly don't tell you in this act is specifically when federal law applies extraterritorially in a state of the Union, which is ONLY in the case of federal contracts, franchises, and domiciliaries and NO OTHERS. What all these conditions have in common is that they relate to federal territory and property and come under Article 4, Section 3, Clause 2 of the United States Constitution and may only be officiated in an Article 4 legislative franchise court, which includes all federal District and Circuit Courts. See the following for proof that all federal District and Circuit courts are Article 4 legislative franchise courts and not Article 3 constitutional courts:

4.1. [What Happened to Justice?](#), Litigation Tool #08.001

<http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm>

4.2. [Authorities on Jurisdiction of Federal Courts](#), Family Guardian Fellowship

<http://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm>

5. [Federal Rule of Civil Procedure 17\(b\)](#) says that the capacity to sue or be sued is determined by the law of the individual's domicile. It quotes two and only two exceptions to this rule, which are:

5.1. A person acting in a representative capacity as an officer of a federal entity.

5.2. A corporation that was created and is domiciled within federal territory.

This means that if a person is domiciled within the exclusive jurisdiction of a state of the Union and not within a federal enclave, then state law are the rules of decision rather than federal law. Since state income tax liability in nearly every state is dependent on a federal liability first, this makes an income tax liability impossible for those domiciled outside the federal zone or inside the exclusive jurisdiction of a state, because such persons cannot be statutory "U.S. citizens" as defined in 8 U.S.C. §1401 nor "residents" as defined in 26 U.S.C. §7701(b)(1)(A).

1 IV. PARTIES > Rule 17.
2 Rule 17. Parties Plaintiff and Defendant; Capacity

3 (b) Capacity to Sue or be Sued.

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

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

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

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

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

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

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

14 A person engaged in a "trade or business" occupies a "public office" within the U.S. government, which is a federal
15 corporation (28 U.S.C. §3002(15)(A)) created and domiciled on federal territory. They are also acting in a
16 representative capacity as an officer of said corporation. Therefore, such "persons" are the ONLY real taxpayers
17 against whom federal law may be cited outside of federal territory. Anyone in the government who therefore wishes to
18 enforce federal law against a person domiciled outside of federal territory (the "United States" as defined in 26 U.S.C.
19 §7701(a)(9) and (a)(10)) and who is therefore not a statutory "U.S. citizen" or "resident" (alien) therefore must satisfy
20 the burden of proof with evidence to demonstrate that the defendant lawfully occupied a public office within the U.S.
21 government in the context of all transactions that they claim are subject to tax. See:

The "Trade or Business" Scam, Form #05.001

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

- 22 6. 28 U.S.C. §2679(d)(3) indicates that any action against an officer or employee of the United States, if he was not acting
23 within his lawful delegated authority or in accordance with law, may be removed to State court and prosecuted
24 exclusively under state law because not a federal question.
- 25 7. For a person domiciled in a state of the Union, federal law may only be applied against them if they are either suing the
26 United States or are involved in a franchise or "public right". Franchises and public rights deal exclusively with
27 "public rights" created by Congress between private individuals and the government. Litigation involving franchises
28 generally is done only in Article IV legislative courts and not Article III constitutional courts. Northern Pipeline Const.
29 Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983).
- 30 8. Any government representative, and especially who is from the U.S. Department of Justice or the IRS, who does any of
31 the following against anyone domiciled outside of federal territory and within a state of the Union is trying to
32 maliciously destroy the separation of powers, destroy or undermine your Constitutional rights, and unconstitutionally
33 and unlawfully enlarge their jurisdiction and importance.
- 34 8.1. Cites a case below the Supreme Court or from a territorial or franchise court such as the District of Circuit Courts
35 or Tax Court. This is an abuse of case law for political rather than lawful purposes and it is intended to deceive
36 and injure the hearer. Federal courts, incidentally, are NOT allowed to involve themselves in such "political
37 questions", and therefore should not allow this type of abuse of case law, but judges who are fond of increasing
38 their retirement benefits often will acquiesce if you don't call them on it as an informed American. This kind of
39 bias on the part of federal judges, incidentally, is highly illegal under 28 U.S.C. §144 and 28 U.S.C. §455.
- 40 8.2. Enforces federal franchises such as the "trade or business" franchise (income tax, Internal Revenue Code, Subtitle
41 A) against persons not domiciled on federal territory. The U.S. Supreme Court said in the License Tax Cases, 72
42 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) that they could not enforce federal franchises
43 outside of federal territory.
- 44 8.3. Presumes or infers that "United States" as used in the Constitution is the same thing as "United States" as defined
45 in federal statutory law. They are mutually exclusive, in fact.
- 46 9. Every occasion in which courts exceed their jurisdiction that we are aware of originates from the following important
47 and often deliberate and malicious abuses by government employees, judges, and prosecutors. We must prevent and
48 overcome these abuses in order to keep the government within the bounds of the Constitution:
- 49 9.1. Misunderstanding or misapplication of the above choice of law rules.
- 50 9.2. Failure or refusal to adjust the meaning of "words of art" based on their context and the legal definitions that
51 apply in that context. See:

Geographical Definitions and Conventions, Form #11.215

<http://sedm.org/SampleLetters/DefinitionsAndConventions.htm>

- 52 9.3. A violation of or disregard for the rules of statutory construction, usually by abusing the word "includes". See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

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

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017

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

The U.S. Supreme Court identified the enemies of republican freedom originating from the above causes, when it held:

"The chief enemies of republican freedom are mental sloth, conformity, bigotry, superstition, credulity, monopoly in the market of ideas, and utter, benighted ignorance."
[Adderley v. State of Florida, 385 U.S. 39, 49 (1967)]

The book Conflicts in a Nutshell confirms some of the above conclusions by saying the following:

"After some 96 years of this, the Supreme Court acknowledged the unfair choice of forum this gave the plaintiff in a case governed by decisional rather than statutory law merely because the plaintiff and defendant happened to come from different states. Reconstructing the Rules of Decision Act, the Supreme Court in Erie overruled Swift and held that state law governs in the common law as well as in the statutory situation. Subsequent cases clarified that this means forum law; the law of the state in which the federal court is sitting.

"The result is that the federal court in a diversity case sits in effect as just another state court, seeking out forum state law for all substantive issues. The Rules of Decision Act does not apply to procedural matters, however; for matters of procedure a federal court, sitting in a diversity or any other kind of case, applies its own rules. This has been so since 1938, when, coincidentally (Erie was also decided in 1938), the Federal Rules of Civil Procedure arrived on the scene."

[Conflicts in a Nutshell, David D. Seigel, West Publishing, 1994, ISBN 0-314-02952-4, p. 317]

See section 5.1.4 of the Tax Fraud Prevention Manual, Form #06.008 for further details on how the DOJ, IRS, and the Federal Judiciary abuse case law for political rather than legitimate or Constitutional legal purposes. See also the memorandum of law entitled "Political Jurisdiction" to show how they abuse due process to injure your Constitutional rights by politicizing the courtroom:

Political Jurisdiction, Form #05.004

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

3.2 Summary of choice of law rules

The above choice of law rules for federal district and circuit courts can be further summarized below:

1. Civil Jurisdiction originates from one or more of the following. Note that jurisdiction over all the items below originates from Article 4, Section 3, Clause 2 of the United States Constitution and relates to community "property" of the states under the stewardship of the federal government.
 - 1.1. Persons domiciled on federal territory wherever physically located. These persons include:
 - 1.1.1. Statutory "U.S. citizens" pursuant to 8 U.S.C. §1401.
 - 1.1.2. Statutory "residents" (aliens) lawfully admitted pursuant to 8 U.S.C. §1101(a)(3).
 - 1.1.3. "U.S. persons" defined in 26 U.S.C. §7701(a)(30).
 - 1.2. Engaging in franchises offered by the national government to persons domiciled only on federal territory, wherever physically situated. This includes jurisdiction over:
 - 1.2.1. Public officers, who are called "employees" in 5 U.S.C. §2105.
 - 1.2.2. Federal agencies and instrumentalities.
 - 1.2.3. Federal corporations
 - 1.2.4. Social Security, which is also called Old Age Survivor's Disability Insurance (OASDI).
 - 1.2.5. Medicare.
 - 1.2.6. Unemployment insurance, which is also called FICA.
 - 1.3. Management of federal territory and contracts.
2. Criminal jurisdiction originates from crimes committed only on federal territory.

3.3 How choice of law rules are illegally circumvented by corrupted government officials to STEAL from You

In cases against the government, corrupt judges and prosecutors employ several important tactics that you should be very aware of in order to:

1. Circumvent choice of law rules documented in the previous sections and thereby to illegally and unconstitutionally enforce federal law outside of federal territory within a foreign state called a state of the Union.
2. STEAL private property from you and use it for their own benefit, in what amounts to a criminal and financial conflict of interest per 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
3. Unlawfully enlarge their jurisdiction and importance in what amounts to treason in violation of 18 U.S.C. §2381.
4. Break down the constitutional separation between the states and the federal government that is the foundation of the Constitution and the MAIN protection for your PRIVATE rights. See:

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

The most frequent methods to circumvent choice of law rules indicated in the previous sections are the following tactics:

1. Abuse “words of art” to deceive and undermine the sovereignty of the non-governmental opponent. This includes:
 - 1.1. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, in violation of the rules of statutory construction. See:
 - 1.2. Violate the rules of statutory construction by abusing the word “includes” to add things or classes of things to definitions of terms that do not expressly appear in the statutes and therefore MUST be presumed to be purposefully excluded.
 - 1.3. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
 - 1.4. Publish deceptive government publications that are in deliberate conflict with what the statutes define terms to mean and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#) and it is FRAUD. See:

Reasonable Belief About Income Tax Liability, Form #05.007
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

- 1.5. PRESUME that ALL of the four contexts for "United States" are equivalent.
For details on this SCAM, see:

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

2. 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
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

3. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

4. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.
5. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
6. Confuse the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

7. Confuse “federal” with “national” or use these words interchangeably. They are NOT equivalent and this lack of equivalence is a product of the separation of powers doctrine that is the foundation of the USA Constitution.

1 “It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to
2 its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District
3 of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these
4 authorities was the law in question passed?”
5 [*Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821)]

6
7 “**NATIONAL GOVERNMENT.** The government of a whole nation, as distinguished from that of a local or
8 territorial division of the nation, and also as distinguished from that of a league or confederation.

9 “A national government is a government of the people of a single state or nation, united as a community by
10 what is termed the “social compact,” and possessing complete and perfect supremacy over persons and things,
11 so far as they can be made the lawful objects of civil government. A federal government is distinguished from
12 a national government by its being the government of a community of independent and sovereign states,
13 united by compact.” *Piqua Branch Bank v. Knoup*, 6 Ohio.St. 393.”
14 [*Black’s Law Dictionary*, Revised Fourth Edition, 1968, p. 1176]

15
16 “**FEDERAL GOVERNMENT.** The system of government administered in a state formed by the union or
17 confederation of several independent or quasi independent states; also the composite state so formed.

18 In strict usage, there is a distinction between a confederation and a federal government. The former term
19 denotes a league or permanent alliance between several states, each of which is fully sovereign and
20 independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the
21 central authority a controlling power for a few limited purposes, such as external and diplomatic relations.
22 In this case, the component states are the units, with respect to the confederation, and the central
23 government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the
24 allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive
25 them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the
26 central power is erected into a true state or nation, possessing sovereignty both external and internal,-while
27 the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as
28 units, but by the people of all, in their collective capacity, as citizens of the nation. The distinction is
29 expressed, by the German writers, by the use of the two words “Staatenbund” and “Bundesstaat;” the former
30 denoting a league or confederation of states, and the latter a federal government, or state formed by means of a
31 league or confederation.”
32 [*Black’s Law Dictionary*, Revised Fourth Edition, 1968, p. 740]

33 Here is a table comparing the two:
34

Table 1: "National" v. "Federal"

#	Description	"National" government	"Federal" government
1	Legislates for	Federal territory and NOT states of the Union	Legislates for states of the Union and NOT federal territory
2	Social compact	None. Jurisdiction is unlimited per Article 1, Section 8, Clause 17	Those domiciled within states of the Union
3	Type of jurisdiction exercised	General jurisdiction	Subject matter jurisdiction (derived from Constitution)
4	Citizens	1. Statutory "nationals and citizens at birth" per 8 U.S.C. §1401. 2. "U.S. citizens" per 26 U.S.C. §3121(e) and 26 C.F.R. §1.1-1(c). 3. EXCLUDES constitutional "Citizens" or "citizens of the United States" per Fourteenth Amendment.	1. "Citizens". 2. Fourteenth Amendment "citizens of the United States". 3. EXCLUDES statutory citizens per 8 U.S.C. §1401 "U.S. citizens" per 26 U.S.C. §3121(e) and 26 C.F.R. §1.1-1(c).
5	Courts	Federal District and Circuit Courts (legislative franchise courts that can only hear disputes over federal territory and property per Art. 4, Sect. 3, Clause 2 of USA Constitution).	1. State courts. 2. U.S. Supreme Courts.
6	Those domiciled within this jurisdiction are	Statutory "aliens" in relation to states of the Union.	Statutory "aliens" in relation to the national government.
7	Those domiciled here are subject to Internal Revenue Code, Subtitles A through C ?	Yes	No

For further details on this SCAM, see:

Two Political Jurisdictions: "National" government v. "Federal" government, Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/Remedies/USvUSA.htm>

8. Abuse franchises such as the income tax, Social Security, Medicare, etc. to be used to UNLAWFULLY create new public offices in the U.S. government. This results in a de facto government in which there are no private rights or private property and in which EVERYONE is illegally subject to the whims of the government. See:

De Facto Government Scam, Form #05.043
 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

9. Connect the opponent to a government franchise or to PRESUME they participate and let the presumption go unchallenged and therefore agreed to. This is done:
- 9.1. PRESUMING that because someone connected ONE activity to a government franchise, that they elected to act in the capacity of a franchisee for ALL activities. This is equivalent to outlawing PRIVATE rights and PRIVATE property.
 - 9.2. Refusing to acknowledge or respect the method by which PRIVATE property is donated to a PUBLIC use, which is by VOLUNTARILY associating formerly PRIVATE property with a de facto license represent a public office in the government called a Social Security Number (SSN) or Taxpayer Identification Number (TIN).
 - 9.3. Calling use of SSNs and TINs VOLUNTARY and yet REFUSING to prosecute those who COMPEL their use. This results in a LIE.
 - 9.4. Compelling the use of Social Security Numbers or Taxpayer Identification Numbers. This is combated using the following:
 - 9.4.1. *Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"*, Form #04.205
<http://sedm.org/Forms/FormIndex.htm>
 - 9.4.2. *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012

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

9.4.3. Resignation of Compelled Social Security Trustee, Form #06.002

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

9.5. Using forms signed by the government opponent in which they claimed a status under a government franchise, such as statutory “taxpayer”, “individual”, “U.S. person”, “U.S. citizen”, etc. This is combatted by attaching the following to all tax forms one fills out:

Tax Form Attachment, Form #04.201

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

4 Laws of the National Government are limited to federal territory and property and those domiciled on federal territory

“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)]

The following subsections deal with the jurisdiction of the national government outside of federal territories and possessions. By “national government” we by definition mean the jurisdiction over territories and possessions. In contrast, the “federal government” has limited subject matter jurisdiction within states of the Union identified in Article 1, Section 8 of the USA Constitution.

“NATIONAL GOVERNMENT. *The government of a whole nation, as distinguished from that of a local or territorial division of the nation, and also as distinguished from that of a league or confederation.*

“A national government is a government of the people of a single state or nation, united as a community by what is termed the “social compact,” and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact.” Piqua Branch Bank v. Knoup, 6 Ohio.St. 393.”
[Black’s Law Dictionary, Revised Fourth Edition, 1968, p. 1176]

“FEDERAL GOVERNMENT. *The system of government administered in a state formed by the union or confederation of several independent or quasi independent states; also the composite state so formed.*

In strict usage, there is a distinction between a confederation and a federal government. The former term denotes a league or permanent alliance between several states, each of which is fully sovereign and independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the component states are the units, with respect to the confederation, and the central government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the central power is erected into a true state or nation, possessing sovereignty both external and internal,-while the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all, in their collective capacity, as citizens of the nation. The distinction is expressed, by the German writers, by the use of the two words “Staatenbund” and “Bundesstaat;” the former denoting a league or confederation of states, and the latter a federal government, or state formed by means of a league or confederation.”
[Black’s Law Dictionary, Revised Fourth Edition, 1968, p. 740]

This jurisdiction deals mainly with post offices, foreign nationals (aliens), and patents. Taxation within states of the Union is not authorized and never has been authorized, and especially not excise or franchise taxes. The only type of taxation authorized by the Constitution is excise of franchise taxes upon foreign commerce (imports) in Article 1, Section 8, Clauses 1 and 3 collected upon the high seas and at the borders and not within the states themselves.

“The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. *United States v. Butler, supra.*”

[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]

"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)]

4.1 General constraints

It is very important to understand the following principles of law limiting federal legislative jurisdiction within states of the Union:

1. States of the Union are NOT "territories" of the national government, but rather "foreign states" who by virtue of being "foreign" are beyond the legislative jurisdiction of Congress.

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

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

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

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

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

2. It is a canon of statutory construction and interpretation that all federal law is limited to the "territory" and property of the national government subject to its exclusive and general jurisdiction. Based on the previous item, that "territory" does not include the exclusive jurisdiction of any constitutional state of the Union and includes ONLY federal territory. That "territory" could conceivably be within the exterior limits of a state of the Union such as a national park or shipyard.

"It is a well established principle of law that all federal regulation applies only within the territorial jurisdiction of the United States unless a contrary intent appears."
[Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]

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

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

3. The right of the national government to enforce national law and tax law upon federal territory extends to those DOMICILED on federal territory, wherever physically situated.

3.1. Extraterritorial jurisdiction over those domiciled on federal territory and who are abroad but NOT within a state of the Union was recognized in the case of Cook v. Tait, where the U.S. Supreme Court held:

*“Plaintiff assigns against the power not only his rights under the Constitution of the United States, but under international law, and in support of the assignments cites many cases. It will be observed that the foundation of the assignments is the fact that the citizen receiving the income and the property of which it is the product are outside of the territorial limits of the United States. These two facts, the contention is, exclude the existence of the power to tax. Or, to put the contention another way, to the existence of the power and its exercise, the person receiving the income and the property from which he receives it must both be within the territorial limits of the United States to be within the taxing power of the United States. The contention is not justified, and that it is not justified is the necessary deduction of recent cases. In *United States v. Bennett*, 232 U.S. 299, the power of the United States to tax a foreign-built yacht owned and used during the taxing period outside of the [265 U.S. 55] United States by a citizen domiciled in the United States was sustained. The tax passed on was imposed by a tariff act, but necessarily the power does not depend upon the form by which it is exerted.”*
[Cook v. Tait, 265 U.S. 47 (1924)]

The important point of the above is that so long as the person claims to be a “citizen of the United States” under federal statutory law, then he or she is a “taxpayer”, regardless of what domicile they claim.

3.2. All tax liability is a civil liability in a de jure government which attaches to one’s choice of civil domicile. The only way to lawfully decouple tax liability from domicile is to create a PRIVATE LAW franchise contract in which:

3.2.1. The “taxpayer” is a public officer engaged in franchises by private law contract. Since the franchise is a contract, that contract is enforceable anywhere:

Debitum et contractus non sunt nullius loci.

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>]

3.2.2. The public officer is representing a federal corporation that IS a statutory “U.S. citizen” per 8 U.S.C. §1401.

3.2.3. Information returns filed against the “taxpayer” connect them to the public office, and therefore provide evidence that the party was engaged in the franchise contract.

3.3. The right to tax those domiciled on federal territory includes those who are statutory but not constitutional “U.S. citizens” per 8 U.S.C. §1401 or “Resident aliens” per 26 U.S.C. §7701(b)(4)(B), who have in common a domicile on federal territory. Hence, they are subject to the civil laws of the United States wherever they physically are. You don’t HAVE to have a civil domicile, but if you are dumb enough to have one, then the government essentially is treated as the owner of all your property. This fact is reflected in the following provisions of the law of nations:

The Law of Nations, Book II: Of a Nation Considered in Her Relation to Other States

§ 81. The property of the citizens is the property of the nation, with respect to foreign nations.

Even the property of the individuals is, in the aggregate, to be considered as the property of the nation, with respect to other states. It, in some sort, really belongs to her, from the right she has over the property of her citizens, because it constitutes a part of the sum total of her riches, and augments her power. She is interested in that property by her obligation to protect all her members. In short, it cannot be otherwise, since nations act and treat together as bodies in their quality of political societies, and are considered as so many moral persons. All those who form a society, a nation being considered by foreign nations as constituting only one whole, one single person, — all their wealth together can only be considered as the wealth of that same person. And this is to true, that each political society may, if it pleases, establish within itself a community of goods, as Campanella did in his republic of the sun. Others will not inquire what it does in this respect: its domestic regulations make no change in its rights with respect to foreigners nor in the manner in which they ought to consider the aggregate of its property, in what way soever it is possessed.

[The Law of Nations, Book II, Section 81, Vattel;

SOURCE: http://famguardian.org/Publications/LawOfNations/vattel_02.htm#§ 81. The property of the citizens is the property of the nation, with respect to foreign nations.]

3.4. A corollary is that those born or naturalized anywhere in the Union and domiciled in a legislatively foreign state, such as either a foreign nation or a Constitutional but not statutory state of the Union, are NOT statutory “U.S. citizens”, or “Resident aliens” per 26 U.S.C. §7701(b)(4)(B), but rather non-resident non-persons and stateless persons” beyond the legislative jurisdiction of Congress. Note in the ruling below that Bettison was described as “stateless” because he was not domiciled on federal territory in a statutory federal “State”, but rather in a foreign state and foreign country that is not subject to federal law, which in this case was Venezuela but could also have been a constitutional state of the Union.

At oral argument before a panel of the Seventh Circuit Court of Appeals, Judge Easterbrook inquired as to the statutory basis for diversity jurisdiction, an issue which had not been previously raised either by counsel or by the District Court Judge. In its complaint, Newman-Green had invoked 28 U.S.C. §1332(a)(3), which confers jurisdiction in the District Court when a citizen of one State sues both aliens and citizens of a State (or States) different from the plaintiff's. In order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a citizen of the United States and be domiciled within the State. See Robertson v. Cease, 97 U.S. 646, 648-649 (1878); Brown v. Keene, 8 Pet. 112, 115 (1834). The problem in this case is that Bettison, although a United States citizen, has no domicile in any State. He is therefore "stateless" for purposes of § 1332(a)(3). Subsection 1332(a)(2), which confers jurisdiction in the District Court when a citizen of a State sues aliens only, also could not be satisfied because Bettison is a United States citizen. [490 U.S. 829]

When a plaintiff sues more than one defendant in a diversity action, the plaintiff must meet the requirements of the diversity statute for each defendant or face dismissal. Strawbridge v. Curtiss, 3 Cranch 267 (1806).{1} Here, Bettison's "stateless" status destroyed complete diversity under § 1332(a)(3), and his United States citizenship destroyed complete diversity under § 1332(a)(2). Instead of dismissing the case, however, the Court of Appeals panel granted Newman-Green's motion, which it had invited, to amend the complaint to drop Bettison as a party, thereby producing complete diversity under § 1332(a)(2). 832 F.2d. 417 (1987). The panel, in an opinion by Judge Easterbrook, relied both on 28 U.S.C. § 1653 and on Rule 21 of the Federal Rules of Civil Procedure as sources of its authority to grant this motion. The panel noted that, because the guarantors are jointly and severally liable, Bettison is not an indispensable party, and dismissing him would not prejudice the remaining guarantors. 832 F.2d. at 420, citing Fed.Rule Civ.Proc. 19(b). The panel then proceeded to the merits of the case, ruling in Newman-Green's favor in large part, but remanding to allow the District Court to quantify damages and to resolve certain minor issues.{2} [Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)]

4. When asserting “extraterritorial jurisdiction” outside of federal territory identified in Article 1, Section 8, Clause 17, the national government must meet the following burden of proof:

While Congress certainly "has the authority to enforce its laws beyond the territorial boundaries of the United States", there must be evidence of its intent to do so in the plain language of the statute. Arabian Am. Oil, 499 U.S. at 248, 111 S.Ct. 1227 (citing Foley Bros. v. Filardo, 336 U.S. 281, 284-85, 69 S.Ct. 575, 93 L.Ed. 680 (1949); Benz v. Compania Naviera Hidalgo, S.A., 353 U.S. 138, 147, 77 S.Ct. 699, 1 L.Ed.2d 709 (1957)). It is a general principle that

“[b]ecause statutory language represents the clearest indication of Congressional intent, ... [this Court] must presume that Congress meant precisely what it said. Extremely strong, this presumption is rebuttable only in the "rare cases [in which] the literal application of a statute will produce a result demonstrably at odds with the intentions of its drafters."

*NPR v. FCC, 254 F.3d 226, 230 (D.C.Cir. 2001) (quoting United States v. Ron Pair Enterp., Inc., 489 U.S. 235, 242, 109 S.Ct. 1026, 103 L.Ed.2d 290 (1989), and citing Qi-Zhuo v. Meissner, 70 F.3d 136, 140 (D.C.Cir.1995) ("Where ... the plain language of the statute is clear, the court generally will not inquire further into its meaning.")). An examination of the plain language of the Civil Rights Act of 1991 demonstrates that Title VII will only apply extraterritorially to United States citizens. Title VII's definition of "employee" was specifically amended to reflect that "[w]ith respect to employment in a foreign county, such term [employee] includes an individual 66*66 who is a citizen of the United States." 42 U.S.C. § 2000e(f). If Congress had intended to extend Title VII's scope to protect non-United States citizens working abroad for American controlled companies, it could very well have included such individuals in its definition of employee. See Iwata, 59 F.Supp.2d at 604 (holding that if Congress intended for Title VII to extend to foreign nationals working outside of the United States, it had the opportunity to do so). While Congress did not explicitly address the extraterritorial reach of Title VII to non-citizen United States nationals in the Civil Rights Act of 1991, [6] Congress was abundantly clear that Title VII's protections would not be extended abroad to aliens. 42 U.S.C. § 2000e-1 ("This subchapter shall not apply to an employer with respect to the employment of aliens outside any State"); see Arabian Am. Oil, 499 U.S. at 246, 111 S.Ct. 1227; Mota v. Univ. of Tex. Houston Health Sci. Ctr., 261 F.3d 512, 524 n. 34 (5th Cir.2001); Mithani v. Lehman Bros., No. 01 CIV 5927, 2002 WL 14359, at *1 (S.D.N.Y. Jan. 4, 2002); Iwata, 59 F.Supp.2d at 604. Since Title VII's reach does not extend to non-United States citizens employed outside of the United States, the Court must address (1) the plaintiff's immigration status and (2) the location of his employment.*

Statutory geographical definitions and the rules of statutory construction and interpretation are the starting place for satisfying the burden of proving extraterritorial jurisdiction as indicated above.

5. The right of the federal government to officiate and legislate over its own chattel property extends EVERYWHERE in the Union and wherever said property is physically located.

5.1. Jurisdiction over government chattel property extends to every type of property owned by said government. In law:

5.1.1. All rights are property.

5.1.2. Anything that conveys rights is property.

5.1.3. Contracts convey rights and are therefore “property”.

5.1.4. All franchises are contracts between the grantor and the grantee and therefore “property”.

5.2. This jurisdiction over chattel property originates from Article 4, Section 3, Clause 2 of the United States Constitution.

“The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that the power to make ‘ALL needful rules and regulations’ ‘is a power of legislation,’ ‘a full legislative power;’ ‘that it includes all subjects of legislation in the territory,’ and is without any limitations, except the positive prohibitions which affect all the powers of Congress. Congress may then regulate or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on Congress. This is a conclusion universally admitted. But the power to ‘make rules and regulations respecting the territory’ is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in the domain of the United States within the States; and whatever rules and regulations respecting territory Congress may constitutionally make are supreme, and are not dependent on the situs of ‘the territory.’”

[*Dred Scott v. Sandford*, 60 U.S. 393, 509-510 (1856)]

5.3. Cases involving federal property must be heard in federal and not state court.

5.4. The jurisdiction of federal district and circuit courts is limited almost exclusively to disputes involving chattel property and franchises. All such courts, in fact, are created and maintained under Article 4, Section 3, Clause 2 of the United States Constitution and they are NOT created under the authority of Article III of the United States Constitution. NOWHERE, in fact, within the statutes creating such administrative franchise courts is Article III expressly invoked such as it is in the case of the Court of International Trade. Hence, the only REAL Article III courts are the Court of International Trade and the U.S. Supreme Court. Every other federal court is an Article IV franchise court that can only manage property. These conclusions are exhaustively established with thousands of pages of evidence in the following book on our website:

[What Happened to Justice?](http://sedm.org/Forms/FormIndex.htm), Form #06.012

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

4.2 Extraterritorial CIVIL jurisdiction

There are only two ways that any government can legislatively reach outside their territory to people or property in a legislatively foreign state:

1. Domicile in the case of those TEMPORARILY outside the territory protected by the government.
2. MUTUAL consent (comity) in the case of those PERMANENTLY domiciled OUTSIDE the territory of the government. This includes:
 - 2.1. Debt.
 - 2.2. Contract.

As we summarized in section 2 earlier, item 2 above is an extension and expression of your right to contract, and it is a maxim of law that contract and debt know no place:

Debitum et contractus non sunt nullius loci.

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/BouviersMaxims.htm>]

In addition, those in states of the Union have “inalienable rights” according to the Declaration of Independence, and therefore are legally FORBIDDEN from consenting to give them away to a REAL de jure government. Consequently, WHEN they are given away, they must be given away in a place NOT protected by the Constitution, and therefore not within a constitutional state, or else the contract is ALSO void and unenforceable:

“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]

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

Some covetous lawyers and judges like to try to argue that the Declaration of Independence is NOT “law”, but the very first enactment of the Congress in Statutes at Large, Volume 1, Page 1 (1 Stat. 1), MADE it into law. Judge Napolitano even goes so far as to say that not only is the Declaration of Independence LAW, but that it is THE MOST FREQUENTLY violated law in existence for that reason:

Judge Andrew Napolitano says the Declaration of Independence is LAW enacted by Congress, Exhibit #03.006
<http://sedm.org/Exhibits/ExhibitIndex.htm>

Furthermore, anyone entering into any contract with any government has an OBLIGATION to define IN WRITING:

1. The parties and any agency or LACK of agency (office) they are exercising when giving their consent.
 - 1.1. For Christians, that agency is God, and hence, cannot ALSO be “Caesar” or else they are serving to masters in violation of Luke 16:13.
 - 1.2. The bible describes the human body of Christians as “the church”, and hence, “separation of church and state” mandated by the constitution forbids them to serve as officers or agents of the government or the state.¹² Nearly all statutory civil “persons” and “individuals” are officers of the state, as we prove in Forms #05.037 and 05.042.
 - 1.3. No contract with any government can be allowed to supersede or conflict with your delegation of authority order direct from God in the Holy Bible. That delegation of authority is described in:

Delegation of Authority Order from God to Christians, Form #13.007

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

- 1.4. Any contract with the government that DOES create agency on behalf of the government, and ESPECIALLY agency as a public officer or “trade or business” franchise participant violates the FIRST Commandment of the Ten Commandments, in which believers are forbidden to SERVE “other gods”. By “gods” it means anyone who has SUPERIOR or SUPERNATURAL rights above yours and is therefore UNEQUAL and SUPERIOR to you. See Exodus 20:3-8.
2. All terms IN ADVANCE. A good example of how to do this is found in:
Citizenship, Domicile, and Tax Status Options, Form #10.003
<http://sedm.org/Forms/FormIndex.htm>
3. The place where disputes are litigated. Otherwise, they will be prejudicially litigated before the government you are contracting with.
4. ALL civil obligations and civil relations between the parties

If you don't do it in WRITING and insist that at least one government representative sign it, the U.S. Supreme Court has held that the contract is UNENFORCEABLE. Not only that, by not reducing it to writing and defining and limiting the jurisdiction of the government, you are in effect signing a blank check and handing it to a corrupt covetous government.

¹² See *We Are The Church*, Family Guardian Fellowship, <http://famguardian.org/Subjects/Spirituality/ChurchTaxation/WeAreTheChurch.htm>.

1 "Every man is supposed to know the law. A party who makes a contract with an officer without having it
2 reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation of
3 the law."
4 [*Clark v. United States*, 95 U.S. 539 (1877)]

5 Any deviation from the above constitutes essentially CRIMINAL identity theft, as described in the following:

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

6 Below is what the U.S. Attorneys Manual says about extraterritorial CRIMINAL jurisdiction. They don't have an
7 equivalent section on CIVIL jurisdiction, perhaps because there IS no such jurisdiction:

8 1617. Extraterritorial Criminal Jurisdiction -- 18 U.S.C. §112, 878, 970, 1116, 1117 And 1201

- 9 1. Murdering, kidnapping, assaulting, or threatening of an internationally protected person (IPP), is
10 prosecutable in a court of the United States, regardless of where the crime occurred, as long as the
11 "alleged offender is present within the United States." See, e.g., 18 U.S.C. §1116(c) (murder of IPP);
12 §1201(e)(kidnapping); §112(e) (assaults, wounds, strikes, imprisonments); §878(d) (threatens). Such
13 extraterritorial jurisdictional provisions are predicated upon the requirements of the U.N. IPP and OAS
14 Treaties to which the United States is a signatory. See H.R. Rep. No. 1614, 98th Cong., 2d Sess. (1976),
15 reprinted in 1976 U.S. Code Cong. and Adm. News 4480, 4482. Under customary international law, the
16 assertion of such jurisdiction is permissible under the "universal" principle which authorizes a state to
17 prosecute certain extraterritorial offenses recognized by the community of nations as of universal
18 concern. See *United States v. Yunis*, 924 F.2d 1086, 1091 (D.C. Cir. 1991). The *Yunis* decision also
19 suggests that the jurisdictional element of presence in the United States can be satisfied by the defendant's
20 forcible rendition to the United States. *Yunis*, 924 F.2d at 1092; see also *United States v. Rezaq*, 908 F.
21 Supp. 6 (D. D.C. 1995).
- 22 2. While Federal courts have jurisdiction over offenses against internationally protected persons solely upon
23 the basis of the alleged offender's presence within the United States, regardless of the place where the
24 offense was committed, they may exercise jurisdiction over similar offenses involving a foreign official or
25 official guest only if the offense occurred when the victim was in the United States. See, e.g., 18 U.S.C.
26 §1116(b)(3),(6). As a practical matter, however, most foreign officials will also be entitled to protection as
27 IPPs.
- 28 3. Section 721 of the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104-132, §721, 110
29 Stat. 1214, 1298, amended the various statutes protecting IPPs to make it clear that extraterritorial
30 jurisdiction exists over an offense against an IPP outside the United States whenever (1) the victim IPP is
31 a representative, officer, employee, or agent of the United States Government; or (2) the offender is a
32 national of the United States; or (3) the offender is afterwards "found" in the United States. The effective
33 date for the changes made by section 721 is April 24, 1996.

34 [cited in [USAM 9-65.800](#)]

35 [U.S. Attorneys Manual, Section 1617, Downloaded 10/30/2015;
36 SOURCE: <http://www.justice.gov/usam/criminal-resource-manual-1617-extraterritorial-criminal-jurisdiction-18-usc-112-878-970-1116>]
37

38 For further details on extraterritorial jurisdiction, see:

Taxation Page, Section 11.10, Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/taxes.htm>

39 **4.3 Extraterritorial Tax Jurisdiction of the National Government**

40 **4.3.1 History of Cook v. Tait, 265 U.S. 47 (1924)**

41 We wish to elaborate further on the case of *Cook v. Tait*, 265 U.S. 47 (1924) mentioned earlier in section 4.1. That case is
42 important because it is frequently cited as authority by federal courts as the origin of their extraterritorial jurisdiction to tax.

43 First, a little history on Cook who brought the case. The 1921 Revenue Act imposed 8% tax on nonresident aliens, but a
44 lower 4% tax rate on the first \$4,000 of income in the case of a citizen or resident of the United States. On Cook's 1921

1 1040 return he took the 4% rate on the first \$4,000. Thus he accepted the benefit of the lower tax rate for a citizen, in
2 addition to expressly declaring himself a citizen on the 1040. You can see the history of citizenship on tax returns below:

Tax Return History-Citizenship, Family Guardian Fellowship

<https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm>

3 The tax was imposed under the Revenue Act of 1921, which provides by section 210 (42 Stat. 227, 233 [Comp. St. Ann.
4 Supp. 1923, § 6336 1/8 e]):

5 *That, in lieu of the tax imposed by section 210 of the Revenue Act of 1918, there shall be levied, collected, and*
6 *paid for each taxable year upon the net income of every individual a normal tax of 8 per centum of the amount*
7 *of the net income in excess of the credits provided in section 216: Provided, that in the case of a citizen or*
8 *resident of the United States the rate upon the first \$4,000 of such excess amount shall be 4 per centum.'*
9 *[Revenue Act of 1921, Section 210, 42 Stat. 227, 233)]*

10 They used "every individual", but what they REALLY mean is "every nonresident alien individual with income subject to
11 federal tax" deriving ONLY from the federal zone. VERY SNEAKY. See how they make it look like everyone has to pay
12 an 8% tax and that you get this big tax break and only have to pay 4% on the first \$4,000 if only you declare yourself a
13 STATUTORY "citizen or resident of the United States"?

14 Here is the reasoning of SCOTUS in Cook v. Tait in affirming the lower court decision to uphold the Collector's denial of
15 Cook's refund claim:

16 *"We may make further exposition of the national power as the case depends upon it. It was illustrated at once*
17 *in United States v. Bennett by a contrast with the power of a state. It was pointed out that there were limitations*
18 *upon the latter that were not on the national power. The taxing power of a state, it was decided, encountered at*
19 *its borders the taxing power of other states and was limited by them. There was no such limitation, it was*
20 *pointed out, upon the national power, and that the limitation upon the states affords, it was said, no ground for*
21 *constructing a barrier around the United States, 'shutting that government off from the exertion of powers*
22 *which inherently belong to it by virtue of its sovereignty."*
23 *[Cook v. Tait, 265 U.S. 47 (1924)]*

24 You have to understand that Cook's argument was the only thing SCOTUS needed to address.

25 *"Plaintiff assigns against the power, not only his rights under the Constitution of the United States, but under*
26 *international law, and in support of the assignments cites many cases. It will be observed that the foundation of*
27 *the assignments is the fact that the citizen receiving the income and the property of which it is the product are*
28 *outside of the territorial limits of the United States. These two facts, the contention is, exclude the existence of*
29 *the power to tax. Or to put the contention another way, to the existence of the power and its exercise, the person*
30 *receiving the income and the property from which he receives it must both be within the territorial limits of the*
31 *United States to be within the taxing power of the United States. The contention is not justified, and that it is not*
32 *justified is the necessary deduction of recent cases. "*
33 *[Cook v. Tait, 265 U.S. 47 (1924)]*

34 This is the end of it right here---his contentions were not justified. They had the power to tax Cook because COOK
35 HIMSELF GAVE IT TO THEM by filing as a STATUTORY "citizen of the United States**" and claiming a statutory
36 benefit. By accepting the benefit of the lower tax rate (4% on the first \$4,000) afforded ONLY to a citizen or resident of
37 the United States (which he SAID he was on his 1921 1040 tax return). Cook made ALL of his worldwide income from
38 1921 subject to the provisions of the 1921 revenue act by virtue of accepting that benefit. Citizens pay tax on
39 WORLDWIDE income, while nonresident aliens only pay tax from the territorial/statutory "United States**".

40 The only question raised by Cook was this:

41 *"The question in the case, and which was presented by the demurrer to the declaration is, as expressed by*
42 *plaintiff, whether Congress has power to impose a tax upon income received by a native citizen of the United*
43 *States who, at the time the income was received, was permanently resident and domiciled in the city of Mexico,*
44 *the income being from real and personal property located in Mexico."*

45 The lower court answered "yes" to this question and SCOTUS affirmed. They were justified in this conclusion because
46 Cook claimed the "benefit" or "privilege" of a voluntary civil status of STATUTORY "citizen of the United States" under 8
47 U.S.C. §1401, even though he was NOT such a citizen as a person born in a constitutional state. As a state national, he was
48 a nonresident alien in relation to the national government as we prove in:

In effect, they bribed Cook with the “benefit” of deductions he didn’t need in exchange for making ALL of his earnings worldwide subject to tax instead of only those originating from the federal zone as in the case of the nonresident alien that he really was. STATUTORY “citizens” are subject to income tax on WORLDWIDE earnings while nonresident aliens are only subject to earnings from the federal zone. Cook was a fool who probably knew nothing about the law and hired an attorney who helped turn the ENTIRE WORLD into a huge farm full of cows that Uncle Sam could milk. MOO!

4.3.2 Origin of income tax jurisdiction: physical residence ONLY

Ordinarily, and especially in the case of states of the Union, physical residence on federal territory within that state in what is called a federal enclave is the determining factor as to whether an income tax is owed to the state by that citizen:

“But in personal and income taxes domicile has played no necessary part, and residence at a fixed date has determined the liability for the tax. Bell v. Pierce, 51 N.Y. 12; Douglas v. Mayor, 9 N.Y. Super. Ct. 110; Matter of Austen, 13 A.D. 247, 42 N.Y.S. 1097; Finley v. Philadelphia, 32 Pa. 361. In the New York Income Tax law (Consol. Laws, c. 60), which is largely based on the federal acts, section 350 defines a ‘resident’ as ‘any person domiciled in the state of New York, and any other person who maintains a permanent place of abode within the state, and spends in the aggregate more than seven months of the taxable year within the state.’

Likewise under the English income tax laws, prior to 1914, residence, and not domicile, was the test of liability (Inland Revenue v. John Lambert Caldwell, (1904) 7 Session Cases, 146; Attorney General v. Coots, 4 Price, 183), though income, unless derived from a trade or employment carried on in England, had to be received there in order to render one subject to taxation upon it (Liverpool, London & Globe Ins. Co. v. Bennett, (1913) A.C. 610). But since 1914 a resident of more than six months (though not domiciled) has had to pay an income tax on all income received in the United Kingdom, and a domiciled person a tax on income derived from all sources. Thus, under all the British income tax laws, a resident, though having no domicile in England, had to pay a tax on all income received in England whatever its source. Whether he received all his income there, of course, depended on circumstances, but whatever he received was taxable against a resident, irrespective of his domicile.

*In the federal act of 1913, income taxes are imposed upon ‘the entire net income arising or accruing from all sources in the preceding calendar year to every citizen of the United States, whether residing at home or abroad, and to every person residing in the United States, though not a citizen thereof, * * * and a like tax shall be assessed, levied, collected, and paid annually upon the entire net income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere.’ 38 Stat. 166.”*
[Bowring v. Bowers, 24 F.2d. 918 (1928)]

Don’t confuse the CIVIL STATUS of “resident” (alien) under 26 U.S.C. §7701(b)(1)(A) with the FACT of “residence” or BEING “resident”. They are not the same. Being “resident” is a geographical term that relates to the geographical “United States” defined by statute and not by the constitution. The “United States” they are referring to that one must be “resident” within to be “subject” to the income tax is federal territory not within the exclusive jurisdiction of a Constitutional state and defined geographically in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d). Further, the “citizen of the United States” they are referring to is someone born and domiciled on federal territory and what we call a STATUTORY citizen rather than a CONSTITUTIONAL citizen. If they weren’t domiciled there, they would simply be a national rather than a statutory citizen. “national” is a political status, while “citizen” is a CIVIL/STATUTORY status. In other words, those without a domicile have a POLITICAL status but not a CIVIL status in relation to the place they are NOT domiciled.

4.3.3 Civil status of “citizen”/“resident” under the Internal Revenue Code

Recall that domicile, consent, or physical presence on federal territory are the only ways one can have a civil status under the civil statutes of Congress.¹³ This is acknowledged below:

¹³ See: Civil Status (Important!), SEDM; <https://sedm.org/civil-status/>.

§ 29. Status.¹⁴ It may be laid down that the status-or, as it is sometimes called, civil status, in contradistinction to political status - of a person depends largely, although not universally, upon domicile. The older jurists, whose opinions are fully collected by Story¹⁵ and Burge¹⁶ maintained, with few exceptions, the principle of the ubiquity of status, conferred by the *lex domicilii* with little qualification. Lord Westbury, in *Udny v. Udny*¹⁷ thus states the doctrine broadly: "The civil status is governed by one single principle, namely, that of domicile, which is the criterion established by law for the purpose of determining civil status. For it is on this basis, that the personal rights of the party - that is to say, the law which determines his majority and minority, his marriage, succession, testacy, or intestacy-must depend." Gray, C. J., in the late Massachusetts case of *Ross v. Ross*¹⁸ speaking with special reference to capacity to inherit, says: "It is a general principle that the status or condition of a person, the relation in which he stands to another person, and by which he is qualified or made capable to take" certain rights in that other's property, is fixed by the law of the domicile; and that this status and capacity are to be recognized and upheld in every other State, so far as they are not inconsistent with its own laws and policy."

But great difficulty in the discussion of this subject has arisen by reason of the loose and varying use of the term status and the want of any clear definition of what is meant by it. Savigny¹⁹ understood it to mean "capacity to have rights and to act;" and this undoubtedly was the sense in which it was understood by the older jurists. In *Niboyet v. Niboyet*,²⁰ Brett, L. J., gives this definition: "The status of an individual, used as a legal term, means the legal position of the individual in or with regard to the rest of a community." But whatever may be the definition of the term, or whatever rules applicable to status in general may be looked upon as having received general acceptance, there are certain prominent states or conditions of persons, which have been treated of by writers and considered by the courts, and these it will be well to examine separately, with a view to ascertain how far they are affected by domicile.

[Treatise on the Law of Domicil, M.W. Jacobs, 1887; Little Brown and Company, §29, pp. 38-39]

Because domicile is a prerequisite to BEING a statutory citizen and domicile is voluntary, then being a "taxpayer" must be voluntary. In the case of Cook, he WAS NOT domiciled in the STATUTORY "United States*" (federal zone) but rather Mexico at the time. So, to claim the status of STATUTORY "citizen", he had to volunteer or consent by claiming it on his 1921 1040 tax return.

In addition, domicile also plays a factor in civil enforcement, because there is not civil statutory jurisdiction without a domicile, per Federal Rule of Civil Procedure 17(b). Below is a definition of "domicile":

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

[Black's Law Dictionary, Sixth Edition, p. 485]

"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

¹⁴ On this general subject, see Story, Conf. of L. ch. 4; Burge, For. & Col. L. vol. i ch. 3 et. seq.; Phillimore, Int. L. vol. iv. ch. 17; Westlake, Priv. Int. L. 1st ed. ch. 13; id. 2d ed. ch. 2, 3; Foote, Priv. Int. L. ch. 8; Wharton, Conf. of L. ch. 3; Dicey, Dom. pt. 3, ch. 2; Piggott, For. Judgments, ch. 10; Savigny, System, etc. vol. viii. §§ 362-365 (Guthrie's trans. p. 148 et. seq.); Bar, Int. Priv. und Strafrecht, §§ 42-46 (Gillespie's trans. p. 160 et. seq.); and see particularly the learned and elaborate opinion of Gray, C. J., in *Rosa v. Ross*, 129 Mass. 243 (given infra, §32, note 2). In these places the reader will find collected almost all of the important authorities upon the subject of status.

¹⁵ Ubi supra.

¹⁶ Ubi supra.

¹⁷ L.R. 1 Sch. App. 441, 457.

¹⁸ 129 Mass. 243, 246.

¹⁹ System, etc. §361 (Guthrie's Trans, p. 139). Bar understands status in the same sense, §44 (Gillespie's trans. p.172). Gray, C. J., in the case above cited, thus distinguishes the two phases of capacity which go to make up status: "The capacity or qualification to inherit or succeed to property, which is an incident of the status or condition, requiring no action to give it effect, is to be distinguished from the capacity or competency to enter into contracts that confer rights upon others. A capacity to take and have differs from a capacity to do and contract; in short, a capacity of holding from a capacity to act." *Ross v. Ross*, ubi supra.

²⁰ L. B. 4 P. D. 1, 11.

1 obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course,
2 the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most
3 obvious illustration being a tax on realty laid by the state in which the realty is located."
4 [Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

5 We also establish the connection between domicile and tax liability in the following article.

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

6 Only in the case of the national government for statutory but not constitutional "U.S. citizens" abroad are factors OTHER
7 than physical "residence" or domicile even relevant, as pointed out in Cook v. Tait. What "OTHER" matters might those
8 be? Well, in the case of Cook, the thing taxed is a voluntary franchise, and that status of being a statutory but not
9 constitutional "U.S. citizen" abroad exercising what the courts call "privileges and immunities" of the national (rather than
10 FEDERAL) government is the franchise. Note the language in Cook v. Tait, which attempted to connect the American
11 located and domiciled "abroad" in Mexico with receipt of a government "benefit" and therefore excise taxable "privilege"
12 and franchise/contract.

13 "We may make further exposition of the national power as the case depends upon it. It was illustrated at once
14 in *United States v. Bennett* by a contrast with the power of a state. It was pointed out that there were limitations
15 upon the latter that were not on the national power. The taxing power of a state, it was decided, encountered
16 at its borders the taxing power of other states and was limited by them. There was no such limitation, it was
17 pointed out, upon the national power, and that the limitation upon the states affords, it was said, no ground
18 for constructing a barrier around the United States, 'shutting that government off from the exertion of
19 powers which inherently belong to it by virtue of its sovereignty.'

20 "The contention was rejected that a citizen's property without the limits of the United States derives no
21 benefit from the United States. The contention, it was said, came from the confusion of thought in 'mistaking
22 the scope and extent of the sovereign power of the United States as a nation and its relations to its citizens and
23 their relation to it.' And that power in its scope and extent, it was decided, is based on the presumption
24 that government by its very nature benefits the citizen and his property wherever found, and that
25 opposition to it holds on to citizenship while it 'belittles and destroys its advantages and blessings by denying
26 the possession by government of an essential power required to make citizenship completely beneficial.' In other
27 words, the principle was declared that the government, by its very nature, benefits the citizen and his property
28 wherever found, and therefore has the power to make the benefit complete. Or, to express it another way, the
29 basis of the power to tax was not and cannot be made dependent upon the situs of the property in all cases, it
30 being in or out of the United States, nor was not and cannot be made dependent upon the domicile of the
31 citizen, that being in or out of the United States, but upon his relation as citizen to the United States and the
32 relation of the latter to him as citizen. The consequence of the relations is that the native citizen who is taxed
33 may have domicile, and the property from which his income is derived may have situs, in a foreign country and
34 the tax be legal—the government having power to impose the tax."
35 [Cook v. Tait, 265 U.S. 47 (1924)]

36 So the key thing to note about the above is that the tax liability attaches to the STATUS of BEING or REPRESENTING a
37 statutory but not constitutional "citizen of the United States" under the Internal Revenue Code, and NOT to domicile of the
38 human being, based on the above case.

39 "Or, to express it another way, the basis of the power to tax was not and cannot be made dependent upon the
40 situs of the property in all cases, it being in or out of the United States, nor was not and cannot be made
41 dependent upon the domicile of the citizen, that being in or out of the United States, but upon his relation as
42 citizen to the United States and the relation of the latter to him as citizen. The consequence of the relations is
43 that the native citizen who is taxed may have domicile, and the property from which his income is derived may
44 have situs, in a foreign country and the tax be legal—the government having power to impose the tax."
45 [Cook v. Tait, 265 U.S. 47 (1924)]

46 There are only two ways to reach a nonresident party through the civil law: Domicile and contract/consent.²¹

47 "All the powers of the government [including ALL of its civil enforcement powers against the public] must be
48 carried into operation by individual agency, either through the medium of public officers, or contracts made
49 with [private] individuals."

²¹ See Great IRS Hoax, Form #11.302, Section 5.2.6: The Two Sources of Federal Civil Jurisdiction: "Domicile" and "Contract";
<http://sedm.org/Forms/FormIndex.htm>.

The voluntary choice of electing to be treated as a statutory “U.S. citizen” under the Internal Revenue Code, in turn, can only be a franchise contract/agreement that implements a “public office” in the U.S. government. The office, in turn, is chattel property of the U.S. Government that the creator of the franchise can regulate or tax ANYWHERE under the franchise “protection” contract. All rights that attach to STATUS are, in fact, franchises, and the Cook case is no exception. This, in fact, is why falsely claiming to be a statutory “U.S. citizen” is a crime under 18 U.S.C. §911: Because the franchise status is a creation of and therefore “property” of the national government and abuse of said property or the public rights and “benefits” that attach to it is a crime.

The government can only tax what it creates, and it created the PUBLIC OFFICE but not the OFFICER filling the office. The “Taxpayer Identification Number” functions as a de facto “license” to exercise the privilege/franchise. A license is permission from the state to do that which is otherwise illegal. You can’t license something unless it is FIRST ILLEGAL to perform WITHOUT a license, so they had to make it illegal to claim to be a statutory “U.S. citizen” per 18 U.S.C. §911 before they could license it and tax it. Hence:

1. The statutory “taxpayer” (self-proclaimed statutory “U.S. citizen”) at 26 U.S.C. §7701(a)(14) is a public office in the U.S. Government.
2. The U.S. government, in turn, is a federal corporation.
3. All federal corporations are domiciled in the District of Columbia per Federal Rule of Civil Procedure 17(b).
4. The term “citizen of the United States**” is a synonym for the “taxpayer” status and also a public office in the corporation.
5. All corporations are franchises and all those serving in offices within the corporation are acting in a representative capacity as “officers of a corporation” and therefore “persons” as statutorily defined in 26 U.S.C. §6671(b) and 26 U.S.C. §7343.
6. The human being is:
 - 6.1. Filling the public office of statutory “taxpayer” and statutory self-proclaimed “citizen of the United States**”
 - 6.2. Representing the federal corporation as an officers of said corporation.
 - 6.3. Representing the office, which is the real statutory “person” defined in 26 U.S.C. §6671(b) and 26 U.S.C. §7343 because acting as a public officer.
 - 6.4. Surety for public office he fills but he/she is NOT the office.
 - 6.5. Availing himself of the “benefits” and “protections” and “privileges” of a federal franchise.
7. Because the human being consented to act as an officer and accept the franchise “benefits” of the public office, he must ALSO accept all the statutory franchise obligations that GO with the office. You can’t take the “goodies” of the office and refuse to also accept the obligations that go with those goodies. Here is how the California Civil Code describes this:

California Civil Code
DIVISION 3. OBLIGATIONS
PART 2. CONTRACTS
TITLE 1. NATURE OF A CONTRACT
CHAPTER 3. CONSENT

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

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590>]

*“Cujus est commodum ejus debet esse incommodum.
He who receives the benefit should also bear the disadvantage.*

*Que sentit commodum, sentire debet et onus.
He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.”*
[Bouvier’s Maxims of Law, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

8. Invoking the franchise status causes a waiver of sovereign immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. §1605(a)(2). This waiver of sovereign immunity is also called “purposeful availment” by the courts, which simply means that you consensually and purposefully directed your activities towards instigating commerce with the

Beast (government, Rev. 19:19). Hence by voluntarily calling yourself a statutory “U.S. citizen”, you are fornicating with the Beast and you are among the “seas of people nations and tongues” who are part of Babylon the Great Harlot mentioned in the Bible book of Revelation. Black’s Law Dictionary, in fact, defines “commerce” as “intercourse”. This makes all those who engage in such commerce with government instead of God into fornicators and harlots.

“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]

9. Domicile is still important even within the Internal Revenue Code. The domicile at issue in the I.R.C., however, is the domicile of the OFFICE and NOT the PERSON FILLING said office. The OFFICE can have a different domicile than the OFFICER. The statutory “taxpayer” found in 26 U.S.C. §7701(a)(14) is a public office. The human being filling the office is NOT the “taxpayer”, but a PARTNER with the office and surety for the office. That partnership is mentioned in 26 U.S.C. §6671(b) and 26 U.S.C. §7343.

4.4 International Terrorism and legislating from the bench by Ex-President Taft and the U.S. Supreme Court in Cook v. Tait, 265 U.S. 47 (1924)

The severe problems with the U.S. Supreme Court’s interpretation in Cook v. Tait, 265 U.S. 47 (1924) are that:

1. They say that state taxing authority stops at the state’s borders because it collides with adjacent states, and yet they don’t apply the same extraterritorial limitation upon United States taxing jurisdiction, even though it:
 - 1.1. Similarly collides with and interferes with neighboring countries
 - 1.2. Violates the sovereignty and EQUALITY of adjacent nations under the [law of nations](#).
2. Americans domiciled abroad ought to be able to decide when or if they want to be protected by the United States government while abroad and that method ought to be DIRECT and explicit, by expressly asking in writing to be protected and receiving a BILL for the cost of the protection. Instead, based on the outcome in Cook, the Supreme Court made the request for protection and INDIRECT RUSE by associating it with the voluntary choice of calling oneself a statutory “U.S. citizen” under national law. This caused the commission of a crime under current law and additional confusion because:
 - 2.1. 18 U.S.C. §911 makes it is a crime to claim to be a statutory “U.S. citizen” under 8 U.S.C. §1401.
 - 2.2. Under current law, you cannot be a statutory “citizen” without a domicile in a place and you can only have a domicile in one place at a time. Cook had a domicile in Mexico and therefore was a statutory “resident” or “citizen” of Mexico AND NOWHERE ELSE. You can only be a statutory “citizen” in one place at a time because you can only have a DOMICILE in one place at a time. Therefore, Cook COULD NOT be a statutory “citizen of the “United States**” at the same time and was LYING to claim that he was.
3. If an American domiciled abroad doesn’t want to be protected and says so in writing, they shouldn’t be forced to be protected or to pay for said protection through “taxation”.
4. The U.S. government cannot and should not have the right to FORCE you to both be protected and to pay for such protection, because that is THEFT and SLAVERY, and especially if you regard their protection as an injury or a “protection racket”.
5. YOU and not THEY should have the right to define whether what they offer constitutes “PROTECTION” because YOU are the “customer” for protection services and the customer is ALWAYS right. You can’t be sovereign if they can define their mere existence as “protection” or a so-called “benefit”, force you to pay for that “protection” or “benefit”, and charge whatever they want for said protection. After all, they could injure you and as long as they are the only ones who can define words in a dispute, then they can call it a “benefit” and even charge you for it!

“Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one; for when we suffer, or are exposed to the same miseries by a government, which we might expect in a country without government, our calamity is heightened by reflecting that we furnish the means by which we suffer.”

[Thomas Paine, “Common Sense” Feb 1776]

6. If the government is going to enforce their right to force you to accept their “protection” and/or franchise “benefits” and pay for them, then by doing so they are:
 - 6.1. “Purposefully availing themselves” of commerce within your life and your private jurisdiction.

6.2. Conferring upon you the same EQUAL right to tax THEM and regulate THEM that they claim they have the right to do to you under the concept of equal rights and equal protection.

6.3. Conferring upon you the right to decide how much YOU get to charge THEM for invading your life, stealing your resources, time, and property, and enslaving you.

The above are an unavoidable consequence of the requirements of the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97. That act applies equally to ALL governments, not just to foreign governments, under the concept of equal protection. YOU are your own “government” for your own “person”, family, and property. According to the U.S. Supreme Court, ALL the power of the U.S. government is delegated to them from YOU and “We the People”.

Therefore, whatever rights they claim you must ALSO have, including the right to enforce YOUR franchises against them without THEIR consent. Hence, the same rules they apply to you HAVE to apply to them or they are nothing but terrorists and extortionists. The U.S. Supreme Court affirmed that when they tax nonresidents without their consent, it is more akin to crime and extortion than a lawful government function.

"The power of taxation, indispensable to the existence of every civilized government, is exercised upon the assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding to the value of such property, or in the creation and maintenance of public conveniences in which he shares -- such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the taxing power be in no position to render these services, or otherwise to benefit the person or property taxed, and such property be wholly within the taxing power of another state, to which it may be said to owe an allegiance, and to which it looks for protection, the taxation of such property within the domicile of the owner partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be beyond the power of the legislature, and a taking of property without due process of law. Railroad Company v. Jackson, 7 Wall. 262; State Tax on Foreign-Held Bonds, 15 Wall. 300; Tappan v. Merchants' National Bank, 19 Wall. 490, 499; Delaware &c. R. Co. v. Pennsylvania, 198 U.S. 341, 358. In Chicago &c. R. Co. v. Chicago, 166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without compensation was a denial of due process within the Fourteenth Amendment. See also Davidson v. New Orleans, 96 U.S. 97, 102; Missouri Pacific Railway v. Nebraska, 164 U.S. 403, 417; Mt. Hope Cemetery v. Boston, 158 Mass. 509, 519."
[Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 (1905)]

Of course, the U.S. Supreme Court in Cook v. Tait DID NOT address any of the problems or “cognitive dissonance” deliberately created above by their hypocritical double standard and self-serving word games, and if they had reconciled the problems described, they would have had to expose the FALSE, injurious, and prejudicial presumptions they were making and the deliberate conflict of law and logic those presumptions created, and thereby reconcile them.

As you will eventually learn, most cases in federal court essentially boil down to a criminal conspiracy by the judge and the government prosecutor to “hide their presumptions” and “hide the consent of the governed” in order to advantage the government and conceal or protect their criminal conspiracy to steal from you and enslave you. This game is done by quoting words out of context, confusing the statutory and constitutional contexts, and abusing “words of art” to deceive and presume in a way that “benefits” them RATHER than the people they are supposed to be protecting. Their “presumptions” serve as the equivalent of religious faith, and the false god they worship in their religion is SATAN himself and the money and power he tempts them with. They know that:

1. They can’t govern you civilly without your consent as the Declaration of Independence requires.
2. The statutory “person”, “individual”, “citizen”, “resident”, and “inhabitant” they civilly govern is created by your consent.
3. When you call them on it and say you aren’t a “person”, “citizen”, “individual”, or “resident” under the civil law because you never consented to be governed, and instead are a nonresident, then instead of proving your consent to be governed as the Declaration of Independence requires, the criminals on the bench call you frivolous to cover up their FRAUD and THEFT of your property.

Likewise, corrupt governments frequently try to hide the prejudicial and injurious presumptions they are making because having to justify and defend them would expose the cognitive conflicts, irrationality, and deception in their reasoning. They know that all presumptions that prejudice rights protected by the Constitution are a violation of due process of law and render a void judgment so they try to hide them. For instance, in the Cook case, the presumption the Supreme Court made was that the term “citizen of the United States” made by Plaintiff Cook meant a STATUTORY citizen pursuant to 8 U.S.C. §1401, and NOT a CONSTITUTIONAL citizen. However, the only thing the Plaintiff reasonably could have been was a CONSTITUTIONAL and NOT STATUTORY citizen by virtue of being domiciled abroad. It is a fact that you can only have a domicile in one place at a time, that your statutory status as a “citizen” comes from that choice of domicile, and that you can therefore only be a statutory “citizen” of ONE place at a time. The Plaintiff in Cook was a citizen or resident

of Mexico and NOT of the statutory “United States**” (federal territory). Hence, he was not a “taxpayer” because not the statutory “citizen of the United States” that they fraudulently acquiesced to allow him to claim that he was. Allowing him to claim that status was FRAUD, but because it padded their pockets they tolerated it and went along with it, and used it to deceive even more people with a vague ruling describing their ruse.

If the Supreme Court had exposed all of their presumptions in the Cook case and were honest, they would have held that:

1. Cook was NOT a statutory “citizen of the United States**” under the federal revenue laws at that time. The Internal Revenue Code was not in existence at that time and wasn’t introduced until 1939.
2. Cook could not truthfully claim to be a statutory “citizen of the United States” if he was domiciled in Mexico as he claimed and as they accepted. He didn’t have a domicile on federal territory called the “United States” therefore his claim that we was such a statutory “citizen” was FRAUD that they could not condone, even if it profited them. Compare [Newman-Green v. Alfonso Larrain, 490 U.S. 826 \(1989\)](#), in which a foreign domiciled American was declared “stateless” and therefore beyond the jurisdiction of the federal courts.
3. Cook was a nonresident alien and “stateless person” in relation to federal jurisdiction by virtue of his foreign domicile in Mexico. Hence, he was beyond the reach of the federal courts:

“The tax which is sustained is, in my judgment, a tax upon the income of non-resident aliens and nothing else.

[. . .]

The government thus lays a tax, through the instrumentality of the company [PUBLIC OFFICE/WITHHOLDING AGENT], upon the income of a non-resident alien over whom it cannot justly exercise any control, nor upon whom it can justly lay any burden.

[. . .]

The power of the United States to tax is limited to persons, property, and business within their jurisdiction, as much as that of a State is limited to the same subjects within its jurisdiction. State Tax on Foreign-Held Bonds, 15 Wall. 300.”

“A personal tax,” says the Supreme Court of New Jersey, “is the burden imposed by government on its own citizens for the benefits which that government affords by its protection and its laws, and any government which should attempt to impose such a tax on citizens of other States would justly incur the rebuke of the intelligent sentiment of the civilized world.” State v. Ross, 23 N.J.L. 517, 521.

In imposing a tax, says Mr. Chief Justice Marshall, the legislature acts upon its constituents. “All subjects,” he adds, “over which the power of a State extends are objects of taxation, but those over which it does not extend are, upon the soundest principles, exempt from taxation. This proposition *334 may almost be pronounced self-evident.” McCulloch v. Maryland, 4 Wheat. 316, 428.

There are limitations upon the powers of all governments, without any express designation of them in their organic law; limitations which inhere in their very nature and structure, and this is one of them, — that no rightful authority can be exercised by them over alien subjects, or citizens resident abroad or over their property there situated.”
[United States v. Erie R. Co., 106 U.S. 327 (1882)]

4. As a private human being, Cook did not lawfully occupy a public office in the federal government as that term is legally defined. Hence, he could not lawfully be a statutory “individual” or “person”. All “persons” and “individuals” within the Internal Revenue Code are public offices and/or instrumentalities of the national and not state government. Hence, Cook was a “nonresident alien NON-individual”. The U.S. Supreme Court has held that the ability to regulate EXCLUSIVELY PRIVATE conduct is repugnant to the constitution. Hence, only activities of public officers and agents may be regulated or taxed without violating the USA Constitution. Any other approach results in slavery and involuntary servitude. See the following for proof that all statutory “taxpayers” are public officers engaged in the “trade or business” and public officer franchise defined in 26 U.S.C. §7701(a)(26):

[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>

5. Since all public offices must be executed in the District of Columbia and not elsewhere, and since Cook wasn’t in the District of Columbia, then the I.R.C. could not be used to CREATE that public office and the “taxpayer” status that attaches to it in Mexico where he was.

In order to sidestep the SIGNFICANT issues raised by the above considerations, the U.S. Supreme Court:

1. Made their ruling far too ambiguous and short.
2. Refused to address:
 - 2.1. All the implications described above and generated more rather than less confusion.
 - 2.2. The holding in *United States v. Erie R. Co.*, 106 U.S. 327 (1882) above.
3. Cited NO statutory authority or legal authority for their decision to create the statutory “citizen of the United States***” franchise that exists INDEPENDENT of the domicile of a domestic national. It was created entirely by judicial fiat and “legislating from the bench”. The reason they had to do this is that Congress cannot write law that operates extraterritorially outside the country without the party who is subject to it consenting to it or to a status under it.
4. The entire exercise was based on prejudicial “presumption” that injured the rights and property of Cook, who was the party they allegedly were “protecting”.
 - 4.1. The injury to Cook’s rights and property came by having to pay a tax based on a civil law statute that did not and could not apply in a foreign country.
 - 4.2. The only rationale given by the U.S. Supreme Court was their unsubstantiated “presumption” that because they were a “government” or part of a government, then their very EXISTENCE as a government was a so-called “benefit”, even though they never proved with evidence that there was any “benefit” or protection directly to Cook in that case. In fact, he was INJURED by having to pay the tax, rather than protected, and got NOTHING in return for it.
 - 4.3. They made this presumption in SPITE of the fact that the very same court said that all presumptions that prejudice or injure rights are unconstitutional. The only defense they could rationally have for inflicting such an injury is that the Bill of Rights does NOT protect Americans in foreign countries and only operates within states of the Union. Hence, when not restrained by the Constitution, its’ OK to STEAL from anyone without any statutory authority using nothing but judicial fiat:
5. Left everyone speculating and afraid about what it meant, and how someone could owe a tax without a domicile in the statutory “United States***” (federal territory), even though in every other case domicile is the only reason that people owe an income tax.
6. Used the fear and speculation and presumption that uncertainty creates and compels to force people to believe things that are simply not supportable by evidence nor true about tax liability, such as that EVERYONE IN THE WORLD, regardless of where they physically are or where they are domiciled, owe a tax to the place of their birth, if that place of birth is the United States of America.

"The power to create presumptions is not a means of escape from constitutional [or territorial] restrictions,"
[New York Times v. Sullivan, 376 U.S. 254 (1964)]

The above factors, when combined, amount to acts of INTERNATIONAL TERRORISM against nonresident parties. Terrorists, after all, engage primarily in kidnapping and extortion. Their self-serving presumptions about your status and their abuse of “words of art”²² are the means of kidnapping you without your consent or knowledge, and the result of the kidnapping is that they get to treat you as a “virtual resident” of what Mark Twain calls “the District of Criminals” who has to bend over for King Congress on a daily basis as a compelled public officer of the national government. And they have the GALL to call this kind of abuse a “benefit” and charge you for it! If you want to know how these international terrorists describe THEMSELVES, see:

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

The judicial fiat that created this extraterritorial PLUNDER, ahem, I mean “tax” is completely hypocritical, because the United States, even to this day, is the ONLY major industrialized country that in fact invokes an income tax on “citizens of the United States***” ANYWHERE IN THE WORLD, and thus interferes with the EQUAL taxing powers of other countries and causes Americans to falsely believe that they are subject to DOUBLE taxation of their foreign earnings.

What a SCAM these shysters pulled with this ruling. And why did they do it? Because the Federal Reserve printing presses were running full speed starting in 1913, and yet paper money was still redeemable in gold, so they had to have a

²² See *Legal Deception, Propaganda, and Fraud*, Form #05.014; <http://sedm.org/Forms/FormIndex.htm>.

1 way to sop up all the excess currency they were printing. And WHO issued this ruling? None other than the person
2 responsible for:

- 3 1. Introducing the Sixteenth Amendment, which was the Income Tax Amendment and getting it fraudulently ratified in
4 1913.
- 5 2. Starting the Federal Reserve in 1913.

6 President William Howard Taft, the only President of the United States to ever serve as a U.S. Supreme Court Justice,
7 assumed the role of Chief Justice in 1921, and this landmark ruling of Cook v. Tait was his method to expand the
8 implementation of that tax to have worldwide scope. It wouldn't surprise us if Cook was an insider government minion
9 commissioned secretly to undertake this critical case. He probably even setup this case to make sure it would come before
10 him and secretly HIRED Cook to bring it all the way up to the U.S. Supreme Court on his watch. That's how DEVIOUS
11 these bastards are. Is it any wonder that in 1929, Congress handed Taft a marble palace to conduct his job in? That's right:
12 The current U.S. Supreme Court building and marble palace of the civil religion of socialism was authorized during his
13 tenure as a reward for his monumental exploits as both a President of the United States and a U.S. Supreme Court justice.²³
14 They didn't finish that palace until 1933, shortly after he died on March 30, 1930. That was his prize for creating a scam of
15 worldwide scope by:

- 16 1. Learning the tax ropes as a collector of internal revenue from 1882-1884. See:

Biography of William Howard Taft, SEDM Exhibit 11.003

<http://sedm.org/Exhibits/ExhibitIndex.htm>

- 17 2. Being elected President of the United States in 1909.

- 18 3. Introducing the current Sixteenth Amendment in 1909. This was one of his first official acts as President. See:

Congressional Record, June 16, 1909, pp. 3344-3345, SEDM Exhibit #02.001

<http://sedm.org/Exhibits/ExhibitIndex.htm>

- 19 4. Getting the Sixteenth Amendment fraudulently ratified in 1913 after he was voted out of office but while he still
20 occupied said office as a lame duck President.
- 21 5. Passing the Federal Reserve Act in 1913 during the Christmas recess when only five congressmen were present to vote.
- 22 6. Being appointed U.S. Supreme Court Justice in 1921.
- 23 7. Giving the new income tax he created a worldwide scope with the Cook v. Tait ruling.
- 24 8. Introducing and passing the Writ of Certiorari Act of 1925, in which Congress consented to allow the U.S. Supreme
25 Court to turn the appeal process into a franchise in which they had the discretion NOT to rule on cases before them and
26 thereby INTERFERE with the rights of the litigants. The cases they would then refuse to rule on would be those in
27 which income tax laws were unlawfully enforced. Thus, they denied justice to the people who were abused by the
28 unlawful enforcement of the revenue laws and FRAUDS that protect it.

29 It also shouldn't surprise you to learn that Taft was the ONLY president to ALSO serve as a collector of internal revenue.
30 Even as President and later as a Chief Justice of the U.S. Supreme Court, he apparently continued in that role. Here is what
31 Wikipedia says on this subject:

32 *Legal career*

33 *After admission to the Ohio bar, Taft was appointed Assistant Prosecutor of Hamilton County, Ohio,²⁴ based in*
34 *Cincinnati. In 1882, he was appointed local Collector of Internal Revenue.²⁵ Taft married his longtime*
35 *sweetheart, Helen Herron, in Cincinnati in 1886.²⁶ In 1887, he was appointed a judge of the Ohio Superior*

²³ Maybe we should have used the phrase "heavy duty" instead of "monumental". After all, President William Howard Taft was literally the fattest person to ever serve as president, weighing in at over 300 pounds. Maybe the phrase "It ain't over till the fat lady sings" should be changed to "It ain't over till the fat man talks."

²⁴ "William Howard Taft". National Park Service. 2004-01-22. http://www.nps.gov/history/history/online_books/Presidents/bio27.htm. Retrieved 2009-03-20.

²⁵ Herz, Walter (1999). "William Howard Taft". Unitarian Universalist Historical Society. <http://www25.uua.org/uuhhs/duub/articles/williamhowardtaft.html>. Retrieved 2009-03-22.

²⁶ "William Howard Taft". National Park Service. 2004-01-22. http://www.nps.gov/history/history/online_books/Presidents/bio27.htm. Retrieved 2009-03-20.

Court.²⁷ In 1890, President Benjamin Harrison appointed him Solicitor General of the United States²⁸. As of January 2010, at age 32, he is the youngest-ever Solicitor General.²⁹ Taft then began serving on the newly created United States Court of Appeals for the Sixth Circuit in 1891.³⁰ Taft was confirmed by the Senate on March 17, 1892, and received his commission that same day.³¹ In about 1893, Taft decided in favor of one or more patents for processing aluminium belonging to the Pittsburg Reduction Company, today known as Alcoa, who settled with the other party in 1903 and became for a short while the only aluminum producer in the U.S.³² Another of Taft's opinions was Addyston Pipe and Steel Company v. United States (1898). Along with his judgeship, between 1896 and 1900 Taft also served as the first dean and a professor of constitutional law at the University of Cincinnati.³³
[SOURCE: Wikipedia, Topic: William Howard Taft; http://en.wikipedia.org/wiki/William_Howard_Taft, 4/28/2010]

The bottom line is that any entity that can FORCE you to accept protection you don't want, call it a "benefit" even though you call it an injury and a crime, and force you to pay for it is a protection racket and a mafia, not a government. And such crooks will always resort to smoke and mirrors like that of Taft above to steal from you to subsidize their protection racket.

Prior to implementing the Taft international terrorism SCAM, a dissenting opinion of the same U.S. Supreme Court earlier described it for what it is, and the court was naturally completely silent in opposing the objections made, and therefore AGREED to ALL OF THEM under Federal Rule of Civil Procedure 17(b). The issue was withholding of a tax upon English citizens by an American company situated abroad. The English citizens were aliens in relation to both the United States and the corporation doing the withholding, and therefore nonresident aliens. Field basically said that withholding on them was theft and violated the law of nations. You aren't surprised that Taft very conveniently omitted to address the issues raised in this dissenting opinion, are you? He was a THIEF, a LIAR, and a charlatan intent on SUPPRESSING the truth and effectively legislating from the bench INTERNATIONALLY, which is a thing that not even Congress can do. Here is the text of that marvelous dissenting opinion by Justice Field:

*I am not able to agree with the majority of the court in the decision of this case. The tax which is sustained is, in my judgment, a tax upon the income of non-resident aliens and nothing else. The 122d section of the act of June 30, 1864, c. 173, as amended by that of July 13, 1866, c. 184, subjects the interest on the bonds of the company to a tax of five per cent, *331 and authorizes the company to deduct it from the amount payable to the coupon-holder, whether he be a non-resident alien or a citizen of the United States. The company is thus made the agent of the government [PUBLIC OFFICER!] for the collection of the tax. It pays nothing itself; the tax is exacted from the creditor, the party who holds the coupons for interest. No collocation of words can change this fact. And so it was expressly adjudged with reference to a similar tax in the case of United States v. Railroad Company, reported in the 17th of Wallace. There a tax, under the same statute, was claimed upon the interest of bonds held by the city of Baltimore. And it was decided that the tax was upon the bondholder and not upon the corporation which had issued the bonds; that the corporation was only a convenient means of collecting it; and that no pecuniary burden was cast upon the corporation. This was the precise question upon which the decision of that case turned.*

A paragraph from the opinion of the court will show this beyond controversy. "It is not taxation," said the court, "that government should take from one the profits and gains of another. That is taxation which compels one to pay for the support of the government from his own gains and of his own property. In the cases we are considering, the corporation parts not with a farthing of its own property. Whatever sum it pays to the government is the property of another. Whether the tax is five per cent on the dividend or interest, or whether it be fifty per cent, the corporation is neither richer nor poorer. Whatever it thus pays to the

²⁷ "William Howard Taft". National Park Service. 2004-01-22. http://www.nps.gov/history/history/online_books/Presidents/bio27.htm. Retrieved 2009-03-20.

²⁸ "William Howard Taft". National Park Service. 2004-01-22. http://www.nps.gov/history/history/online_books/Presidents/bio27.htm. Retrieved 2009-03-20.

²⁹ Cannon, Carl. "Solicitor general nominee likely to face questions about detainees". GovernmentExecutive.com. <http://www.govexec.com/dailyfed/0405/042505nj1.htm>. Retrieved 2010-01-03.

³⁰ "William Howard Taft". National Park Service. 2004-01-22. http://www.nps.gov/history/history/online_books/Presidents/bio27.htm. Retrieved 2009-03-20.

³¹ "William Howard Taft (1857-1930)". U.S. Court of Appeals for the Sixth Circuit. http://www.ca6.uscourts.gov/lib_hist/courts/supreme/judges/taft/taft.html. Retrieved 2009-03-22.

³² "Against the Cowles Company, Decision in the Aluminium Patent Infringement Case (article preview)". The New York Times (The New York Times Company). January 15, 1893. <http://query.nytimes.com/gst/abstract.html?res=9904E3DE1731E033A25756C1A9679C94629ED7CF>. Retrieved 2007-10-28. and Rosenbaum, David Ira (1998). *Market Dominance: How Firms Gain, Hold, or Lose It and the Impact on Economic Performance*. Praeger Publishers via Greenwood Publishing Group. pp. 56. ISBN 0-2759-5604-0. <http://books.google.com/books?id=htQDB-Pf4VIC>. Retrieved 2007-11-03.

³³ *Cincinnati Law School: 2006 William Howard Taft Lecture on Constitutional Law*

government, it by law withholds from the creditor. If no tax exists, it pays seven per cent, or whatever be its rate of interest, to its creditor in one unbroken sum. If there be a tax, it pays exactly the same sum to its creditor, less five per cent thereof, and this five per cent it pays to the government. The receivers may be two, or the receiver may be one, but the payer pays the same amount in either event. It is no pecuniary burden upon the corporation, and no taxation of the corporation. The burden falls on the creditor. He is the party taxed. In the case before us, this question controls its decision. If the tax were upon the railroad, there is no defence; it must be paid. But we hold that the tax imposed by the 122d section is in substance and in law a tax upon the *332 income of the creditor or stockholder, and not a tax upon the corporation." See also Haight v. Railroad Company, 6 Wall. 15, and Railroad Company v. Jackson, 7 id. 262, 269.

The bonds, upon the interest of which the tax in this case was laid, are held in Europe, principally in England; they were negotiated there; the principal and interest are payable there; they are held by aliens there, and the interest on them has always been paid there. The money which paid the interest was, until paid, the property of the company; when it became the property of the bondholders it was outside of the jurisdiction of the United States.

Where is the authority for this tax? It was said by counsel on the argument of the case — somewhat facetiously, I thought at the time — that Congress might impose a tax upon property anywhere in the world, and this court could not question the validity of the law, though the collection of the tax might be impossible, unless, perchance, the owner of the property should at some time visit this country or have means in it which could be reached. This court will, of course, never, in terms, announce or accept any such doctrine as this. And yet it is not perceived wherein the substantial difference lies between that doctrine and the one which asserts a power to tax, in any case, aliens who are beyond the limits of the country. The debts of the company, owing for interest, are not property of the company, although counsel contended they were, and would thus make the wealth of the country increase by the augmentation of the debts of its corporations. Debts being obligations of the debtors are the property of the creditors, so far as they have any commercial value, and it is a misuse of terms to call them anything else; they accompany the creditors wherever the latter go; their situs is with the latter. I have supposed heretofore that this was common learning, requiring no argument for its support, being, in fact, a self-evident truth, a recognition of which followed its statement. Nor is this the less so because the interest may be called in the statute a part of the gains and profits of the company. Words cannot change the fact, though they may mislead and bewilder. The thing remains through all disguises of terms. If the company makes no gains or profits on its business and borrows the money to *333 meet its interest, though it be in the markets abroad, it is still required under the statute to withhold from it the amount of the taxes. If it pays the interest, though it be with funds which were never in the United States, it must deduct the taxes. The government thus lays a tax, through the instrumentality of the company [PUBLIC OFFICE/WITHHOLDING AGENT], upon the income of a non-resident alien over whom it cannot justly exercise any control, nor upon whom it can justly lay any burden.

The Chief Justice, in his opinion in this case, when affirming the judgment of the District Court, happily condensed the whole matter into a few words. "The tax," he says, "for which the suit was brought, was the tax upon the owner of the bond, and not upon the defendant. It was not a tax in the nature of a tax in rem upon the bond itself, but upon the income of the owner of the bond, derived from that particular piece of property. The foreign owner of these bonds was not in any respect subject to the jurisdiction of the United States, neither was this portion of his income. His debtor was, and so was the money of his debtor; but the money of his debtor did not become a part of his income until it was paid to him, and in this case the payment was outside of the United States, in accordance with the obligations of the contract which he held. The power of the United States to tax is limited to persons, property, and business within their jurisdiction, as much as that of a State is limited to the same subjects within its jurisdiction. State Tax on Foreign-Held Bonds, 15 Wall. 300."

"A personal tax," says the Supreme Court of New Jersey, "is the burden imposed by government on its own citizens for the benefits which that government affords by its protection and its laws, and any government which should attempt to impose such a tax on citizens of other States would justly incur the rebuke of the intelligent sentiment of the civilized world." State v. Ross, 23 N.J.L. 517, 521.

In imposing a tax, says Mr. Chief Justice Marshall, the legislature acts upon its constituents. "All subjects," he adds, "over which the power of a State extends are objects of taxation, but those over which it does not extend are, upon the soundest principles, exempt from taxation. This proposition *334 may almost be pronounced self-evident." McCulloch v. Maryland, 4 Wheat. 316, 428.

There are limitations upon the powers of all governments, without any express designation of them in their organic law; limitations which inhere in their very nature and structure, and this is one of them, — that no rightful authority can be exercised by them over alien subjects, or citizens resident abroad or over their property there situated. This doctrine may be said to be axiomatic, and courts in England have felt it so obligatory upon them, that where general terms, used in acts of Parliament, seem to contravene it, they have narrowed the construction to avoid that conclusion. In a memorable case decided by Lord Stowell, which involved the legality of the seizure and condemnation of a French vessel engaged in the slave trade, which was, in terms, within an act of Parliament, that distinguished judge said: "That neither this British act of Parliament nor any commission founded on it can affect any right or interest of foreigners unless they are founded upon principles and impose regulations that are consistent with the law of nations. That is the only

1 law which Great Britain can apply to them, and the generality of any terms employed in an act of Parliament
2 must be narrowed in construction by a religious adherence thereto." The Le Louis, 2 Dod. 210, 239.

3 Similar language was used by Mr. Justice Bailey of the King's Bench, where the question was whether the
4 act of Parliament, which declared the slave trade and all dealings therewith unlawful, justified the seizure of
5 a Spanish vessel, with a cargo of slaves on board, by the captain of an English naval vessel, and it was held
6 that it did not. The odiousness of the trade would have carried the justice to another conclusion if the public
7 law would have permitted it, but he said, "That, although the language used by the legislature in the statute
8 referred to is undoubtedly very strong, yet it can only apply to British subjects, and can only render the slave
9 trade unlawful if carried on by them; it cannot apply in any way to a foreigner. It is true that if this were a
10 trade contrary to the law of nations a foreigner could not maintain this action. But it is not; and as a
11 Spaniard could not be considered as bound by the acts of the British legislature prohibiting this trade, it
12 would be unjust to deprive *335 him of a remedy for the heavy damage he has sustained." Madrazo v. Willes,
13 3 Barn. & Ald. 353.

14 In The Apollon, a libel was filed against the collector of the District of St. Mary's for damages occasioned by
15 the seizure of the ship and cargo whilst lying in a river within the territory of the King of Spain, and Mr. Justice
16 Story said, speaking for the court, that "The laws of no nation can justly extend beyond its own jurisdiction,
17 except so far as regards its own citizens. They can have no force to control the sovereignty or rights of any
18 other nation within its own jurisdiction. And however general and comprehensive the phraseology used in
19 our municipal laws may be, they must always be restricted in construction to places and persons upon whom
20 the legislatures have authority and jurisdiction." 9 Wheat. 362.

21 When the United States became a separate and independent nation, they became, as said by Chancellor Kent,
22 "subject to that system of rules which reason, morality, and custom had established among the enlightened
23 nations of Europe as their public law," and by the light of that law must their dealings with persons of a foreign
24 jurisdiction be considered; and according to that law there could be no debatable question, that the jurisdiction
25 of the United States over persons and property ends where the foreign jurisdiction begins.

26 What urgent reasons press upon us to hold that this doctrine of public law may be set aside, and that the
27 United States, in disregard of it, may lawfully treat as subject to their taxing power the income of non-
28 resident aliens, derived from the interest received abroad on bonds of corporations of this country negotiable
29 and payable there? If, in the form of taxes, the United States may authorize the withholding of a portion of
30 such interest, the amount will be a matter in their discretion; they may authorize the whole to be withheld.
31 And if they can do this, why may not the States do the same thing with reference to the bonds issued by
32 corporations created under their laws. They will not be slow to act upon the example set. If such a tax may be
33 levied by the United States in the rightful exercise of their taxing power, why may not a similar tax be levied
34 upon the interest on bonds of the same corporations by the States within their respective jurisdictions in the
35 rightful *336 exercise of their taxing power? What is sound law for one sovereignty ought to be sound law
36 for another.

37 It is said, in answer to these views, that the governments of Europe — or at least some of them, where a tax is
38 laid on incomes — deduct from the interest on their public debts the tax due on the amount as income, whether
39 payable to a non-resident alien or a subject of the country. This is true in some instances, and it has been
40 suggested in justification of it that the interest, being payable at their treasuries, is under their control, the
41 money designated for it being within their jurisdiction when set apart for the debtor, who must in person or by
42 agent enter the country to receive it. That presents a case different from the one before us in this, — that here
43 the interest is payable abroad, and the money never becomes the property of the debtor until actually paid to
44 him there. So, whether we speak of the obligation of the company to the holder of the coupons, or the money
45 paid in its fulfilment, it is held abroad, not being, in either case, within the jurisdiction of the United States.
46 And with reference to the taxation of the interest on public debts, Mr. Phillimore, in his Treatise on
47 International Laws, says: "It may be quite right that a person having an income accruing from money lent to a
48 foreign State should be taxed by his own country on his income derived from this source; and if his own country
49 impose an income tax, it is, of course, a convenience to all parties that the government which is to receive the
50 tax should deduct it from the debt which, in this instance, that government owes to the payer of the tax, and thus
51 avoid a double process; but a foreigner, not resident in the State, is not liable to be taxed by the State; and it
52 seems unjust to a foreign creditor to make use of the machinery which, on the ground of convenience, is applied
53 in the cases of domestic creditors, in order to subject him to a tax to which he is not on principle liable." Vol. ii.
54 pp. 14, 15.

55 Here, also, is a further difference: the tax here is laid upon the interest due on private contracts. As observed
56 by counsel, no other government has ever undertaken to tax the income of subjects of another nation
57 accruing to them at their own domicile upon property held there, and arising out of ordinary business, or
58 contracts between individuals.

59 *337 This case is decided upon the authority of Railroad Company v. Collector, reported in 100 U.S., and the
60 doctrines from which I dissent necessarily flow from that decision. When that decision was announced I was
61 apprehensive that the conclusions would follow which I now see to be inevitable. It matters not what the interest
62 may be called, whether classed among gains and profits, or covered up by other forms of expression, the fact

remains, the tax is laid upon it, and that is a tax which comes from the party entitled to the interest, — here, a non-resident alien in England, who is not, and never has been, subject to the jurisdiction of this country.

In that case the tax is called an excise on the business of the class of corporations mentioned, and is held to be laid, not on the bondholder who receives the interest, but upon the earnings of the corporations which pay it. How can a tax on the interest to be paid be called a tax on the earnings of the corporation if it earns nothing — if it borrows the money to pay the interest? How can it be said not to be a tax upon the income of the bondholder when out of his interest the tax is deducted?

That case was not treated as one, the disposition of which was considered important, as settling a rule of action. The opening language of the opinion is: "As the sum involved in this suit is small, and the law under which the tax in question was collected has long since been repealed, the case is of little consequence as regards any principle involved in it as a rule of future action." But now it is invoked in a case of great magnitude, and many other similar cases, as we are informed, are likely soon to be before us; and though it overrules repeated and solemn adjudications rendered after full argument and mature deliberation, though it is opposed to one of the most important and salutary principles of public law, it is to be received as conclusive, and no further word from the court, either in explanation or justification of it, is to be heard. I cannot believe that a principle so important as the one announced here, and so injurious in its tendencies, so well calculated to elicit unfavorable comment from the enlightened sentiment of the civilized world, will be allowed to pass unchallenged, though the court is silent upon it.

I think the judgment should be affirmed.
[United States v. Erie R. Co., 106 U.S. 327 (1882)]

Note some key points from the above dissenting opinion of Justice Field:

1. The tax imposed is an EXCISE and FRANCHISE tax upon the "benefits" of the protection of a specific municipal government. Those who DON'T WANT or NEED and DO NOT CONSENT to such protection are NOT the lawful subjects of the tax. Those who consent call themselves statutory "citizens". Those who don't call themselves non-resident non-persons.

"A personal tax," says the Supreme Court of New Jersey, "is the burden imposed by government on its own citizens for the benefits which that government affords by its protection and its laws, and any government which should attempt to impose such a tax on citizens of other States would justly incur the rebuke of the intelligent sentiment of the civilized world." State v. Ross, 23 N.J.L. 517, 521.

2. The United States has no jurisdiction outside its own borders or outside its own TERRITORY, meaning federal territory. Constitutional states of the Union are NOT federal territory.

". . . the jurisdiction of the United States over persons and property ends where the foreign jurisdiction begins."

3. The only way that any legal PERSON, including a government, can reach outside its own territory is by exercising its right to contract, which means that it can ONLY act upon those who EXPRESSLY consent and thereby contract with the sovereign. That consent is manifested by calling oneself a STATUTORY "citizen". Those who don't consent to the franchise protection contract call themselves statutory "nonresident aliens".

Debitum et contractus non sunt nullius loci.
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/BouviersMaxims.htm>]

4. The tax is upon the RECIPIENT, not the company making the payment. The "taxpayer" is the recipient of the payment, and hence, the company paying the recipient is NOT the "taxpayer". The company, in turn, is identified as an "agent of the government", meaning a withholding agent and therefore PUBLIC OFFICER. WHY? Because the Erie railroad is a FEDERAL and not STATE corporation. They hid this from their ruling. If they had been a PRIVATE company that was NOT a FEDERAL corporation, they could not lawfully act as agents of the government.

"It is not taxation," said the court, "that government should take from one the profits and gains of another. That is taxation which compels one to pay for the support of the government from his own gains and of his own property. In the cases we are considering, the corporation parts not with a farthing of its own property.

1 *Whatever sum it pays to the government is the property of another. Whether the tax is five per cent on the*
2 *dividend or interest, or whether it be fifty per cent, the corporation is neither richer nor poorer. Whatever it*
3 *thus pays to the government, it by law withholds from the creditor. If no tax exists, it pays seven per cent, or*
4 *whatever be its rate of interest, to its creditor in one unbroken sum. If there be a tax, it pays exactly the same*
5 *sum to its creditor, less five per cent thereof, and this five per cent it pays to the government. The receivers*
6 *may be two, or the receiver may be one, but the payer pays the same amount in either event. It is no*
7 *pecuniary burden upon the corporation, and no taxation of the corporation. The burden falls on the creditor.*
8 *He is the party taxed. In the case before us, this question controls its decision. If the tax were upon the railroad,*
9 *there is no defence; it must be paid. But we hold that the tax imposed by the 122d section is in substance and*
10 *in law a tax upon the *332 income of the creditor or stockholder, and not a tax upon the corporation." See*
11 *also Haight v. Railroad Company, 6 Wall. 15, and Railroad Company v. Jackson, 7 id. 262, 269.*

- 12 5. The recipient is a non-resident alien BECAUSE he has a legislatively FOREIGN DOMICILE. NOT because he has a
13 FOREIGN NATIONALITY.
14 6. The FOREIGN DOMICILE makes the target of the tax a STATUTORY "alien" but not necessarily a
15 CONSTITUTIONAL alien.

16 *"Here, also, is a further difference: the tax here is laid upon the interest due on private contracts. As*
17 *observed by counsel, no other government has ever undertaken to tax the income of subjects of another*
18 *nation accruing to them at their own domicile upon property held there, and arising out of ordinary business,*
19 *or contracts between individuals."*

- 20 7. The "non-resident alien" is COMPLETELY outside the jurisdiction of the United States. Hence, it is LEGALLY
21 IMPOSSIBLE for such a person to become a statutory "taxpayer". The only way to CRIMINALLY force him to
22 become a taxpayer is to:
23 7.1. Let the company illegally withhold earnings of a nontaxpayer.
24 7.2. Make getting a refund of amounts withheld a "privilege" in which he has to request a "INDIVIDUAL Taxpayer
25 Identification Number" (ITIN) that makes him a statutory "individual".
26 7.3. After he gets the number ILLEGALLY, force him to file "taxpayer" tax return. If he refuses to do that, then they
27 refuse to refund the amount withheld. That's international terrorism and extortion.

28 *"The government thus lays a tax, through the instrumentality [PUBLIC OFFICE] of the company, upon the*
29 *income of a non-resident alien over whom it cannot justly exercise any control, nor upon whom it can justly*
30 *lay any burden."*

- 31 8. The laws of a nation ONLY apply to its own STATUTORY "citizens" who have a domicile on FEDERAL
32 TERRITORY. They do NOT apply to STATUTORY aliens with a legislatively FOREIGN DOMICILE. These
33 statutory "citizens" can ONLY become statutory citizens by SELECTING and CONSENTING to a domicile on federal
34 territory AND physically being on said territory.

35 *"The laws of no nation can justly extend beyond its own jurisdiction, except so far as regards its own*
36 *citizens. They can have no force to control the sovereignty or rights of any other nation within its own*
37 *jurisdiction. And however general and comprehensive the phraseology used in our municipal laws may be,*
38 *they must always be restricted in construction to places and persons upon whom the legislatures have*
39 *authority and jurisdiction." 9 Wheat. 362.*

- 40 9. If you are not a STATUTORY citizen (per 8 U.S.C. §1401, 26 U.S.C. §3121(d) and 26 C.F.R. §1.1-1(c)), which
41 Justice Field calls a "SUBJECT", then you can't be taxed. Field refers to those who can't be taxed as "aliens", and he
42 can only mean STATUTORY aliens, not CONSTITUTIONAL aliens:

43 *"All subjects," he adds, "over which the power of a State extends are objects of taxation, but those over*
44 *which it does not extend are, upon the soundest principles, exempt from taxation. This proposition *334 may*
45 *almost be pronounced self-evident." McCulloch v. Maryland, 4 Wheat. 316, 428.*

- 46 10. The court KNEW they were pulling a FRAUD on the people, because they were SILENT on so many important issues
47 that Field pointed out. Per Federal Rule of Civil Procedure 8(b)(6), they AGREED with his conclusions because they
48 did not EXPRESSLY DISAGREE or disprove ANY of his arguments.

49 *"though it is opposed to one of the most important and salutary principles of public law, it is to be received as*
50 *conclusive, and no further word from the court, either in explanation or justification of it, is to be heard. I*
51 *cannot believe that a principle so important as the one announced here, and so injurious in its tendencies, so*
52 *well calculated to elicit unfavorable comment from the enlightened sentiment of the civilized world, will be*
53 *allowed to pass unchallenged, though the court is silent upon it."*

11. Justice Field says the abuse of "words of art" mask the nature of the above criminal extortion:

"Words [of art] cannot change the fact, though they may [DELIBERATELY] mislead and bewilder. The thing remains through all disguises of terms."

12. If you want to search for cases on "nonresident aliens" defined in 26 U.S.C. §7701(b)(1)(B) , the Supreme Court spells them differently than the code itself. You have to search for "non-resident alien" instead.

4.5 Supporting evidence for doubters

Those skeptical readers who doubt the conclusions of the previous section or who challenge the significance of the Cook v. Tait ruling to federal jurisdiction are invited to compare the following two cases and try to explain the differences between them:

1. Cook v. Tait, 265 U.S. 47 (1924).
2. Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989).

In BOTH of the above cases, the parties were:

1. Were domiciled in a legislatively foreign state AND a foreign country. Cook was domiciled in Mexico while Bettison was domiciled in Venezuela.
2. Were statutory "non-resident non-persons" under the Internal Revenue Code based on their chosen domicile.
3. Became the party to a controversy with someone domiciled in the statutory "United States", meaning federal territory.
4. Because of their legislatively foreign domicile, were technically "stateless persons" and therefore not statutory "persons" under federal law.
5. Were born in America (the COUNTRY) and therefore an American national and Constitutional citizen.

The only difference between the two cases is the DECLARED CIVIL (STATUTORY) STATUS of the litigant and the CONTEXT in which that status is interpreted or applied. Recall that there are TWO main contexts in which legal terms can be used: CONSTITUTIONAL and STATUTORY.

In Newman-Green, Bettison was presumed by the court to be a CONSTITUTIONAL "U.S. citizen" by virtue of his foreign domicile. Here is what the court said about him:

*Petitioner Newman-Green, Inc., an Illinois corporation, brought this state law contract action in District Court against a Venezuelan corporation, four Venezuelan citizens, and **William L. Bettison, a United States citizen domiciled in Caracas, Venezuela.** Newman-Green's complaint alleged that the Venezuelan corporation had breached a licensing agreement, and that the individual defendants, joint and several guarantors of royalty payments due under the agreement, owed money to Newman-Green. Several years of discovery and pretrial motions followed. The District Court ultimately granted partial summary judgment for the guarantors and partial summary judgment for Newman-Green. 590 F.Supp. 1083 (ND Ill.1984). Only Newman-Green appealed.*

*At oral argument before a panel of the Seventh Circuit Court of Appeals, Judge Easterbrook inquired as to the **statutory basis for diversity jurisdiction**, an issue which had not been previously raised either by counsel or by the District Court Judge. In its complaint, Newman-Green had invoked 28 U.S.C. §1332(a)(3), which confers jurisdiction in the District Court when a citizen of one State sues both aliens and citizens of a State (or States) different from the plaintiff's. **In order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a citizen of the United States and be domiciled within the State. See Robertson v. Cease, 97 U.S. 646, 648-649 (1878); Brown v. Keene, 8 Pet. 112, 115 (1834). The problem in this case is that Bettison, although a United States citizen, has no domicile in any State. He is therefore "stateless" for purposes of § 1332(a)(3). Subsection 1332(a)(2), which confers jurisdiction in the District Court when a citizen of a State sues aliens only, also could not be satisfied because Bettison is a United States citizen. [490 U.S. 829]***
[Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)]

In the above context, the phrase "United States*** citizen" was used in its CONSTITUTIONAL sense. Bettison could not have been a STATUTORY "United States** citizen" without a domicile a statutory "State". He was therefore a CONSTITUTIONAL "United States*** citizen".

1 "The problem in this case is that Bettison, although a United States citizen, has no domicile in any State. He
2 is therefore "stateless" for purposes of § 1332(a)(3)."
3 [Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)]

4 Comparing the Cook v. Tait case, the phrase "citizen of the United States" was interpreted in its STATUTORY sense.

5 "Or, to express it another way, the basis of the power to tax was not and cannot be made dependent upon the
6 situs of the property in all cases, it being in or out of the United States, nor was not and cannot be made
7 dependent upon the domicile of the citizen, that being in or out of the United States, but upon his relation as
8 citizen to the United States and the relation of the latter to him as citizen. The consequence of the relations is
9 that the native citizen who is taxed may have domicile, and the property from which his income is derived may
10 have situs, in a foreign country and the tax be legal—the government having power to impose the tax."
11 [Cook v. Tait, 265 U.S. 47 (1924)]

12 Because Bettison in the Newman-Green case was a CONSTITUTIONAL citizen but not a STATUTORY citizen with a
13 legislatively foreign domicile, he had to be dismissed from the class action and be treated as BEYOND the jurisdiction of
14 the court and OUTSIDE the class of involved in the CLASS action.

15 Cook, on the other hand, personally petitioned the court for protection and they heard his case, even though he technically
16 had the SAME CONSTITUTIONAL but not STATUTORY "U.S. citizen" status as Bettison. The U.S. Supreme Court,
17 however, instead of claiming he was ALSO a "stateless person" and dismissing either him or the case as they did with
18 Bettison, rather claimed they HAD jurisdiction and ruled on the matter in the government's favor and AGAINST Cook.
19 The U.S. Supreme Court did so based on the UNSUBSTANTIATED PRESUMPTION that the "U.S.** citizen" he claimed
20 to be was a STATUTORY "U.S.** citizen" under 8 U.S.C. §1401 rather than CONSTITUTIONAL "U.S.*** citizen".
21 SCAM!

22 **4.6 Challenging Extraterritorial Enforcement to Prevent Identity Theft³⁴**

23 We have prepared an entire short presentation showing you all the "traps" on government forms and how to avoid them:

24 <u>Avoiding Traps in Government Forms Course, Form #12.023</u> 25 <u>http://sedm.org/Forms/FormIndex.htm</u>
--

26 All of the so-called "traps" described in the above presentation center around the following abuses and FRAUDS:

- 27 1. The perjury statement at the end of the form betrays where they PRESUME you geographically are. 28 U.S.C. 1746
28 identifies TWO possible jurisdictions, and if they don't use the one in 28 U.S.C. §1746(1), they are PRESUMING,
29 usually falsely, that you are located on federal territory and come under territorial law.

30 28 U.S. Code § 1746 - Unsworn declarations under penalty of perjury

31 *Wherever, under any law of the United States or under any rule, regulation, order, or requirement made*
32 *pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the*
33 *sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the*
34 *same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official*
35 *other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or*
36 *proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is*
37 *subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:*

38 (1) *If executed without the United States [federal territory or the government]: "I declare (or certify, verify, or*
39 *state) under penalty of perjury under the laws of the United States of America that the foregoing is true and*
40 *correct. Executed on (date).*

41 (Signature)".

42 (2) *If executed within the United States [federal territory or the government], its territories, possessions, or*
43 *commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and*
44 *correct. Executed on (date).*

³⁴ Source: [Why Domicile and Becoming a "Taxpayer" Require Your Consent](http://sedm.org/Forms/FormIndex.htm), Form #05.002, Section 13.11; <http://sedm.org/Forms/FormIndex.htm>.

(Signature)".

2. Telling you when you submit the form that the terms on the form have their ordinary, PRIVATE, non-statutory meaning but after they RECEIVE the form, INTERPRETING all terms in their PUBLIC and STATUTORY context. This is bait and switch, deception, and FRAUD.
3. Confusing the CONSTITUTIONAL context with the STATUTORY context for geographical words of art such as "United States" and "State".
4. Confusing CONSTITUTIONAL "Citizens" or "citizens of the United States" in the Fourteenth Amendment with STATUTORY "U.S. citizen", or "nationals and citizens of the United states at birth" under 8 U.S.C. §1401.
5. Confusing CONSTITUTIONAL "persons" or "people" with STATUTORY "persons" or "individuals". CONSTITUTIONAL "persons" are all MEN OR WOMEN AND NOT ARTIFICIAL entities or offices, while civil STATUTORY persons are all PUBLIC offices and fictions of law created by Congress.
6. Connecting you with a civil status found in civil statutory law, which is a public office. The form itself does this:
 - 6.1. In the "status" block. It either doesn't offer a STATUTORY "non-resident non-person" status in the form or they don't offer ANY form for STATUTORY "non-resident non-persons".
 - 6.2. The Title of the form. The upper left corner of the 1040 identifies the applicant as a "U.S. individual", meaning a public office domiciled on federal territory.
 - 6.3. Underneath the signature, which usually identifies the civil status of the applicant, such as "taxpayer".

The remedy for the above types of deception and fraud is the following:

1. Avoid filling out any and every government form.
2. If FORCED to fill out a government form, ALWAYS attach a MANDATORY attachment that defines all geographical, citizenship, and status terms the form with precise definitions and betray whether the meaning is STATUTORY or CONSTITUTION. It CANNOT be both. If you think it is both, you are practicing a logical fallacy called "equivocation". State on the form you are attaching to that the form is "Not valid, false, and fraudulent if not accompanied by the following attachment: _____". The attachments on our site are good for this.
3. Tell the recipient that if they don't rebut the definitions you provide within a specified time limit, then they agree and are estopped from later challenging it.
4. Specify that none of the terms on the form submitted have the meaning found in any state or federal statutory code. Instead they imply only the common meaning.

There are many forms on our site you can attach to standard forms provided by the IRS, state revenue agencies, financial institutions, and employers that satisfy the above to ensure that your correct status is reflected in their records. Below are the most important ones.

1. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001
<http://sedm.org/Forms/FormIndex.htm>
2. *Tax Form Attachment*, Form #04.201
<http://sedm.org/Forms/FormIndex.htm>
3. *USA Passport Application Attachment*, Form #06.007
<http://sedm.org/Forms/FormIndex.htm>
4. *Voter Registration Attachment*, Form #06.003
<http://sedm.org/Forms/FormIndex.htm>
5. *Affidavit of Domicile: Probate*, Form #04.223
<http://sedm.org/Forms/FormIndex.htm>

The language after the line below is language derived from Form #04.223 above. The language included is very instructive and helpful to our readers in identifying HOW the identity theft happens. We strongly suggest reusing this language in the administrative record of any entity who claims you are a statutory "taxpayer", "person", or "individual" under the Internal Revenue Code or state revenue code.

***AFFIDAVIT REGARDING ESTATE OF
DECEDENT:*** _____

I certify that the following facts are true under penalty of perjury under the criminal perjury laws of the state I am in but NOT under any OTHER of the civil statutory codes. I am not under any other civil codes as a civil non-resident non-person. The content of this form defines all geographical, citizenship, and domicile terms used on any and all forms to which this estate settlement relates for all parties concerned.

1. Civil status and domicile of decedent: Decedent at the time of his death was:

- 1.1. A CONSTITUTIONAL "Citizen" or "citizen of the United States" as defined in the Fourteenth Amendment.
- 1.2. NOT a STATUTORY "U.S. citizen" or "national and citizen of the United States at birth" under 8 U.S.C. §1401, 26 C.F.R. §1.1-1(c), or 26 U.S.C. §3121(e). 26 C.F.R. §1.1-1(c) identifies an 8 U.S.C. §1401 "U.S. citizen" as the ONLY type of "citizen" subject to the Internal Revenue Code. All such "U.S. citizens" are territorial citizens born within and domiciled within federal territory and NOT a CONSTITUTIONAL "State".
- 1.3. Domiciled in the CONSTITUTIONAL "United States" and CONSTITUTIONAL State at the time of his death.

"... the Supreme Court in the Insular Cases³⁵ provides authoritative guidance on the territorial scope of the term 'the United States' in the Fourteenth Amendment. The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States. The Court considered the territorial scope of the term 'the United States' in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union. U.S. Const. art. I, § 8 ('[A]ll Duties, Imposts and Excises shall be uniform throughout the United States.' (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ('It can nowhere be inferred that the 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; ... In short, the Constitution deals with States, their people, and their representatives.'); Rabang, 35 F.3d at 1452. Puerto Rico was merely a territory 'appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution.' Downes, 182 U.S. at 287, 21 S.Ct. at 787.

The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend XIV, § 1 (emphasis added). The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are not] part of the Union" to which the Thirteenth Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States'] jurisdiction,' " but is limited to persons born or naturalized in the states of the Union. Downes, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ('In dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located.').³⁶ [Valmonte v. I.N.S., 136 F.3d 914 (C.A.2, 1998)]

- 1.4. NOT domiciled in the STATUTORY "United States" or "State" as that term is defined in 26 U.S.C. §7701(a)(9) and (a)(10) or 4 U.S.C. §110(d) or the state revenue codes. These areas are federal territory not within the exclusive jurisdiction of a state of the Union.
- 1.5. NOT a STATUTORY "U.S. person" as that term is defined in 26 U.S.C. §7701(a)(30), because it relies on the definition of "United States" found in 26 U.S.C. §7701(a)(9) and (a)(10) or 4 U.S.C. §110(d) or the state revenue codes.
- 1.6. An "individual" in an ordinary or CONSTITUTIONAL sense. By this we mean he was a PRIVATE man or woman protected by the CONSTITUTION and the COMMON LAW and NOT subject to the jurisdiction of the STATUTORY civil law.
- 1.7. NOT an "individual" in a STATUTORY sense or as used in any revenue code. 26 C.F.R. §1.1441-1(c)(3) indicates that the ONLY types of "individuals" found anywhere in the Internal Revenue Code are both "foreign persons" and "aliens" or "nonresident aliens". Therefore the decedent could not possibly be an "individual" as that term is used in the Internal Revenue Code.

³⁵ De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

³⁶ Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See Downes, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

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

(c) Definitions

(3) Individual.

(i) Alien individual.

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

(ii) Nonresident alien individual.

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

2. Warning NOT to confuse STATUTORY and CONSTITUTIONAL contexts for geographical or citizenship terms:

- 2.1. Recipient of this form is cautioned NOT to PRESUME that the STATUTORY and CONSTITUTIONAL contexts of geographical, citizenship, or domicile terms are equivalent. They are NOT and are mutually exclusive.
- 2.2. One CANNOT lawfully have a domicile in two different places that are legislatively “foreign” and a “foreign estate” in relation to each other. This is what George Orwell called DOUBLETHINK and the result is CRIMINAL IDENTITY THEFT.
- 2.3. The U.S. Supreme Court held in *Rogers v. Bellei*, 401 U.S. 815 (1971) that an 8 U.S.C. §1401 STATUTORY “U.S. citizen” is NOT a CONSTITUTIONAL “citizen of the United States” under the Fourteenth Amendment. See also *Valmonte v. I.N.S.*, 136 F.3d. 914 (C.A.2, 1998) earlier. Therefore, it is my firm understanding that the decedent:
 - 2.3.1. Was NOT domiciled in the STATUTORY “United States” or “State” defined in 26 U.S.C. §7701(a)(9) and (a)(10) or 4 U.S.C. §110(d) or the state revenue codes. These areas are federal territory under the exclusive jurisdiction of the national government.
 - 2.3.2. Was NOT a STATUTORY “U.S. citizen” under 8 U.S.C. §1401, which is the ONLY type of “citizen” mentioned anywhere in the Internal Revenue Code. These are territorial citizens domiciled on federal territory, and the decedent was NOT so domiciled.

3. “Intention” of the Decedent:

The transaction to which this submission relates requires the affiant to provide legal evidence of the “domicile” of the decedent for the purposes of settling the estate. This requires that he/she make a “legal determination” about someone who he/she had a blood relationship with. “Domicile” is a legal term which includes both PHYSICAL presence in a place COMBINED with consent AND intent to dwell there permanently.

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

- 3.1. Two types of domicile are involved in the estate of the decedent:
 - 3.1.1. The domicile of the PRIVATE PHYSICAL MAN OR WOMAN under the common law and the constitution.
 - 3.1.2. The domicile of any PUBLIC OFFICES he/she fills as part of any civil statutory franchises, such as the revenue codes, family codes, traffic codes, etc. These “offices” are represented by the civil statutory “person”, “individual”, “taxpayer”, “driver”, “spouse”, etc.
- 3.2. Legal publications recognize the TWO components of a MAN OR WOMAN, meaning the PUBLIC and the PRIVATE components as follows:

“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)]

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

5 3.3. Man or woman can simultaneously be in possession of BOTH PUBLIC and PRIVATE rights. This gives rise to
6 TWO legal "persons": PUBLIC and PRIVATE.

7 3.3.1. The CIVIL STATUTORY law attaches to the PUBLIC person. It can do so ONLY by EXPRESS
8 CONSENT, because the Declaration of Independence, which is organic law, declares that all JUST powers
9 derive from the CONSENT of the party. The implication is that anything NOT expressly and in writing
10 consented to is UNJUST and a tort.

11 3.3.2. The COMMON law and the Constitution attach to and protect the PRIVATE person. This is the person
12 most people think of when they refer to someone as a "person". They are not referring to the PUBLIC civil
13 statutory "person".

14 This is consistent with the following maxim of law.

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

20 3.4. The affiant would be remiss and malfeasant NOT to:

21 3.4.1. Distinguish between the PRIVATE man or woman and the PUBLIC office that are both represented by the
22 decendent.

23 3.4.2. Condone or allow the recipient of the form to PRESUME that they are both equivalent. They are simply
24 NOT.

25 3.4.3. Require all those enforcing PUBLIC rights associated with a PUBLIC office in the government (such as
26 "person", "individual", "taxpayer", etc.) to satisfy the burden of proving that the decendent lawfully
27 CONSENTED to the office by making an application, taking an oath, and serving where the office (also
28 called a statutory "trade or business" in 26 U.S.C. §7701(a)(26)) was EXPRESSLY authorized to be
29 executed.

30 3.5. Regarding the "intent" of the decendent, affiant is certain that the decendent had NO DESIRE to occupy, accept the
31 benefits of, or accept the obligations of any offices he/she was compelled to fill, and therefore:

32 3.5.1. These offices DO NOT lawfully exist . . .and

33 3.5.2. It would be UNJUST to enforce the obligations of said offices WITHOUT written evidence of consent being
34 presented by those doing the enforcing. . .and

35 3.5.3. The recipient of this form has a duty to provide a way NOT to accept any government "benefit" or franchise
36 or the obligations that attach to such an acceptance in the context of any and all transactions which relate to
37 his PRIVATE, exclusively owned property, including the entire estate that is the subject of probate. . . .and

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

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

46
47 CALIFORNIA CIVIL CODE
48 DIVISION 3. OBLIGATIONS
49 PART 2. CONTRACTS
50 CHAPTER 3. CONSENT

51 1589. *A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations*
52 *arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

3.5.4. It would be criminal THEFT and IDENTITY THEFT to presume that the decedent did hold any such PUBLIC offices or to enforce the obligations of such offices upon the decedent. These offices include any and all civil statuses he might have under the Internal Revenue Code (e.g. “taxpayer”, “person”, or “individual”) or the state revenue codes. Detailed documentation on the nature of this identity theft is included in:

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

4. Location of decedent, estate, and property of the estate:

4.1. All property of the estate is WITHIN the CONSTITUTIONAL “United States” and the CONSTITUTIONAL State of domicile of the decedent.

4.2. All property is WITHOUT the STATUTORY “United States” defined in 26 U.S.C. §7701(a)(9) and (a)(10), and 4 U.S.C. §110(d).

4.3. The CONSTITUTIONAL and the STATUTORY “United States” and “State” are mutually exclusive and non-overlapping.

5. The estate and all affiants are a STATUTORY “foreign estate” per 26 U.S.C. §7701(a)(31) because:

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

(31)Foreign estate or trust

(A)Foreign estate

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

(B)Foreign trust

The term “foreign trust” means any trust other than a trust described in subparagraph (E) of paragraph (30).

5.1. WITHOUT the STATUTORY “United States”.

*TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]
Sec. 7701. – Definitions
(a)(9) United States*

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

(a)(10) State

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

*TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
CHAPTER 4 - THE STATES
Sec. 110. Same; definitions*

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

5.2. WITHIN the CONSTITUTIONAL “United States”, meaning states of the CONSTITUTIONAL union of states.

5.3. NOT WITHIN the STATUTORY “State” or STATUTORY “United States” under the state revenue codes. It may be within these things in OTHER titles of the state codes, because other titles use different definitions for “State” and “United States”.

*REVENUE AND TAXATION CODE – RTC
DIVISION 2. OTHER TAXES [6001 - 60709] (Heading of Division 2 amended by Stats. 1968, Ch. 279.)
PART 10. PERSONAL INCOME TAX [17001 - 18181] (Part 10 added by Stats. 1943, Ch. 659.)*

CHAPTER 1. General Provisions and Definitions [17001 - 17039.2] (Chapter 1 repealed and added by Stats. 1955, Ch. 939.)

17017 "United States," when used in a geographical sense, includes the states, the District of Columbia, and the possessions of the United States.
(Amended by Stats. 1961, Ch. 537.)

17018. "State" includes the District of Columbia, and the possessions of the United States.
(Amended by Stats. 1961, Ch. 537.)

- 5.4. Not connected with a STATUTORY "trade or business" within the STATUTORY "United States" as defined in 26 U.S.C. §7701(a)(26). Decedent was NOT engaged in a public office within the national but not state government.

26 U.S.C. §7701
(a) Definitions
(26) trade or business

"The term 'trade or business' includes the performance of the functions of a public office."

NOTE: The U.S. Supreme Court held in the License Tax Cases that Congress CANNOT establish the above "trade or business" in a state in order to tax it.

"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)]

Keep in mind that the "license" they are talking about is the constructive license represented by the Social Security Number and Taxpayer Identification Number, which are only required for those ENGAGING in a STATUTORY "trade or business" per 26 C.F.R. §301.6109-1. The number therefore behaves as the equivalent of what the Federal Trade Commission (FTC) calls a "franchise mark".

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

The franchisor [the government] need not own the mark itself, but at the very least must have the right to license the use of the mark to others. Indeed, the right to use the franchisor's mark in the operation of the business - either by selling goods or performing services identified with the mark or by using the mark, in whole or in part, in the business' name - is an integral part of franchising. In fact, a supplier can avoid Rule coverage of a particular distribution arrangement by expressly prohibiting the distributor from using its mark."

[FTC Franchise Rule Compliance Guide, May 2008;

SOURCE: <http://business.ftc.gov/documents/bus70-franchise-rule-compliance-guide>]

Decedent, if he or she used any government issued identifying number, did so under compulsion, in violation of 42 U.S.C. §408(a)(8), and he/she hereby defines such use as NOT creating any presumption that he was engaged in any franchise or office, but rather evidence of unlawful duress against a non-resident non-person.

6. The above definitions of geographical and citizenship terms are NOT definitions as legally defined if they do not include all things or classes of things which are EXPRESSLY included. Furthermore, the rules of statutory construction require that anything and everything that is NOT EXPRESSLY INCLUDED in the above definitions is 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]

NOTE: Judges and even government administrators are NOT legislators and cannot by fiat or presumption add ANYTHING they want to the definition of statutory terms. If they do, they are violating the separation of powers and conducting a commercial invasion of the states in violation of Article 4, Section 4 of the United States Constitution. Furthermore, according to the creator of our three branch system of government, there is NO FREEDOM AT ALL and liberty is IMPOSSIBLE when the executive and LEGISLATIVE functions are united under a single person:

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

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

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

[...]

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

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

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

It is FRAUD to presume that the use of the word "includes" in any definition gives unlimited license to anyone to add whatever they want to a statutory definition. This is covered in:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

7. The recipient of this form is NOT AUTHORIZED to add anything to the above definitions or PRESUME anything is included that does not EXPRESSLY APPEAR in said definitions of the STATUTORY "United States" or "State". Even the U.S. Supreme Court admits that it CANNOT lawfully do that.

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

[Meese v. Keene, 481 U.S. 465, 484 (1987)]

"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)]

8. How NOT to respond to this submission: In responding to this submission, please DO NOT:
- 8.1. Tell the affiant what to put or NOT to put in his/her paperwork. That would be practicing law on affiant's behalf, which I do not consent to.
 - 8.2. Try to censor this addition or submission. That would be criminal subornation of perjury. This affidavit and the attached paperwork are signed under penalty of perjury and therefore constitute "testimony of a witness". Any attempt to influence that witness or restrict his or her testimony is criminal subornation of perjury.
 - 8.3. Threaten to withhold service or in some way punish the affiant for submitting or insisting on including this mandatory affidavit. All such efforts constitute criminal witness tampering.

- 8.4. Violate the privacy of the affiant or anyone involved in this transaction by sharing any information about them or this transaction to any third party, whether private or in government.
- 8.5. Communicate emotions or opinions about this correspondence. The ONLY thing requested in response is FACTS and LAW admissible as evidence in court and immediately relevant and “material” to the issues raised herein. Opinions, beliefs, or presumptions are not admissible as evidence in court under the rules of evidence and I don’t consent or stipulate to admit them. Furthermore, even FACTS or LAW are not admissible as evidence unless and until they are communicated by a competent IDENTIFIED witness who signs under penalty of perjury. The identification required must include the full legal name, email address, phone number, and workplace address of the witness. Otherwise, the evidence is without foundation and will be excluded. All attempts to respond emotionally, with opinions, beliefs, or presumptions shall constitute malicious abuse of legal process per [18 U.S.C. §1589](#) and the equivalent state statutes.
- 8.6. Cite or try to enforce any company policy that might override or supersede what is requested here. Any company policy which promotes, condones, or protects the commission of CRIMINAL activity clearly is unenforceable and non-binding on anyone it is alleged to pertain to, including the recipient of this form and the submitter as a man or woman.
- 8.7. Contact the IRS or any government agency or rely on any government publication for help in dealing with this issue. The courts have repeatedly held that you CANNOT rely on anything said by any government representative and the IRS’ own website says you can’t rely on their publications as a source of reasonable belief. This is also covered in:
[Reasonable Belief About Income Tax Liability](#), Form #05.007
<http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>.
9. Invitation and time limit to rebut by recipient of this form: If the recipient disagrees about the civil status, domicile, or location of the estate of the decedent, you are required to provide court admissible evidence proving EXACTLY where the term "U.S. citizen", “United States”, and “State” as you used it in your communication includes CONSTITUTIONAL states of the Union or CONSTITUTIONAL “citizens” under the Fourteenth Amendment before the transaction that is related to this submission is completed. If you do not rebut the definitions appearing in this affidavit with court admissible evidence, then:
- 9.1. You constructively consent and stipulate to the definitions provided here both between us and between you and other parties who might be involved in this transaction.
- 9.2. You are equitably estopped and subject to laches in all future proceedings from contradicting the definitions herein provided.
10. Franchise agreement protecting commercial uses or abuses of this submission or any attachments: Any attempt to do any of the following shall constitute constructive irrevocable consent to the following franchise agreement by those accepting this submission or any of the attached forms or those third parties who use such information as legal evidence in any legal proceeding:
[Injury Defense Franchise and Agreement](#), Form #06.027
<http://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>
- 10.1. Commercially or financially benefit anyone OTHER than the affiant and his/her immediate blood relatives.
- 10.2. Damage the affiant by sharing information about him/her provided in the context of this transaction with third parties.
- 10.3. PRESUME any thing or class of thing is included in the STATUTORY definitions of “State”, “United States”, “U.S. citizen”, or “national and citizen of the United States at birth” in 8 U.S.C. §1401.
- 10.4. Enforce any portion of the Internal Revenue Code or state revenue code against this FOREIGN estate. This includes any type of withholding, reporting, or compliance to these revenue codes using any information about or provided by the affiant or anyone associated with this transaction. Any attempt to do otherwise shall be treated as a criminal offense.
11. Violations of this affidavit and agreement: Any attempt to enforce any civil status of the decedent or affiant against the affiant is a criminal offense described in the following:
[Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers](#), Form #02.005
<http://sedm.org/Forms/02-Affidavits/AffOfDuress-Tax.pdf>.

Signatures:

Executor #1: _____ Date _____

4.7 Tactics that prevent federal extraterritorial jurisdiction

Therefore, if you are domiciled outside the statutory but not constitutional “United States”, meaning federal territory, and you wish to ensure that you are not falsely regarded as a “taxpayer” as in the case of Cook v. Tait above, then you need to ensure that:

1. You thoroughly understand citizenship so that the court can’t play word games on you like they did in Cook. Read the following to accomplish this:

<i>Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen</i> , Form #05.006 http://sedm.org/Forms/FormIndex.htm

2. You DO NOT connect yourself to the status of being a statutory “national and citizen of the United States at birth” per 8 U.S.C. §1401. Note that a CONSTITUTIONAL “citizen of the United States” per the Fourteenth Amendment is NOT equivalent and mutually exclusive to that of a statutory “citizen of the United States” per 8 U.S.C. §1401. This was the MAIN mistake in the Cook case. He claimed to be domiciled abroad and yet described himself as a statutory citizen, which means that he contradicted himself and even committed perjury if he filled out a government form describing himself as such. You can only have a domicile in one place and therefore be a statutory “citizen” of one place at a time. If the Plaintiff was domiciled in Mexico as he claimed, then he had no business calling himself a statutory “U.S. citizen”, but rather a non-resident non-person. He, on the other hand, essentially claimed to be a statutory citizen of TWO places at a time, and therefore to have a domicile in TWO places at once, which is a theoretical impossibility.
3. You describe yourself as:
 - 3.1. A CONSTITUTIONAL citizen under the Fourteenth Amendment.
 - 3.2. NOT a statutory “U.S. citizen” or “citizen of the United States” per 8 U.S.C. §1401.
 - 3.3. A “stateless person” not subject to federal statutory law or statutory jurisdiction.
 - 3.4. A nonresident of the statutory “United States” and a nonresident of federal territory.
4. You apply for a passport using forms off our website to ensure that:
 - 4.1. Acquisition of the passport is identified as NOT being a request for protection or “benefit” and which does not connect you to any government franchises.
 - 4.2. Your status is fully and accurately established in the governments records as a constitutional but not statutory citizen.
 - 4.3. The presumption that you are a statutory “U.S. citizen” per 8 U.S.C. §1401 or 26 U.S.C. §7701(a)(30) is THOROUGHLY REBUTTED. The Department of State Form DS-11 Passport Application form has a big long warning about how “YOU”, meaning STATUTORY “U.S. citizens”, are liable for tax on their “WORLDWIDE EARNINGS”. The form PRESUMES that all those applying are statutory “U.S. citizens”. However, Form #06.007 rebuts that presumption and identifies the applicant as a CONSTITUTIONAL citizen and a “non-resident non-person” and identifies that notice as FALSE AND FRAUDULENT.

The form that accomplishes this is:

<i>USA Passport Application Attachment</i> , Form #06.007 http://sedm.org/Forms/FormIndex.htm
--

5. You should NEVER ask a court for protection using federal statutory law. You should instead invoke ONLY the common law, natural law, and constitutional rather than statutory citizenship. Cook asked for protection under the I.R.C INSTEAD of the common law, and the court’s perverse answer is summed up below. Perverts:

“You want protection? When you want it REALLY bad, you’re gonna get it REALLY bad. Here, bend over and lube yourself with KY jelly. We’ve got ten hard inches of protection for you right here! And while you’re at it, we call this a ‘benefit’ and you gotta pay for the privilege.”

6. You leave ABSOLUTELY NO ROOM or DISCRETION to any corrupt judge, government prosecutor, or federal or state court to decide WHICH of the two contexts they mean for ANY term or especially STATUS that you either claim or which they could associate with you. This is done by defining all terms so judges and bureaucrats have no wiggle room or room to make presumptions of any kind.
7. In the interests of protecting your freedom and sovereignty, you have a DUTY to define any and every geographic terms and “words of art” in every communication you make with any government, both administratively and in court. This is done by attaching mandatory attachments to every form you submit defining the terms and stating on the original government form that it is FALSE, FRAUDULENT, and PERJURIOUS unless accompanied with your attachment and the mandatory definitions.

8. If you don't define ALL terms, you will most assuredly end of as the willing and often unknowing slave and "useful idiot" for socialists like Taft who prey on human flesh as CANIBALS.
9. If you want sample forms that accomplish this result, see:
- 9.1. Tax Form Attachment, Form #04.201-attach this to every tax form you are compelled to submit.
<http://sedm.org/Forms/FormIndex.htm>
- 9.2. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001-attach this to every government form you submit.
<http://sedm.org/Forms/FormIndex.htm>
- 9.3. Rules of Presumption and Statutory Interpretation, Litigation Tool #01.006 - Use this form as an attachment to your pleadings when you are litigating against the government. It prevents abuses of presumption and "words of art" that will injure your rights.
<http://sedm.org/Litigation/LitIndex.htm>
- 9.4. Citizenship, Domicile, and Tax Status Options, Form #10.003-submit this as an exhibit to every deposition, and every initial complaint or response in federal and state court
<http://sedm.org/Litigation/LitIndex.htm>
- 9.5. Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002-attach this to all pleadings filed in federal court.
<http://sedm.org/Litigation/LitIndex.htm>

The Plaintiff in Cook DID NOT do the above and that is why the U.S. Supreme Court picked this case to rule on: To create yet more deception about the proper application of the revenue laws that illegally manufactures more of what at least "looks" like "taxpayers" and unlawfully enlarges their revenues and importance. Chances are that the Cook also filed a "resident" tax form such as IRS Form 1040 instead of more properly calling himself a nonresident alien, even though he was not domiciled in the "United States", which left room for the U.S. Supreme Court to create BAD precedent such as Cook v. Tait. The U.S. Supreme Court, in turn, took advantage of the situation by deliberately confusing statutory citizens with constitutional citizens to create the false appearance of civil jurisdiction that did not, in fact, exist in the case of a stateless person domiciled outside the country. Forms which implement all the above and which are intended to protect you from this type of THEFT, judicial verbicide, and abuse by the courts and the government are available on our website at:

Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001
<http://sedm.org/Forms/FormIndex.htm>

5 Jurisdiction of Federal Courts³⁷

Some, and especially the IRS, upon reading and responding to this memorandum of law, might respond by saying such ridiculous things as the following:

"Federal courts have ruled against the position in this pamphlet. They have said the claims here are 'frivolous' and completely without merit."

Well, first of all, even the IRS' own Internal Revenue Manual (I.R.M.) says the IRS cannot cite any ruling OTHER than the Supreme Court. The Supreme Court has never ruled against any of the arguments in this pamphlet:

*Internal Revenue Manual
4.10.7.2.9.8 (05-14-1999)
Importance of Court Decisions*

1. "Decisions made at various levels of the court system are considered to be interpretations of tax laws and may be used by either examiners or taxpayers to support a position.

2. Certain court cases lend more weight to a position than others. A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the Code.

³⁷ Adapted from Federal and State Tax Withholding Options for Private Employers, Form #04.101, Section 20.2.

1 3. Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the
2 Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not
3 require the Service to alter its position for other taxpayers."
4 [Internal Revenue Manual (I.R.M.), 4.10.7.2.9.8 (05/14/99)]

5 So if you hear the IRS or anyone from the legal profession spouting off federal judicial precedent in a tax case and in a
6 court below the Supreme Court, then they are:

- 7 1. Certainly not following the IRS' own rules on the subject.
- 8 2. Falsely presuming that the person who is the subject of the controversy is a federal public officer, federal "employee",
9 federal agent, or federal contractor acting in a representative capacity under the laws of the parent corporation, which is
10 the United States government. [28 U.S.C. §3002](#)(15)(A) defines the term "United States" to mean a federal corporation
11 and not a geographic region.
- 12 3. Falsely presuming that federal district and circuit case law is relevant to the average American.

13 *"The power to create presumptions is not a means of escape from constitutional restrictions,"*
14 [[New York Times v. Sullivan, 376 U.S. 254 \(1964\)](#)]

- 15 4. Citing irrelevant case law from a *foreign* jurisdiction which does not apply to most Americans. The federal District
16 and Circuit courts, in fact, are Article IV legislative and territorial courts that can only rule on what Congress says they
17 can rule on, and in the context of federal territory, franchises, and property. United States Judicial Districts encompass
18 only federal real and chattel property within the outer limits of the District that has been ceded to the federal
19 government as required under [Article 1, Section 8](#), Clause 17 of the Constitution.
- 20 5. Abusing irrelevant case law as a means of political propaganda.
- 21 6. Involving the federal courts in strictly "political questions" beyond their jurisdiction. See the following:

[Political Jurisdiction](#), Form #05.004
<http://sedm.org/Forms/FormIndex.htm>

- 22 7. Probably have a criminal and financial conflict of interest in criminal violation of 18 U.S.C. §208, because they
23 wouldn't have a paying job if they admitted the truth about federal jurisdiction.

24 Second, the Declaratory Judgments Act, [28 U.S.C. §2201](#)(a), says that federal courts don't have the authority to declare
25 rights or status within the context of federal taxes. Can someone please explain how they can call a person a "taxpayer"
26 who submits evidence under penalty of perjury proving that they are a "nontaxpayer"? A "nontaxpayer", which is the
27 status of most Americans, is outside the jurisdiction of the I.R.C. and no judge can lawfully apply the provisions of the
28 I.R.C. to those who are not "taxpayers" or who do not consent to be "taxpayers". The same thing applies to the IRS as
29 well.

30 *"A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power*
31 *of assessment against individuals not specified in the statutes as a person liable for the tax without an*
32 *opportunity for judicial review of this status before the appellation of 'taxpayer' is bestowed upon them and*
33 *their property is seized..."*
34 [*Botta v. Scanlon, 288 F.2d. 504, 508 (1961)*]
35

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

40 *"The distinction between persons and things within the scope of the revenue laws and those without is vital."*
41 [*Long v. Rasmussen, 281 F. 236, 238 (1922)*]

42 Third, according to the Supreme Court in the case of *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938), there is no federal
43 common law within states of the Union. State court precedent is the only thing that is even relevant for those who do not
44 live on land within federal jurisdiction. Consequently, it's meaningless to spout out federal appellate cites and doing so is
45 nothing but a dangerous exercise in political propaganda using "judge-made law" that is irrelevant to Americans living
46 outside of federal jurisdiction.

47 Lastly, when federal jurisdiction is challenged in a tax case using the materials in this pamphlet, the existence of territorial
48 and subject matter jurisdiction must be decided by the jury, and NOT by the judge. A conflict of interest would result

otherwise, because judges are subject to IRS extortion in violation of [28 U.S.C. §144](#) and 28 U.S.C. §455, and [18 U.S.C. §208](#). See:

Why the Federal Courts Can't Properly Address These Questions, Family Guardian Fellowship
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/WhyCourtsCantAddressQuestions.htm>

Judges have no authority to be labeling an argument which challenges federal jurisdiction as frivolous *without* involving the jury or without a separate pleading and trial on the matter of being frivolous. This prevents abuses of judicial authority and conflict of interest. The U.S. Attorney Manual confirms this:

[United States Attorney Manual](#)
[666 Proof of Territorial Jurisdiction](#)

There has been a trend to treat certain "jurisdictional facts" that do not bear on guilt (mens rea or actus reus) as non-elements of the offense, and therefore as issues for the court rather than the jury, and to require proof by only a preponderance that the offense was committed in the territorial jurisdiction of the court to establish that venue has been properly laid. See United States v. Bowers, 660 F.2d. 527, 531 (5th Cir. 1981); Government of Canal Zone v. Burjan, 596 F.2d. 690, 694 (5th Cir. 1979); United States v. Black Cloud, 590 F.2d. 270 (8th Cir. 1979) (jury question); United States v. Powell, 498 F.2d. 890, 891 (9th Cir. 1974). The court in Government of Canal Zone v. Burjan, 596 F.2d. at 694-95, applied the preponderance test to determinations of whether or not the offenses took place within the Canal Zone which established not merely proper venue but subject matter jurisdiction as well. Other cases, however, hold that the issue of whether the United States has jurisdiction over the site of a crime is a judicial question, see United States v. Jones, 480 F.2d. 1135, 1138 (2d Cir. 1973), but that the issue of whether the act was committed within the borders of the Federal enclave is for the jury and must be established beyond a reasonable doubt. See United States v. Parker, 622 F.2d. 298 (8th Cir. 1980); United States v. Jones, 480 F.2d. at 1138. The law of your Circuit must be consulted to determine which approach is followed in your district.

The decision in Burjan should be viewed with caution. The analogy between territorial jurisdiction and venue has much to recommend it. Nevertheless, it is important to recognize that the two are not of equal importance. As the Burjan court noted, citing Fed. R. Crim. P. 12, subject matter jurisdiction is so important that it cannot be waived and may be noticed at any stage of the proceeding, see Government of the Canal Zone v. Burjan, 596 F.2d. at 693, whereas the Ninth Circuit in Powell rested its ruling that venue need be proved by only a preponderance on the relative unimportance of venue as evidenced by its waivability. There is a clear distinction between the question of which court of a sovereign may try an accused for a violation of its laws and whether the sovereign's law has been violated at all.

Proof of territorial jurisdiction may be by direct or circumstantial evidence, and at least at the trial level may be aided by judicial notice. See United States v. Bowers, 660 F.2d. at 530-31; Government of Canal Zone v. Burjan, 596 F.2d. at 694. Compare Government of Canal Zone v. Burjan, 596 F.2d. 690 with United States v. Jones, 480 F.2d. 1135, concerning the role judicial notice may play on appeal.
[\[http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00666.htm\]](http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00666.htm)

Consequently, it is a violation of due process and a conflict of interest for a federal judge to label as frivolous the arguments of a person who has challenged federal territorial or subject matter jurisdiction in a tax case without involving a jury, and especially where a jury trial has been demanded. Therefore, any citations of authority citing frivolous arguments in the context of challenges to federal jurisdiction must have been decided by a jury and not a judge.

6 Jurisdiction to Tax

6.1 Choice of Law in Tax Litigation³⁸

Within any federal tax litigation, there are certain rules for determining what law may be cited as evidence of violation or injury. The foundation of these rules is Federal Rule of Civil Procedure 17(b), which says in pertinent part:

[IV. PARTIES](#) > Rule 17.
[Rule 17. Parties Plaintiff and Defendant; Capacity](#)

(b) Capacity to Sue or be Sued.

³⁸ Adapted from *Tax Fraud Prevention Manual*, Form #06.008, Chapter 4.

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

The above means literally that in tax litigation, there are only two sources or choices of law:

1. Civil law

- 1.1. Civil Law of the Defendant's domicile: The Defendant's domicile, in turn, is a matter of his own personal and political choice, and it is recorded on government forms, such as driver's license applications, tax forms, etc. See the following for details:

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

- 1.2. Private law resulting from contracts or agency created by the actions of the Defendant. For instance, the person voluntarily acquired an office in a corporation through his right to contract. That office created agency as an officer of the corporation and the laws that courts must then apply are only the laws of the state where the corporation was formed and maintains its corporate headquarters. This category also includes "public offices" filled as a result of voluntarily participating in "public rights" or franchises or "privileges" that we discussed in the previous section.

2. Criminal law:

All criminal that applies to the territory that the defendant was on at the exact time of the alleged crime.

We also emphasize that a person with a domicile within a state of the Union does NOT maintain a domicile within the "United States" as defined in the Internal Revenue Code, 26 U.S.C. §7701(a)(9) and (a)(10). See:

<http://famguardian.org/Subjects/Taxes/ChallJurisdiction/Definitions/freemaninvestigation.htm>

Therefore, by implication, the I.R.C. may not be cited against a person domiciled within the exclusive jurisdiction of a state of the Union. The only exception to this requirement is the case of a person who is either a federal "public office", federal contractor, or benefit recipient. This is alluded to in Federal Rule of Civil Procedure 17 above, when it says:

"The capacity of an individual, other than one acting in a representative capacity, to sue or be sued shall be determined by the law of the individual's domicile. The capacity of a corporation [or its officers or employees acting as its agent] to sue or be sued shall be determined by the law under which it was organized."
[Federal Rule of Civil Procedure 17]

In the case where a person is acting in a representative capacity over a federal business entity, federal contract, or as a federal "public office", the American Jurisprudence 2d legal encyclopedia describes what law prevails. It says of claims of the United States against private parties the following:

American Jurisprudence, 2d
United States
§ 42 Interest on claim [77 Am Jur 2d UNITED STATES]

The interest to be recovered as damages for the delayed payment of a contractual obligation to the United States is not controlled by state statute or local common law. In the absence of an applicable federal statute, the federal courts must determine according to their own criteria the appropriate measure of damages. State law may, however, be adopted as the federal law of decision in some instances.
[American Jurisprudence 2d, United States, §42: Interest on Claim (1999)]

Federal "public office", employment, contract, or benefit claims may not be litigated in a state court because of the Separation of Powers Doctrine and because it involves what we called a "franchise" in the previous section. Therefore, they must be litigated in federal court as a contract claim, and the rules of decision must be only federal law, based on the above. The laws to be applied, under Federal Rule of Civil Procedure 17(b) , are the laws under which the United States

Federal Jurisdiction

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EXHIBIT: _____

Government federal corporation are organized, which are the U.S. Code, instead of state law. What makes the issue justiciable is that it is a federal benefit, employment, or contract issue. Our memorandum of law below also proves that Subtitle A of the I.R.C. attaches to people in states of the Union as “private law” or “contract law” at:

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

The Internal Revenue Code, Subtitle A therefore attaches to people as “private law”, “contract law” and “special law”. Even the U.S. Supreme Court admitted this when it said:

*“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., 127 U.S. 265, 292, et seq. 8 S.Ct. 1370, compare Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** United States v. Chamberlin, 219 U.S. 250, 31 S.Ct. 155; Price v. United States, 269 U.S. 492, 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. This was the rule established in the English courts before the Declaration of Independence. Attorney General v. Weeks, Bunbury's Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury's Exch. Rep. 225; Attorney General v. Hatton, Bunbury's Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. —, 2 Ans.Rep. 558; see Comyn's Digest (Title 'Dett,' A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77. “ [Milwaukee v. White, 296 U.S. 268 (1935)]*

Below is the meaning of “quasi-contract” from the above quote:

“Quasi contract. An obligation which law creates in absence of agreement; it is invoked by courts where there is unjust enrichment. Andrews v. O'Grady, 44 Misc.2d. 28, 252 N.Y.S.2d. 814, 817. Sometimes referred to as implied-in-law contracts (as a legal fiction) to distinguish them from implied-in-fact contracts (voluntary agreements inferred from the parties' conduct). Function of “quasi-contract” is to raise obligation in law where in fact the parties made no promise, and it is not based on apparent intention of the parties. Fink v. Goodson-Todman Enterprises, Limited, 9 C.A.3d. 996, 88 Cal.Rptr. 679, 690. See also Contract.” [Black's Law Dictionary, Sixth Edition, p. 1245]

The trouble is, the federal courts refuse to acknowledge the requirement to prove written or even constructive consent to the contract, and by ignoring the requirement for written, explicit consent, they have in effect made participation in this “scheme” to defraud the people involuntary and enforced. The result is racketeering and extortion, in violation of [18 U.S.C. §1951](#). We can easily see how being party to this contract makes us into “domiciliaries” and “residents” of the District of Columbia by examining the older implementing regulations for Section 7701 of the Internal Revenue Code below. Note that a party becomes a “resident” by virtue of whether they are engaged in a “trade or business”, which means federal contracts and employment. In effect, consenting to the federal employment contract by engaging in a “trade or business” contractually shifts one’s domicile to the District of Columbia. Here is the regulation which proves this, which by the way was conveniently REMOVED from the regulations right after we published this finding in order to hide the true nature of the income tax from the average American:

[26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.](#)

*A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. **A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation.** A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.***

To give you one simple example of how Subtitle A of the I.R.C. attaches to people in states of the Union as a federal employment contract and “private law” issue consistent with the above, consider the IRS Form W-4. The regulations describing the W-4 identify it as a “voluntary withholding agreement”. Here is the regulation:

Title 26
CHAPTER I
SUBCHAPTER C
PART 31
Subpart E
[Sec. 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 Sec. 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. (b) Form and duration of agreement. (1)(i) Except as provided in subdivision (ii) of this subparagraph, an employee who desires to enter into an agreement under section 3402(p) shall furnish his employer with Form W-4 (withholding exemption certificate) executed in accordance with the provisions of section 3402(f) and the regulations thereunder. The furnishing of such Form W-4 shall constitute a request for withholding.

Black’s Law Dictionary defines an “agreement” essentially as a contract. When you fill out and submit a W-4, you are signing a contract or agreement to procure “social insurance” from the national (not “federal”) government. That contract:

1. Makes you into a “Trustee” over federal property. See:

[Resignation of Compelled Social Security Trustee](#), Form #06.002
<http://sedm.org/Forms/FormIndex.htm>
2. Makes you into a federal “employee”, or at least an agent or fiduciary for a federal trust which is wholly owned by the mother corporation, the “United States”, as defined in [28 U.S.C. §3002\(15\)\(A\)](#).
3. Makes you into an “officer of a corporation”, who is liable under [26 U.S.C. §6671\(b\)](#) for all I.R.C. penalties and liable for all criminal provisions of the I.R.C. under [26 U.S.C. §7343](#).
4. Shifts your effective legal domicile to the District of Columbia, because that is the domicile of the trust that you now represent. This is confirmed by 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) and Federal Rule of Civil Procedure 17(b).
5. Makes the Social Security Number into a “Taxpayer Identification Number” and a license number for the Trustee, which is now you. See:

[Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?](#), Form #05.013
<http://sedm.org/Forms/FormIndex.htm>
6. Makes your earnings into federal revenues and you into a “transferee” and “fiduciary” over federal payments. See [26 U.S.C. §§6901](#) to 6903.
7. Makes you into a federal subcontractor or “Kelley girl”.
8. Donates your earnings and your time voluntarily to a “public use”, thereby giving the public the right to control that use:

*“Surely the matters in which the public has the most interest are the supplies of food and clothing; yet can it be that by reason of this interest the state may fix the price at which the butcher must sell his meat, or the vendor of boots and shoes his goods? 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 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 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)]

- 1 9. Makes the 1040 form into a profit and loss statement for a federal business trust. The amount “returned” on this form
2 is the “corporate profit” that is the subject of the Internal Revenue Code, Subtitle A income tax. In effect, the 1040
3 form is a method by which subsidiaries of the mother corporation send “kickbacks” to the mother corporation.
4 10. Makes you into a withholding agent who is liable under [26 U.S.C. §1461](#) to “return” federal payments to your new
5 employer, the federal government.

6 You can read why all the above is true in the following sources, should you wish to further investigate:

- 7 1. *Resignation of Compelled Social Security Trustee*, Form #06.002
8 <http://sedm.org/Forms/FormIndex.htm>
9 2. *Great IRS Hoax*, Form #11.032, Sections 5.6.10 and 5.6.12:
10 <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

11 Based on the above analysis, we will now list what law is admissible as evidence (not “presumed” evidence, but REAL
12 evidence) of liability in a federal trial relating to tax issues. This list is particularized to deal only with tax issues. For a list
13 of major or general choice of law rules applicable in all cases, refer to Section 11 earlier:

1 **Table 2: Choice of law in tax trials**

#	Description	Choice of law	
		Persons domiciled in states of the Union with no federal contracts, benefits, agency, or employment	Federal employees, contractors, benefit recipients, and agents
1	Subject matter constituting authority federal jurisdiction	None	Federal employment, contracts, agency
2	Authorities on source of jurisdiction	FRCP Rule 17(b) Rules of Decision Act, 28 U.S.C. §1652 Erie Railroad v. Tompkins, 304 U.S. 64 (1938)	FRCP Rule 17(b) 5 U.S.C. §552(a)(1) 5 U.S.C. §553(a)(2) 26 C.F.R. §601.702(a)(1) 31 C.F.R. §1.3(a)(4) 44 U.S.C. §1505(a)
3	Only authorized place to litigate	State court (See Alden v. Maine, 527 U.S. 706 (1999))	Federal court (See Alden v. Maine, 527 U.S. 706 (1999))
4	Law to be applied	State revenue codes (Internal Revenue Code is <i>excluded</i>) State judicial precedents (stare decisis) ONLY	Internal Revenue Code Federal District and Circuit Court precedents (stare decisis) ONLY
5	“Presumption” in court	Prohibited by U.S. Constitution because violates “due process” of law	Not prohibited, because Bill of Rights (first ten Amendments to the United States Constitution) do not apply in the “federal zone”
6	Taxable activity	None	“trade or business” as defined in 26 U.S.C. §7701(a)(26) . See: http://famguardian.org/Subjects/Taxes/Articles/TradeOrBusinessScam.htm
7	Earnings are	Devoted to a private use	Devoted to a “public use” to procure “privileges” such as tax deductions under 26 U.S.C. §162, Earned income credits under 26 U.S.C. §32, and reduced liability, graduated rate under 26 U.S.C. §1.
8	Legal domicile of Defendant	State of the Union	District of Columbia (see 26 U.S.C. §7701(a)(9) and (a)(10))
9	Agency (role) of Defendant	Natural person (self) (See Hale v. Henkel, 201 U.S. 43 (1906))	1 “Transferee” under 26 U.S.C. §6901 2 “Fiduciary” under 26 U.S.C. §6903 3 Federal “employee” under 26 C.F.R. §31.3401(c)-1 4 “Officer of a corporation” under 26 U.S.C. §6671(b) and 26 U.S.C. §7343 5 “Public office”. See Osborn v. Bank of U.S., 22 U.S. 738 (1824) for definition meaning of “public office”
10	Contract which created federal agency/employment	None	SSA Form SS-5 IRS Form W-4 IRS Form 1040
11	What you have to do to terminate federal agency/employment	Nothing	Send in “Resignation of Compelled Social Security Trustee” document at: http://famguardian.org/TaxFreedom/Forms/Emancipation/SSTrustIndenture.pdf
12	Admissible evidence in a tax trial	State law Statutes at Large after 1939. See 53	Whatever the judge wants. There can be no violation of due process for people

#	Description	Choice of law	
		Persons domiciled in states of the Union with no federal contracts, benefits, agency, or employment	Federal employees, contractors, benefit recipients, and agents
		Stat. 1, Section 4. Rulings of the Supreme Court and not lower courts. See Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8	who are not protected by the Constitution.
13	Enforcement of federal law requires ALL of the following	Positive law (see 1 U.S.C. §204 legislative notes for list of titles that are positive law). See: http://sedm.org/Forms/05-MemLaw/PositiveLaw.pdf Implementing regulations published in the Federal Register	Proof of consent/contract Statutes only. Implementing regulations published in the Federal Register are NOT required under 44 U.S.C. §1505(a)(1) and 5 U.S.C. §553(a)(2) .

The party on the left in the above table, who is the person with no contracts, employment, or agency, is the person you want to be in order to be free and sovereign. The U.S. Supreme Court has said of such a person:

"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 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)]

On the other hand, the party on the right, the federal employee or contractor, has essentially no Constitutional rights. This was explained by the U.S. Supreme Court as follows:

"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, [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)]

If you would like to know all the many additional reasons why federal courts are presuming you to be a federal "employee", contractor, or agent if they prosecute you for income tax crimes, penalties, or other infractions under Internal Revenue Code, Subtitle A, please consult our other informative memorandum of law available free on the internet at the link below. If you still doubt what we have said in this section, please also rebut the evidence and questions at the end of memorandum below:

[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>

6.2 Why federal income taxation is not a “federal question” for those who are “nontaxpayers”

Based on the content of the foregoing section, we must conclude the following:

1. The Internal Revenue Code is not “law” for those who are “nontaxpayers” not subject to it.

“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws...”
[Long v. Rasmussen, 281 F. 236 (1922)]

2. No provision of the Internal Revenue Code may be cited in any court against parties who are “nontaxpayers” not subject to it.

“A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power of assessment against individuals not specified in the states as a person liable for the tax without an opportunity for judicial review of this status before the appellation of ‘taxpayer’ is bestowed upon them and their property is seized...”
[Botta v. Scanlon, 288 F.2d. 504, 508 (1961)]

3. Those who pursue privileged federal employment or franchises have contracted away their Constitutional Rights, but only while standing on federal territory not protected by the Constitution. Otherwise, these rights are “unalienable” per the Declaration of Independence:

“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. The term “nontaxpayer”, in the context of federal income taxation under Internal Revenue Code, Subtitle A, includes parties who is domiciled in a state of the Union who have not contracted away their Constitutional rights by pursuing privileged, excise taxable federal office called a “trade or business”. See the following memorandums of law for exhaustive proof of this fact:

4.1. *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>

4.2. *The “Trade or Business” Scam*, Form #05.001

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

5. BEFORE the Internal Revenue Code may be cited against a party domiciled in a state of the Union:

5.1. Evidence must be admitted into evidence proving that:

5.1.1. The officer is lawfully elected or appointed.

5.1.2. In the case of a human, an oath of office must be given to the person serving. A perjury oath on a government form does NOT satisfy the oath requirement. The oath requirement is found in 5 U.S.C. §3331.

5.1.3. The office is exercised ONLY in places EXPRESSLY authorized as required by 4 U.S.C. §72. If no express legislative authorization is provided to serve outside the District of Columbia, they may ONLY serve in the District of Columbia.

5.1.4. The officer consented to engage in the franchise, such as “public office”. Absent consent, holding a person responsible for the liabilities associated with “public office” constitutes slavery in violation of the Thirteenth Amendment, 42 U.S.C. §1994, and 18 U.S.C. §1589.

5.2. The party must admit they are “taxpayers” subject to it, which is indirect consent to serve as said officer.

5.3. The party must cite provision of the I.R.C. in litigation so as to indicate their consent to be bound by it.

"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)]

5.4. The party must VOLUNTARILY act as though they are subject to it and consent to it by providing such things as a Social Security Number in some context, which indicates domicile in the federal zone, pursuant to 26 C.F.R. §301.6109-1(b). Those who are NOT "U.S. persons" are not required to use such a number.

[26 C.F.R. §301.6109-1\(b\)](#)

(b) Requirement to furnish one's own number--(1) U.S. persons. Every U.S. person who makes under this title a return, statement, or other document must furnish its own taxpayer identifying number as required by the forms and the accompanying instructions.

The term "U.S. person" is defined in [26 U.S.C. §7701](#)(a)(30) as a "citizen" or "resident" of the United States, both of whom have in common a domicile in the "United States", which is defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10) as the "District of Columbia" and does not include states of the Union.

6. If the party does not satisfy the criteria in the preceding item, the government counsel must either:

6.1. Admit evidence of the above into evidence so as to create jurisdiction for the court to proceed against a "taxpayer" or

6.2. The case must be dismissed for lack of jurisdiction. If it is not dismissed, the party is wrongfully and illegally satisfying the duties of a public officer in criminal violation of 18 U.S.C. §912 and the judge is complicit in this crime.

Presumption may not be used as a substitute for such evidence in any court of law against a party protected by the Bill of Rights, which includes those domiciled in states of the Union. The court may not "presume" that a person is a "taxpayer" until evidence appears proving it. This requirement of law is thoroughly examined in our free memorandum below:

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

Our system of jurisprudence is based upon the notion of innocence until proven guilty.

The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial under our system of criminal justice. Long ago this Court stated:

The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.

*Coffin v. United States, 156 U.S. 432, 453 (1895).
[[Delo v. Lashely, 507 U.S. 272 \(1993\)](#)]*

The above statement of public policy constitutes a presumption in favor of everyone which can only be overcome with evidence. In the case of tax trials, one must therefore be "presumed" to be a "nontaxpayer" until evidence is introduced which the accused does not rebut that identifies him as a "taxpayer" subject to the I.R.C. This was also reiterated by the U.S. Supreme Court directly when it held:

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

"Keeping in mind the well-settled rule that the citizen is exempt from taxation unless the same is imposed by clear and unequivocal language, and that where the construction of a tax law is doubtful, the doubt is to be resolved in favor of those upon whom the tax is sought to be laid."
[[Spreckels Sugar Refining Co. v. McClain, 192 U.S. 397 \(1904\)](#)]

We also emphasize that the above provisions apply to the process of determining whether a sovereign citizen is a “taxpayer”. Only AFTER this has been substantiated WITH EVIDENCE may any part of the Internal Revenue Code be cited or applied against him or her. Until that time, the burden of proof rests on the government to prove that the person is a “taxpayer” subject to the I.R.C. This is also confirmed by the provisions of the Administrative Procedures Act, 5 U.S.C. §556(d), which says:

[TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES](#)

[PART I - THE AGENCIES GENERALLY](#)

[CHAPTER 5 - ADMINISTRATIVE PROCEDURE](#)

[SUBCHAPTER II - ADMINISTRATIVE PROCEDURE](#)

[Sec. 556. Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision](#)

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

UNTIL evidence is produced on the record proving that a party is a “taxpayer”, no provision of the I.R.C. may be cited against the party which might prejudice their Constitutional rights, and ESPECIALLY not the provision below relating to the burden of proof in proceeding further:

[TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter E > §7491](#)
[§ 7491. Burden of proof](#)

(a) *Burden shifts where taxpayer produces credible evidence*

(1) *General rule*

If, in any court proceeding, a taxpayer introduces credible evidence with respect to any factual issue relevant to ascertaining the liability of the taxpayer for any tax imposed by subtitle A or B, the Secretary shall have the burden of proof with respect to such issue.

(2) *Limitations*

Paragraph (1) shall apply with respect to an issue only if—

(A) *the taxpayer has complied with the requirements under this title to substantiate any item;*

(B) *the taxpayer has maintained all records required under this title and has cooperated with reasonable requests by the Secretary for witnesses, information, documents, meetings, and interviews; and*

(C) *in the case of a partnership, corporation, or trust, the taxpayer is described in section 7430 (c)(4)(A)(ii).*

Subparagraph (C) shall not apply to any qualified revocable trust (as defined in section 645 (b)(1)) with respect to liability for tax for any taxable year ending after the date of the decedent's death and before the applicable date (as defined in section 645 (b)(2)).

(3) *Coordination*

Paragraph (1) shall not apply to any issue if any other provision of this title provides for a specific burden of proof with respect to such issue.

A party who is a “nontaxpayer” domiciled in a state of the Union to which “diversity of citizenship” applies under United States Constitution, Article III, Section 2 but NOT 28 U.S.C. §1332(a)(2) may therefore not be tried in a federal court, including on matters relating to his status as a “nontaxpayer”.

1 *"The result is that the federal court in a diversity case sits in effect as just another state court, seeking out*
2 *forum state law for all substantive issues. The Rules of Decision Act does not apply to procedural matters,*
3 *however; for matters of procedure a federal court, sitting in a diversity or any other kind of case, applies its*
4 *own rules. This has been so since 1938, when , coincidentally (Erie was also decided in 1938), the Federal*
5 *Rules of Civil Procedure arrived on the scene."*
6 *[Conflicts in a Nutshell, David D. Seigel, West Publishing, 1994, ISBN 0-314-02952-4, p. 317]*

7 Instead, the federal government must litigate in a state court and obtain a declaratory judgment that a person is a "taxpayer"
8 BEFORE he/she can be tried in a federal court as a "taxpayer" and have any provision of the private law found Internal
9 Revenue Code, Subtitle A applied against him. The reasons for this are:

- 10 1. The state courts are the place where are rights are protected and defended, and not the federal courts. This was
11 explained by the U.S. Supreme Court, when it ruled:

12 *"It would be the vainest show of learning to attempt to prove by citations of authority, that up to the adoption of*
13 *the recent Amendments [the Thirteenth and Fourteenth Amendment], no claim or pretense was set up that those*
14 *rights depended on the Federal government for their existence or protection, beyond the very few express*
15 *limitations which the Federal Constitution imposed upon the states—such as the prohibition against ex post*
16 *facto laws, bill of attainder, and laws impairing the obligation of contracts. **But with the exception of these***
17 ***and a few other restrictions, the entire domain of the privileges and immunities of citizens of the states, as***
18 ***above defined, lay within the constitutional and legislative power of the states, and without that of the***
19 ***Federal government. Was it the purpose of the 14th Amendment, by the simple declaration that no state***
20 ***should make or enforce any law which shall abridge the privileges and immunities of citizens of the United***
21 ***States, to transfer the security and protection of all the civil rights which we have mentioned, from the states***
22 ***to the Federal government?** And where it is declared that Congress shall have the power to enforce that*
23 *article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore*
24 *belonging exclusively to the states?"*

25 ***We are convinced that no such result was intended by the Congress which proposed these amendments, nor***
26 ***by the legislatures of the states, which ratified them.***

27 ***Having shown that the privileges and immunities relied on in the argument are those which belong to***
28 ***citizens of the states as such, and that they are left to the state governments for security and protection, and***
29 ***not by this article placed under the special care of the Federal government, we may hold ourselves excused***
30 ***from defining the privileges and immunities of citizens of the United States which no state can abridge, until***
31 ***some case involving those privileges may make it necessary to do so.***
32 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873) , emphasis added]*

- 33
34 2. There is no way that a federal judge in a U.S. District Court can hear the case without having a conflict of interest in
35 violation of 28 U.S.C. §455 and 18 U.S.C. §208. His pay and benefits derive directly from the tax which is being
36 enforced by him.

37 Only AFTER the burden of proof has been satisfied by the government that the party is a "taxpayer" subject to the I.R.C.,
38 may the following provision of law be cited in applying those provisions to the party in question:

39 *"In view of other settled rules of statutory construction, which teach that a law is presumed, in the absence of*
40 *clear expression to the contrary, to operate prospectively; that, **if doubt exists as to the construction of a***
41 ***taxing statute, the doubt should be resolved in favor of the taxpayer...**"*
42 *[Hassett v. Welch., [303 U.S. 303](#), pp. 314 - 315, 82 L Ed 858. (1938)]*

43 In establishing whether a party is a "taxpayer", certain sources of evidence are used by IRS and the courts to establish
44 "prima facie" presumption that they are, which in turn creates the usually false and fraudulent "appearance" that they are
45 subject to federal law even if they are NOT a public officer. These include:

- 46 1. IRS Form W-2. If this form has been filed and not disputed by the litigant, it establishes a prima facie presumption that
47 the party is a federal employee, because only federal employees engaged in a "trade or business" may have this form
48 filed against them. A "trade or business" is defined as a "public office" in the federal government at [26 U.S.C.](#)
49 [§7701\(a\)\(26\)](#). The form may only be filed against parties who voluntarily filed a W-4 requesting withholding and
50 declaring themselves to be federal employees. See:
51 <http://sedm.org/Forms/04-Tax/FormW2/CorrectingIRSFormW2.htm>
52 2. IRS Form W-4. Constitutes a request by the party to commence withholding. The form declares the person to be a
53 federal "employee", because that is what it says in the upper left corner.

3. IRS Form 1042's filed against the party in question. The instructions for the form indicate that it is only for "trade or business" use, which means federal employment. See:
<http://sedm.org/Forms/04-Tax/Form1042/CorrectingIRSForm1042.htm>
4. IRS Form 1098's filed against the party in question. The instructions for the form indicate that it is only for "trade or business" use, which means federal employment. See:
<http://sedm.org/ItemInfo/RespLtrs/Form1098/CorrectingIRSForm1098.htm>
5. IRS Form 1099's filed against the party in question. The instructions for the form indicate that it is only for "trade or business" use, which means federal employment. See:
<http://sedm.org/ItemInfo/RespLtrs/Form1099/CorrectingIRSForm1099.htm>
6. IRS Form 8300, Currency Transaction Report. This form is filled out by financial institutions for amounts withdraw in cash exceeding \$10,000 that are connected with a "trade or business". See:
<http://sedm.org/Forms/Discovery/DmdVerEvOfTradeOrBusiness.pdf>
7. The use or possession of a Social Security Number. This establishes the person who uses it as a public employee and trustee over a federal business trust.
- 7.1. The domicile of the trust and its parent, the United States government, is the District of Columbia.
- 7.2. The terms of the trust document and the means of leaving the system and exhaustively explained in the document below:
- Resignation of Compelled Social Security Trustee*, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>
- 7.3. The trust is created under the authority of the Social Security Act, at the time that the SSA Form SS-5 is completed by an applicant. The SS-5 form is a federal employment application. After application has been made and approved and the Social Security Number is issued, the party becomes a "public officer" or federal "employee" in the context of everything the number is used with.
- 7.4. This creation of federal "agency" and "employment" by submitting the SS-5 application shifts the domicile of a formerly private citizen to the District of Columbia in all federal courts for all occasions involving the use of the Social Security Number of the employment duties associated with it. See:
- 7.4.1. 26 U.S.C. §7408(d). Shifts the domicile of all persons to the District of Columbia for the purposes of injunctions.
- 7.4.2. 26 U.S.C. §7701(a)(39). Shifts the domicile of all persons to the District of Columbia for all matters involving federal tax liability.
- 7.4.3. Federal Rule of Civil Procedure Rule 17(b), which says that when a person is acting in a representative capacity for a federal corporation, including the "United States", the law to be applied is the law of the domicile of the Corporation, which is the District of Columbia in the case of the federal government.
8. The filing of IRS Form 1040, which is the wrong form to file for a person domiciled in a state of the Union. Persons domiciled in states of the Union are nonresident aliens and if they file any IRS return form, it must be the IRS Form 1040NR, not 1040. See:
- 8.1. Non-Resident Non-Person Position, Form #05.020
<http://sedm.org/Forms/FormIndex.htm>
- 8.2. Federal Nonresident Nonstatutory Claim for Return of Funds Unlawfully Paid to the Government-Long, Form #15.001
<http://sedm.org/Forms/FormIndex.htm>
- 8.3. Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>
- 8.4. Why you are not a "citizen" under the Internal Revenue Code, Family Guardian Fellowship:
<http://famguardian.org/Subjects/Taxes/Citizenship/NotACitizenUnderIRC.htm>
- 8.5. Why you are not a "resident" under the Internal Revenue Code, Family Guardian Fellowship:
<http://famguardian.org/Subjects/Taxes/Citizenship/Resident.htm>
9. Financial account signature cards. Accounts opened at banks must be opened with an IRS Form W-8BEN. If the W-8BEN is not provided, there is a prima facie presumption that the person opening the account is a "U.S. person", who must provide a Social Security Number or Taxpayer Identification Number in order to open an account, which creates a prima facie presumption that they are "taxpayers". Persons domiciled in states of the Union, who are "nationals" but not "citizens" under federal law, use the IRS Form W-8BEN to open accounts without Social Security Numbers or Taxpayer Identification Numbers. See:
- About IRS Form W-8BEN, Form #04.202
<http://sedm.org/Forms/FormIndex.htm>

All of the above sources of prima facie evidence used by the courts in establishing one as a “U.S. citizen”, a “U.S. person” (as defined in [26 U.S.C. §7701\(a\)\(30\)](#)), and a “taxpayer” MUST be denounced as untrue and rebutted as shown in the items above before the burden of proof shifts to the government to establish a person as a “taxpayer”. If you have ensured that no evidence stands in all of the above categories, then the government must leave you alone and respect your sovereignty. All of the above sources of evidence create a nexus for federal jurisdiction because they all involve “commerce” with the government of one kind or another. When one conducts “commerce” with the government, they surrender their sovereign immunity as a “nonresident alien” under the Foreign Sovereign Immunities Act. [28 U.S.C. §1605\(a\)\(2\)](#).

[TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)
[§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

[. . .]

(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

Those who want their sovereignty respected and who want to be left alone by the IRS and the federal government must therefore go out of their way to ensure that they are not conducting “commerce” of any kind with the federal government. Commerce is the nexus for nearly all forms of federal jurisdiction, and this nexus originates from Article 1, Section 8, Clause 3 and Article 4, Section 3, Clause 2 of the Constitution of the United States of America.

If you would like to know more about the content of this section, please refer to the following two very important and informative sources:

1. *“Taxpayer” v. “Nontaxpayer”- Which One are You?*, Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/Articles/TaxpayerVNontaxpayer.htm>
2. *Your Rights as a “Nontaxpayer”*, Form #08.008
<http://sedm.org/LibertyU/NontaxpayerBOR.pdf>

6.3 Why it is UNLAWFUL for the I.R.S. to enforce Internal Revenue Code, Subtitle A within states of the Union

The federal government enjoys NO legislative jurisdiction on land within the exterior limits of a state of the Union that is not its own territory. The authorities for this fact are as follows:

1. The U.S. Supreme Court has stated repeatedly that the United States federal government is without ANY legislative jurisdiction within the exterior boundaries of a sovereign state of Union:

*“The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. *United States v. Butler*, supra.”*
[*Ashton v. Cameron County Water Improvement District No. 1*, 298 U.S. 513, 56 S.Ct. 892 (1936)]

*“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)]

If you meet with someone from the IRS, ask them whether the Internal Revenue Code qualifies as “legislation” within the meaning of the above rulings. Tell them you aren’t interested in court cases because judges cannot make law or create jurisdiction where none exists.

2. [40 U.S.C. §3112](#) creates a presumption that the United States government does not have jurisdiction unless it specifically accepts jurisdiction over lands within the exterior limits of a state of the Union:

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS
SUBTITLE II - PUBLIC BUILDINGS AND WORKS
PART A - GENERAL
CHAPTER 31 - GENERAL
SUBCHAPTER II - ACQUIRING LAND
[Sec. 3112. Federal jurisdiction](#)

(a) *Exclusive Jurisdiction Not Required.* - It is not required that the Federal Government obtain exclusive jurisdiction in the United States over land or an interest in land it acquires.

(b) *Acquisition and Acceptance of Jurisdiction.* - When the head of a department, agency, or independent establishment of the Government, or other authorized officer of the department, agency, or independent establishment, considers it desirable, that individual may accept or secure, from the State in which land or an interest in land that is under the immediate jurisdiction, custody, or control of the individual is situated, consent to, or cession of, any jurisdiction over the land or interest not previously obtained. The individual shall indicate acceptance of jurisdiction on behalf of the Government by filing a notice of acceptance with the Governor of the State or in another manner prescribed by the laws of the State where the land is situated.

(c) *Presumption.* - It is conclusively presumed that jurisdiction has not been accepted until the Government accepts jurisdiction over land as provided in this section.

[SOURCE: http://www4.law.cornell.edu/uscode/html/uscode40/usc_sec_40_00003112----000-.html]

3. The Uniform Commercial Code defines the term “United States” as the District of Columbia:

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>]

4. [Article 1](#), Section 8, Clause 17 of the Constitution expressly limits the territorial jurisdiction of the federal government to the ten square mile area known as the District of Columbia. Extensions to this jurisdiction arose at the signing of the Treaty of Peace between the King of Spain and the United States in Paris France, which granted to the United States new territories such as Guam, Cuba, the Philippines, etc.

5. The Internal Revenue Code, Subtitle A places the income tax primarily upon a “trade or business”. A “trade or business” is defined as the “functions of a public office” in [26 U.S.C. §7701](#)(a)(26). See:

The “Trade or Business” Scam, Form #05.001

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

6. [4 U.S.C. §72](#) limits the exercise of all “public offices” and the application of their laws to the District of Columbia and NOT elsewhere except as expressly provided by Congress.

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

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

7. One of the key words in 4 U.S.C. § 72 is the word “**expressly**.” When Congress extends the authority of any office or officer of the United States outside “the District of Columbia, and not elsewhere,” Congress will do it by “expressly” extending the Secretary’s authority and by leaving no doubt that said authority has been extended by Congress to a particular geographical area outside “the District of Columbia.” The definition of “expressly” from Black’s Law Dictionary, Sixth Edition is as follows:

“expressly. In an express manner; in direct and unmistakable terms; *explicitly*; *definitely*; *directly*. *St. Louis Union Trust Co. v. Hill*, 336 Mo. 17, 76 S.W.2d. 685, 689. **The opposite of impliedly.** *Bolles v. Toledo Trust Co.*, 144 Ohio.St. 195, 58 N.E.2d. 381, 396.” (Emphasis added)
[Black’s Law Dictionary, Sixth Edition]

8. The U.S. Supreme Court expressly held that Congress may not establish a “trade or business”, and by implication a “public office”, in a state of the Union and tax it.

“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)]

9. The Supreme Court agrees that all jurisdiction must be conferred by Congress and not by the judiciary or “judge made law”:

“Official powers cannot be extended beyond the terms and necessary implications of the grant. If broader powers be desirable, **they must be conferred by Congress.**”
[Federal Trade Commission v. Raladam Co., 283 U.S. 643, 51 S.Ct. 587 (1931)(Emphasis added)]

10. The IRS and the DOJ have been repeatedly asked for the statute which “expressly extends” the “public office” that is the subject of the tax upon “trade or business” activities within states of the Union. NO ONE has been able to produce such a statute because IT DOESN’T EXIST. There is no provision of law which “expressly extends” the enforcement of Internal Revenue Code, Subtitle A to any state of the Union. Therefore, IRS jurisdiction does not exist there.

“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]

10.1. [48 U.S.C. §1612](#) and 48 U.S.C. §1397 expressly extend the enforcement of the criminal provisions of the Internal Revenue Code to the Virgin Islands and is the only enactment of Congress that extends enforcement of any part of the Internal Revenue Code to any place outside the District of Columbia.

10.2. 48 U.S.C. §1421i extends the internal revenue laws to Guam.

10.3. 48 U.S.C. §1801 extends the revenue laws to the Northern Mariana Islands.

11. The U.S. Supreme Court commonly refers to states of the Union as “foreign states”. To wit:

We have held, upon full consideration, that although under existing statutes a circuit court of the United States has jurisdiction upon habeas corpus to discharge from the custody of state officers or tribunals one restrained of his liberty in violation of the Constitution of the United States, it is not required in every case to exercise its power to that end immediately upon application being made for the writ. 'We cannot suppose,' this court has said, 'that Congress intended to compel those courts, by such means, to draw to themselves, in the first instance, the control of all criminal prosecutions commenced in state courts exercising authority within the same territorial limits, where the accused claims that he is held in custody in violation of the Constitution of the United States. The injunction to hear the case summarily, and thereupon 'to dispose of the party as law and justice require' [R. S. 761], does not deprive the court of discretion as to the time and mode in which it will exert the powers conferred upon it. That discretion should be exercised in the light of the relations existing, under our system of government, between the judicial tribunals of the Union and of the states, and in recognition of the fact that the public good requires that those relations be not disturbed by unnecessary conflict between courts equally bound to guard and protect rights secured by the Constitution. **When the petitioner is in custody by state authority for an act done or omitted to be done in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; or where, being a subject or citizen of a foreign state, and domiciled therein, he is in custody, under like authority, for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations; in such and like cases of urgency, involving the authority and operations of the general government, or the obligations of this country to, or its relations with, foreign nations, [180 U.S. 499, 502] the courts of the United States have frequently interposed by writs of habeas corpus and discharged prisoners who were held in custody under state authority.** So, also, when they 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 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 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. *Duncan v. McCall*, 35 L.Ed. 219, 222, 11 Sup.Ct.Rep. 573; *Re Wood*, [140 U.S. 278](#), 289, Sub nom. *Wood v. 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 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 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 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, 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 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 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](#), 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. 269; *Markuson v. Boucher*, 175 U.S. 184, 44 L.Ed. 124, 20 Sup.Ct.Rep. 76. [State of Minnesota v. Brundage, 180 U.S. 499 (1901)]

12. [The Federal Register Act, 44 U.S.C. §1505](#)(a), and the [Administrative Procedures Act, 5 U.S.C. §553](#)(a) both require that when a federal agency wishes to enforce any provision of statutory law within a state of the Union, it must write proposed implementing regulations, publish them in the Federal Register, and thereby give the public opportunity for “notice and comment”. Notice that 44 U.S.C. §1508 says that the Federal Register is the official method for providing “notice” of laws that will be enforced in “States of the Union”. There are no implementing regulations authorizing the enforcement of any provision of the Internal Revenue Code within any state of the Union, and therefore it cannot be enforced against the general public domiciled within states of the Union. See the following for exhaustive proof:

[IRS Due Process Meeting Handout](#), Form #03.008
<http://sedm.org/Forms/FormIndex.htm>

13. Various provisions of law indicate that when implementing regulations authorizing enforcement have NOT been published in the Federal Register, then the statutes cited as authority may NOT prescribe a penalty or adversely affect rights protected by the Constitution of the United States:

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552](#)
[§ 552. Public information; agency rules, opinions, orders, records, and proceedings](#)

(a)(1) Except to the extent that a person has actual and timely notice of the terms thereof, **a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published.** For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

[26 C.F.R. §601.702](#) Publication and public inspection

(a)(2)(ii) Effect of failure to publish. Except to the extent that a person has actual and timely notice of the terms of any matter referred to in subparagraph (1) of this paragraph which is required to be published in the Federal Register, **such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to subdivision (i) of this subparagraph. Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by reference will not adversely change or affect a person's rights.**

14. 44 U.S.C. §1505(a) and 5 U.S.C. §553(a) both indicate that the only case where an enactment of the Congress can be enforced DIRECTLY against persons domiciled in states of the Union absent implementing regulations is for those groups specifically exempted from the requirement. These groups include:
- 14.1. A military or foreign affairs function of the United States. [5 U.S.C. §553](#)(a)(1).
- 14.2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. [5 U.S.C. §553](#)(a)(2).
- 14.3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. [44 U.S.C. §1505](#)(a)(1).
15. The Internal Revenue Code itself defines and limits the term “United States” to include only the District of Columbia and nowhere expands the term to include any state of the Union. Consequently, states of the Union are not included.

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

(a)(9) United States

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

(a)(10) State

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

16. [26 U.S.C. §7601](#) limits and defines enforcement of the Internal Revenue Code and discovery related to the enforcement only within the bounds of internal revenue districts. Any evidence gathered by the IRS outside the District of

Columbia is UNLAWFULLY obtained and in violation of this statute, and therefore inadmissible. See *Weeks v. United States*, [232 U.S. 383](#) (1914), which says that evidence unlawfully obtained is INADMISSIBLE.

17. [26 U.S.C. §7621](#) authorizes the President of the United States to define the boundaries of all internal revenue districts.
- 17.1. The President delegated that authority to the Secretary of the Treasury pursuant to Executive Order #10289.
- 17.2. Neither the President nor his delegate, the Secretary of the Treasury, may establish internal revenue districts outside of the “United States”, which is then defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10), [26 U.S.C. §7701\(a\)\(39\)](#), and [26 U.S.C. §7408\(d\)](#) to mean ONLY the District of Columbia. This restriction is a result of the fact that the Constitution in Article 4, Section 3, Clause 2 only authorizes Congress to write rules and regulations for the territory and other property of the United States, and states of the Union are not “territory” of the United States:

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

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

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

18. [Treasury Order 150-02](#) abolished all internal revenue districts *except* that of the District of Columbia.
19. IRS is delegate of the Secretary in insular possessions, as “delegate” is defined at [26 U.S.C. §7701\(a\)\(12\)\(B\)](#), but NOT in states of the Union.

Based on all the above authorities:

1. The word “INTERNAL” in the phrase “INTERNAL Revenue Service” means INTERNAL to the federal government or the federal zone. This includes people OUTSIDE the federal zone but who have a domicile there, such as statutory but not constitutional citizens and residents abroad coming under a tax treaty with a foreign country, pursuant to 26 U.S.C. §911. It DOES NOT include persons domiciled in states of the Union. See:

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

2. The U.S. Supreme Court has confirmed that there is *no basis* to believe that any part of the federal government enjoys any legislative jurisdiction within any state of the Union, including in its capacity as a lawmaker for the general government. This was confirmed by one attorney who devoted his life to the study of Constitutional law below:

“§79. [. . .] There cannot be two separate and independent sovereignties within the same limits or jurisdiction; nor can there be two distinct and separate sources of sovereign authority within the same jurisdiction. The right of commanding in the last resort can be possessed only by one body of people inhabiting the same territory, and can be executed only by those intrusted with the execution of such authority.”
[Treatise on Government, Joel Tiffany, p. 49, Section 78;
SOURCE: <http://famguardian.org/Publications/TreatiseOnGovernment/TreatOnGovt.pdf>]

Our public dis-servants have tried to systematically destroy this separation using a combination of LIES, PROPAGANDA in unreliable government publications, and the abuse of “words of art” in the void for vagueness “codes” they write in order to hunt and trap and enslave you like an animal.

*But this is a people robbed and plundered;
All of them are snared in [legal] holes, [by the sophistry of rebellious public “servant” lawyers]
And they are hidden in prison houses;
They are for prey, and no one delivers;
For plunder, and no one says, “Restore!”
Who among you will give ear to this?
Who will listen and hear for the time to come?
Who gave Jacob [Americans] for plunder, and Israel [America] to the robbers?
Was it not the LORD,
He against whom we have sinned?
For they would not walk in His ways,*

Nor were they obedient to His law.
Therefore He has poured on him the fury of His anger
And the strength of battle;
It has set him on fire all around,
Yet he did not know;
And it burned him,
Yet he did not take it to heart.
[Isaiah 42:22-25, Bible, NKJV]

Your government is a PREDATOR, not a PROTECTOR. Wake up people! If you want to know what your public servants are doing to systematically disobey and destroy the main purpose of the Constitution and destroy your rights in the process, read the following expose:

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

3. The PROPAGANDA you read on the IRS website that contradicts the content of this section honestly (for ONCE!) identifies itself as the equivalent of BUTT WIPE that isn't worth the paper it is printed on and which you can't and shouldn't believe. This BUTT WIPE, incidentally, includes ALL the IRS publications and forms:

"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position."
[Internal Revenue Manual (I.R.M.) 4.10.7.2.8 (05-14-1999)]

4. If you want to know what constitutes a "reasonable source of belief" about federal jurisdiction in the context of taxation, please see the following. Note that it concludes that you CAN'T trust anything a tax professional or government employee or even court below the Supreme Court says on the subject of taxes, and this conclusion is based on the findings of the courts themselves!

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

7 Government Franchises may NOT lawfully be offered to people (humans) physically within and domiciled within Constitutional states of the Union and may only be offered to those domiciled and present on federal territory³⁹

Another very important aspect of federal franchises is the fact that they cannot lawfully even be offered to human beings domiciled in states of the Union and whose rights are protected by the United States Constitution. We will prove this important fact in this section.

7.1 Background

All franchises are implemented with excise taxes. All excises are upon specific activities which are usually licensed. The Constitutional authority for excise taxation is found in Article 1, Section 8, Clause 1 of the United States Constitution:

*United States Constitution
Article I: Legislative Department
Section 8.*

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

The interpretation of the U.S. Supreme Court upon the above provision is that it pertains ONLY to imports coming into the country and to no other type of tax. The "activity" subject to excise taxation is therefore that of IMPORTING goods from foreign countries:

*"The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or***

³⁹ Source: Government Instituted Slavery Using Franchises, Form #05.030, Section 11; <http://sedm.org/Forms/FormIndex.htm>.

1 their political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like
2 limitation upon the power which springs from the bankruptcy clause. *United States v. Butler*, *supra*.
3 [*Ashton v. Cameron County Water Improvement District No. 1*, 298 U.S. 513, 56 S.Ct. 892 (1936)]

4 “It is no longer open to question that the general government, unlike the states, *Hammer v. Dagenhart*, [247](#)
5 [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
6 internal affairs of the states; and emphatically not with regard to legislation.“
7 [*Carter v. Carter Coal Co.*, [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

8 “The States, after they formed the Union, continued to have the same range of taxing power which they had
9 before, barring only duties affecting exports, imports, and on tonnage.” 2 Congress, on the other hand, to lay
10 taxes in order 'to pay the Debts and provide for the common Defence and general Welfare of the United States',
11 Art. 1, Sec. 8, U.S.C.A.Const., can reach every person and every dollar in the land with due regard to
12 Constitutional limitations as to the method of laying taxes.”
13 [*Graves v. People of State of New York*, [306 U.S. 466](#) (1939)]

14 The phrase “every person” as used in the last case above relates to:

- 15 1. “persons” domiciled on federal territory and licensed to engage in the regulated activity.. . OR
16 2. Those lawfully serving as public officers in the NATIONAL and not STATE government.

17 The term “every person” as used in *Graves* above does NOT include EVERYONE, or those domiciled in states of the
18 Union.

19 The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be
20 confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate
21 power. 'All legislation is prima facie territorial.' *Ex parte Blain*, *L. R. 12 Ch. Div. 522, 528*; *State v. Carter*,
22 *27 N.J.L. 499*; *People v. Merrill*, *2 Park. Crim. Rep. 590, 596*. Words having universal scope, such as 'every
23 contract in restraint of trade, 'every person who shall monopolize,' etc., will be taken, as a matter of course,
24 to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to
25 catch. In the case of the present statute, the improbability of the United States attempting to make acts done in
26 Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a
27 right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the
28 scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but
29 need not be discussed.
30 [*American Banana Co. v. U.S. Fruit*, [213 U.S. 347](#) at 357-358]

31 “The canon of construction which teaches that legislation of Congress, unless a contrary intent appears, is
32 meant to apply only within the territorial jurisdiction of the United States, *Blackmer v. United States*, *supra*, at
33 [437](#), is a valid approach whereby unexpressed congressional intent may be ascertained. It is based on the
34 assumption that Congress is primarily concerned with domestic conditions.”
35 [*Foley Brothers, Inc. v. Filardo*, 336 U.S. 281 (1949)]

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

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

43 By “territory” above is meant TERRITORIES of the United States and not land subject to the exclusive jurisdiction of a
44 state of the Union.

45 *Corpus Juris Secundum (C.J.S.) Secundum Legal Encyclopedia*
46 *Volume 86: Territories*
47 “§1. Definitions, Nature, and Distinctions

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

52 “While the term 'territory' is often loosely used, and has even been construed to include municipal subdivisions
53 of a territory, and 'territories of the' United States is sometimes used to refer to the entire domain over which

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

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

12 "As used in this title, the term 'territories' generally refers to the political subdivisions created by congress,
13 and not within the boundaries of any of the several states."

14 [86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]

15 Congress can only reach “persons” via civil law by their consent expressed in ONE or more of the following forms:

- 16 1. They must choose a civil domicile within exclusive federal jurisdiction on federal territory to be subject to federal civil
17 law...AND
- 18 2. The must represent a public office domiciled on federal territory. This requires that they must apply for a license or
19 run for a public office, both of which are federal franchises. All franchises are implemented with the civil statutory
20 law.

21 Unless and until they have done one or more of the above, they are NOT statutory “persons” under federal law and cannot
22 be reached by the civil law of the national government. We call those who are not statutory “persons” by the name “non-
23 resident non-persons” throughout our website. The Constitution protects states of the Union and all those domiciled therein
24 by ensuring that nearly all federal legislation cannot reach beyond federal territory and is therefore legislatively “foreign”
25 and “alien” in relation to the states. That is why we allege that the word “INTERNAL” within the phrase “INTERNAL
26 Revenue Service” only relates to activities and offices executed on federal territory by federal officers. However, there are
27 places where the Constitution does not apply, such as:

- 28 1. In a foreign country.
- 29 2. In a territory or possession of the United States. See 4 U.S.C. §110(d).

30 People in any of the above circumstances don’t have any rights to protect, but only statutorily granted privileges and
31 franchises. The U.S. Supreme Court recognized this when it held the following:

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

48 All legitimate governments are established primarily to protect private rights of those who expressly CONSENT to be
49 protected. However, that protection is only mandated by the Constitution and by law in places where the Constitution
50 applies. The Constitution, in turn attaches to the land and not to your status as a "person", "citizen", or "resident"
51 (alien). The Constitution doesn’t travel with you wherever you go but instead attaches to the land you are standing on at
52 the moment you receive an injury to your rights. THAT is why the Constitution calls itself “the law of the land”.

1 *"There could be no doubt as to the correctness of this conclusion, so far, at least, as it applied to the District*
2 *of Columbia. This District had been a part of the states of Maryland and [182 U.S. 244, 261] Virginia. It had*
3 *been subject to the Constitution, and was a part of the United States[***]. The Constitution had attached to it*
4 *irrevocably. There are steps which can never be taken backward. The tie that bound the states of Maryland*
5 *and Virginia to the Constitution could not be dissolved, without at least the consent of the Federal and state*
6 *governments to a formal separation. The mere cession of the District of Columbia to the Federal government*
7 *relinquished the authority of the states, but it did not take it out of the United States or from under the aegis*
8 *of the Constitution. Neither party had ever consented to that construction of the cession. If, before the*
9 *District was set off, Congress had passed an unconstitutional act affecting its inhabitants, it would have been*
10 *void. If done after the District was created, it would have been equally void; in other words, Congress could not*
11 *do indirectly, by carving out the District, what it could not do directly. The District still remained a part of the*
12 *United States, protected by the Constitution. Indeed, it would have been a fanciful construction to hold that*
13 *territory which had been once a part of the United States ceased to be such by being ceded directly to the*
14 *Federal government."*
15 *[Downes v. Bidwell, 182 U.S. 244 (1901)]*

16 Former President William Howard Taft, the person most responsible for the introduction and ratification of the Sixteenth
17 Amendment, understood these concepts well when he made the following ruling as a U.S. Supreme Court Chief Justice
18 after leaving the office of President:

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

22 The Constitution protects your rights by making them "unalienable" in relation to the government. The Declaration of
23 Independence declares that these rights are "unalienable".

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

29 Below is the definition of "unalienable":

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

32 The implication of the above is that it is ILLEGAL for you to bargain away any of your constitutional rights to a real, de
33 jure government through any commercial process. Franchises are a commercial process that exchange rights for privileges.
34 Therefore, franchises cannot lawfully be offered within states of the Union without violating organic/fundamental law and
35 may only be offered where rights do not exist within the meaning of the Constitution, which is federal territory or a foreign
36 country.

37 Let's examine this restriction even further. The Constitution requires that the federal government must protect the states of
38 the Union from invasion by "foreigners".

39 *United States Constitution*
40 *Article IV: States Relations, Section 4.*

41 *The United States shall guarantee to every State in this Union a Republican Form of Government, and shall*
42 *protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the*
43 *Legislature cannot be convened) against domestic Violence.*

44 Well, guess what? The District of Columbia is "foreign" for the purposes of legislative jurisdiction with respect to people
45 domiciled in states of the Union.

46 *"The United States government is a foreign corporation with respect to a state."*
47 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §§883-884 (2003);*
48 *SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/UnitedStates-19CJS883to884.pdf>]*

49 *"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to*
50 *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)]

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

Foreign Laws: "The laws of a foreign country or sister state."
[Black's Law Dictionary, Sixth Edition, p. 647]

Certainly, any attempt by the general government to offer franchises that destroy, regulate, and tax rights protected by the Constitution within legislatively "foreign" states of the Union would constitute an "invasion" within the meaning of Article 4, Section 4 of the Constitution and an unconstitutional act of Treason. Our Bible dictionary says on the subject of "taxes" that they constitute an act of war against a hostile state, in fact. In older times, "taxes" were called "tribute". Nearly all such "taxes" and "tribute" are collected as franchise taxes:

"TRIBUTE. Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a common feature of international relationships in the biblical world. The tributary could be either a hostile state or an ally. Like deportation, its purpose was to weaken a hostile state. Deportation aimed at depleting the man-power. The aim of tribute was probably twofold: to impoverish the subjugated state and at the same time to increase the conqueror's own revenues and to acquire commodities in short supply in his own country. As an instrument of administration it was one of the simplest ever devised: the subjugated country could be made responsible for the payment of a yearly tribute. Its non-arrival would be taken as a sign of rebellion, and an expedition would then be sent to deal with the recalcitrant. This was probably the reason for the attack recorded in Gn. 14.
[New Bible Dictionary, Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962; InterVarsity Press: Downers Grove]

The U.S. Supreme Court recognized that the central government cannot lawfully offer licenses or franchises within a state of the Union without violating the Constitution when it held the following:

"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 [e.g. LICENSE, using a Social Security Number (SSN) or Taxpayer Identification Number (TIN)] a trade or business [per 26 U.S.C. §7701(a)(26)] 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)]

7.2 Franchises and "titles of nobility" they are abused to create are prohibited by the Constitution in States of the Union

The original Constitution of the United States and the Articles of Confederation which preceded it prohibited what is called "titles of nobility":

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.**

Notice in the above references that “offices” under a foreign power are prohibited. All franchises create and perpetuate such de facto illegal “offices”, which are referred to as “public offices” in most franchise agreements. These offices are not within the de jure government, but in fact are within the de facto government SCAM:

1. The IRS, which is NOT part of the de jure government. See:

Origins and Authority of the Internal Revenue Service, Form #05.005
<http://sedm.org/Forms/FormIndex.htm>

2. Corporate DE FACTO states, which are not the de jure states mentioned in the U.S. Constitution. All such de facto “States” are federal corporations acting as agents of the national government. These virtual corporations are created when constitutional states of the Union ILLEGALLY sign up for federal “benefits”, such as Social Security, Medicare, etc, and thus waive sovereign immunity and implicitly consent to act as the equivalent of federal territories and statutory “States” identified in 4 U.S.C. §110(d). See:

Corporatization and Privatization of the Government, Form #05.024
<http://sedm.org/Forms/FormIndex.htm>

Hence, all such offices are ipso facto unlawful and unconstitutional to implement within a state of the Union because they violate the separation of powers doctrine that forms the heart of the United States Constitution. The U.S. Supreme Court also reaffirmed that franchises and the offices and titles of nobility that accompany them could not be established within a state when it held the following:

“The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in cases where it is delegated, and the court denies the faculty of the Federal Government to add to its powers by treaty or compact.”

[Dred Scott v. Sandford, 60 U.S. 393, 508-509 (1856)]

“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 [e.g. “license”] a trade or business within a State in order to tax it.”**

Note that the “treaty or compact” term above includes franchise agreements. All franchises are “contracts” and the term “compact” is equivalent to “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]

*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,⁴⁰ 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.⁴¹*
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

The above analysis explains why the ONLY place where franchises can lawfully be exercised (per 4 U.S.C. §72) and where the office they are associated with can be domiciled is on federal territory not protected by the Constitution. On federal territory not protected by the Constitution, EVERYTHING is a privilege and you need permission to even exist from a legal perspective.

Why would our Founding Fathers be so intent on restricting the use of Titles of Nobility? Quite simple -- Our Declaration of Independence declares all men to be equal. The granting of Titles of Nobility creates a superior class of Citizens.

Generally, if someone has a Title of Nobility they join cliques and private groups that shun those they consider to be of lesser quality than themselves. Our Founding Fathers knew that many people were very unhappy about being cut off from the pomp and pageantry of England. It was these people, many of whom already held titles and positions of authority under the Crown, that the ban was aimed at.

If we allow people to claim honors, titles, and privileges it will not be very long before the equality of all men is destroyed and we start on the path to having those who have the money, the power, and the position, in short those who consider themselves to be the elite, make slaves and servants out of the rest of us.

Participation in franchises and “privileges” confers the equivalent of a “title of nobility” upon those who participate. Those who participate receive special favors and emoluments associated with participation that violates the notion of equal protection and equal treatment, thus destroying one of the main goals of the Constitution to implement equal protection.

In addition to the above provisions of the Constitution prohibiting “titles of nobility”, one additional amendment was proposed to the United States Constitution that would have added further weight to the above by causing anyone who accepts privileges or franchises to be mandatorily expatriated and lose their citizenship. That amendment was the Original Thirteenth Amendment proposed in 1810 and officially adopted in 1812. However, news of its adoption 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. The Original Thirteenth Amendment reads as follows:

“If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the united States, and shall be incapable of holding any office of trust or profit under them, or either of them.”

⁴⁰ 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.

⁴¹ 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.

The history behind the cover-up of the adoption of this amendment is described below, along with some very interesting political commentary. The analysis concludes that the phrase "attorney at law" is a title of nobility that is unlawful.

1. Although already prohibited by the Constitution, an additional "title of nobility" amendment was proposed in 1789, and again in 1810, known as the 13th Amendment. The Founding Fathers wanted an Amendment that provided a punishment for those who defied the Law. The 1810 Amendment was properly ratified by the States and thus became a part of the Constitution, and thereby the law of the land.
2. The founding fathers saw such a serious threat in "titles of nobility" and "honors" that anyone receiving them would forfeit their citizenship, and never again be able to hold any office in either the federal or State government. Since the government prohibited them several times over four decades, and went through the amending process (even though "titles of nobility" were already prohibited by the Constitution), the Amendment carries much more significance for our Founding Fathers than is readily apparent today.
3. In an attempt to unlawfully change the Constitution, the predecessors of the above listed individuals quietly removed a valid Amendment to the Constitution for the united States of America. Their actions were timed to coincide with the tumult and confusion of the War of 1812, when the Capital Building and many of the original records were destroyed by the British. The removal was completed following the Civil War. This Amendment, the 13th, was properly ratified in 1812. It has never been reversed, and so, it is still the law of the land, Today. The 13th Amendment bars all individuals who claim a title of nobility from holding any office of honor or trust.

"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the united States, and shall be incapable of holding any office of trust or profit under them, or either of them."
[Original 13th Amendment to the Constitution for the united states of America]

4. When the Proposed Amendment was passed by the Congress there were 17 States. Ratification requires $\frac{3}{4}$ of the then existing States accept the Amendment. Thirteen States were required to Ratify the Amendment. The order of ratification is:
 - 4.1. December 25, 1810: Maryland ratifies the 13th Amendment, the 1st state.
 - 4.2. January 31, 1811: Kentucky ratifies the 13th Amendment, the 2nd state.
 - 4.3. January 31, 1811: Ohio unanimously ratifies the 13th Amendment, the 3rd state.
 - 4.4. February 2, 1811: Delaware ratifies the 13th Amendment, the 4th state.
 - 4.5. February 6, 1811 Pennsylvania ratifies the 13th Amendment, the 5th state.
 - 4.6. February 13, 1811: New Jersey ratifies the 13th Amendment, the 6th state.
 - 4.7. October 24, 1811: Vermont ratifies the 13th Amendment, the 7th state.
 - 4.8. November 21, 1811: Tennessee ratifies the 13th Amendment, the 8th state.
 - 4.9. November 22, 1811: Georgia ratifies the 13th Amendment, the 9th state.
 - 4.10. December 23, 1811: North Carolina ratifies the 13th Amendment, the 10th state.
 - 4.11. February 27, 1812: Massachusetts ratifies the 13th Amendment, the 11th state.
 - 4.12. March 12, 1812: New York fails ratification of the 13th Amendment.
 - 4.13. April 30, 1812: Louisiana becomes the 18th state in the Union, but is not consulted on the pending constitutional amendment.
 - 4.14. June 12, 1812: The War of 1812 begins.
 - 4.15. June 12, 1812: Governor Plumer of New Hampshire send letter to New Hampshire Legislature accompanied by letters from the Chief Executive Officers of Georgia, North Carolina, Tennessee, Virginia, and Vermont indicating ratification of the 13th Amendment by their State. Virginia thus is shown to be the 12th State to ratify the Amendment.
 - 4.16. December 9, 1812: New Hampshire ratifies the 13th Amendment, the 13th of the 13 states required.
5. On March 10, 1819, the Virginia legislature passed Act No. 280 (Virginia Archives of Richmond, "misc." file, p. 299 for micro-film):

"Be it enacted by the General Assembly, that there shall be published an edition of the Laws of this Commonwealth in which shall be contained the following matters, that is to say: the Constitution of the united States and the amendments thereto..."

This act, by the Virginia General Assembly, was the specific legislated instructions on what was, by law, to be included in the re-publication (a special edition) of the Virginia Civil Code.

The Virginia General Assembly had already agreed that all Acts were to go into effect on the day that the Act to re-publish the Civil Code was enacted. Therefore, if the 13th Amendment had not already been ratified, its official date of ratification would be as of the date of re-publication of the Virginia Civil Code: March 12, 1819.

6. However, there is evidence that the State of Virginia ratified the Amendment in 1812 and the documentation was either never forwarded to Washington or was lost when the Capital and records were burned in the War of 1812.
7. In 2003 -- A bill, House Concurrent Resolution 10, was placed before the New Hampshire legislature, to reaffirm New Hampshire's December 9, 1812 ratification of the 13th Amendment... Known as New Hampshire House Concurrent Resolution 10
8. February 2003 -- Representative Marple, prime sponsor of the New Hampshire Resolution 10 above, sent the 13th Amendment Committee copies of pages from the NH Journal of the Senate, Dated June 12, 1812, that has these surprising statements on pages 48 and 49:

Page 48:

"The following was received from His Excellency the Governor, by the Secretary.

To the Senate and House of Representatives.

I herewith communicate to the Legislature for their consideration, certain laws and resolutions passed by the Legislatures of Georgia, North-Carolina, Tennessee, Virginia and Vermont, upon the subject of amendments of the Constitution of the United States, together with letters from the executive officers of those States.

WILLIAM PLUMER"

June 12, 1812

Page 49:

"Voted, That Messrs. Kimball and Ham, with such as the House of Representatives may join, be a committee to take into consideration certain laws and resolutions passed by the Legislatures of Georgia, North-Carolina, Tennessee, Virginia and Vermont, and other documents accompanying the same, communicated this day by His Excellency the Governor, and report thereon. Sent down for concurrence."

9. The above entry in the Senate Record for New Hampshire clearly shows that Virginia ratified the 13th Amendment prior to June 12, 1812. Early enough before that date that documents from Virginia reached New Hampshire evidencing their ratification of the Amendment. Governor Plumer, clearly states that he included copies of those documents with his transmittal letter to the New Hampshire Senate and House of Representatives.
10. The publication of the Constitution for the United States with the Laws of the Commonwealth of Virginia on March 12, 1819 clearly indicates that the Amendment was properly ratified by Virginia. They also knew there were powerful forces allied against this ratification so they took extraordinary measures to make sure that it was published in sufficient quantity (4,000 copies were ordered, almost triple their usual order), and instructed the printer to send a copy to President James Monroe as well as James Madison and Thomas Jefferson. (The printer, Thomas Ritchie, was bonded. He was required to be extremely accurate in his research and his printing, or he would forfeit his bond.)
11. There is no Constitutional requirement that any notification be sent to the Secretary of State, or to any other individual, that they had ratified the 13th Amendment. The Constitution only requires that three-fourths of the states ratify so that an Amendment will be added to the Constitution. If three-quarters of the states ratify, the Amendment is passed. No provisions are stated concerning any announcement.
12. Printing the Constitution, with the 13th Amendment, by the Virginia Legislature is prima facie evidence of ratification. The 13th Amendment is now, and has been since 1812, the official Law of the Land and a valid part of the Constitution for the united States of America.
13. Following Virginia's publication of March 12, 1819, other states and territories quickly followed suit. Word of Virginia's publication quickly spread throughout the States and both Rhode Island and Kentucky published the new Amendment in 1822. Ohio first published in 1824. Maine ordered 10,000 copies of the Constitution with the 13th Amendment to be printed for use in the schools in 1825, and again in 1831 for their Census Edition. Indiana Revised Laws of 1831 published the 13th Article on p. 20. Northwestern Territories published in 1833. Ohio published in 1831 and 1833. Then came the Wisconsin Territory in 1839; Iowa Territory in 1843; Ohio again, in 1848; Kansas Statutes in 1855; and Nebraska Territory six times in a row from 1855 to 1860.
14. The title "Esquire," which Attorneys have freely adopted and claim, is a "title of nobility or honor." They have no right to be a citizen of the united States, and cannot hold any office of trust or profit. All laws passed by a Senate, or a House

of Representatives, that has a sitting member who claims the title of Esquire, or any other Title of Nobility, are null and void.

15. When an Attorney is admitted to the "Bar" they are granted the title "Esquire." In England a knight held the title of "Squire" and his armor bearer was granted the title "Esquire". King George, of Revolutionary War fame, established the International Bar Association (IBA) and authorized the IBA to grant the title of Attorney and the associated title, Esquire, to all Lawyers who joined the IBA. Because the International Bar Association, to which the other Bar Associations, ABA and State Bars belong, still grants the titles of "Attorney" and "Esquire" as approved and permitted by the King, or Queen of England the titles "Attorney" and "Esquire" are titles of nobility granted by the King or Queen of England.
16. Every Congress since 1812 has contained individuals who claim titles of nobility. Thus, every Congress since 1812 is unconstitutional. No valid laws have been passed, no valid Amendments to the U.S. Constitution have been adopted, no additional States have been properly created. All States formed since 1812 do not exist as valid States.
17. Every Federal and State Supreme Court is composed of Attorneys who claim the title of "Esquire." These Supreme Courts are unconstitutionally staffed. The constitution does not require that any specific learning or knowledge be had by anyone for any position. Any Sovereign can "sit" on the Supreme Court.
18. The constitutions of most states formed since 1812 require that the State Attorney General be a member of the Bar. The Attorney General is serving unlawfully and the provision in the State Constitution is unconstitutional.
19. In Colonial America, attorneys trained attorneys but most held no "title of nobility" or "honor". There was no requirement that one be a lawyer to hold the position of district attorney, attorney general, or judge; a citizen's "counsel of choice" was not restricted to a lawyer; there were no state or national bar associations. The only organization that certified lawyers was the International Bar Association (IBA), chartered by the King of England, headquartered in London, and closely associated with the international banking system. Lawyers admitted to the IBA received the rank "Esquire" -- a "title of nobility".
20. Just holding a Title of Nobility is not the basic problem. The problem lies in the Oath that accompanies the granting of the Title. You never get anything for nothing. The Oath requires strict allegiance to the codes of the "Bar" Association. Even today, an Attorney's first obligation is not to his, or her, client, but to the court. This creates a conflict of interest, because the Attorney has accepted payment from the client.

No man can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and mammon.
[Matthew 6:24, Bible, NKJV]

21. All of the laws passed since 1812, are invalid.

"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.

"Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. . .

A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

No one is bound to obey an unconstitutional law and no courts are bound to enforce it. "
[Black's Law Dictionary, Sixth Edition, p. 260]

Pursuant to the facts established, The 13th Amendment to the Constitution for the united States as originally passed in 1812, and as set forth to wit:

"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the united States, and shall be incapable of holding any office of trust or profit under them, or either of them."
[Original 13th Amendment to the Constitution for the united states of America]

is a true and valid Amendment to the said Constitution and must be recognized as the valid “Law of the Land” in all States and venues.

“Titles of nobility”, including the titles of:

1. “attorney at law”: Attorneys at law are the ONLY ones allowed to represent people. The term “assistance of counsel” found in the Sixth Amendment is misinterpreted by judges to EXCLUDE PRIVATE non-attorneys from helping others.
2. “taxpayer”: IRS refuses to recognize, correspond with, or help NON-taxpayers. You can’t even call them on the phone without admitting you are a “taxpayer”. They won’t talk to you until you provide a “TAXPAYER identification number”. What about simply an Account Number that doesn’t imply “taxpayer” status?
3. “United States government”: The de facto government asserts sovereign immunity in ALL cases except where they expressly waive it, and yet they deny the same capability to private human beings.
4. “IRS agent”: IRS agents use pseudo names officially for anonymity but private parties are accused of FRAUD when they do it.

. . .etc. are therefore prohibited by the United States Constitution. The U.S. Supreme Court has held that such “titles of nobility” deny equal protection that is the foundation of the United States Constitution:

Central both to the idea of the rule of law and to our own Constitution's guarantee of equal protection is the principle that government and each of its parts remain open on impartial terms to all who seek its assistance. "Equal protection of the laws is not achieved through indiscriminate imposition of inequalities." "Sweatt v. Painter, 339 U.S. 629, 635 (1950) (quoting Shelley v. Kraemer, 334 U.S. 1, 22 (1948)). Respect for this principle explains why laws singling out a certain class of citizens for disfavored legal status or general hardships are rare. A law declaring that in general it shall be more difficult for one group of citizens than for all others to seek aid from the government is itself a denial of equal protection of the laws in the most literal sense. "The guaranty of equal protection of the laws 634*634 is a pledge of the protection of equal laws." "Skinner v. Oklahoma ex rel. Williamson, 316 U.S. 535, 541 (1942) (quoting Yick Wo v. Hopkins, 118 U.S. 356, 369 (1886)). [Romer v. Evans, 517 U.S. 620 (1996)]

The Court's method of analysis seems to ignore the strictures of JUSTICES DOUGLAS and WHITE, but the analysis is clear: the Court holds sua sponte that the Due Process Clause requires that Stanley, the unwed biological father, be accorded a hearing as to his fitness as a parent before his children are declared wards of the state court; the Court then reasons that, since Illinois recognizes such rights to due process in married fathers, it is required by the Equal Protection Clause to give such protection to unmarried fathers. **This "method of analysis" is, of course, no more or less than the use of the Equal Protection Clause as a shorthand condensation of the entire Constitution: a State may not deny any constitutional right to some of its citizens without violating the Equal Protection Clause through its failure to deny such rights to all of its citizens.** The limits on this Court's jurisdiction are not properly expandable by the use of such semantic devices as that. [405 U.S. 661] [Stanley v. Illinois, 405 U.S. 645 (1972)]

We have consistently held, however, that some objectives, such as "a bare . . . desire to harm a politically unpopular group," are not legitimate state interests. Department of Agriculture v. Moreno, supra, at 534. See also Cleburne v. Cleburne Living Center, supra, at 446-447; Romer v. Evans, supra, at 632. When a law exhibits such a desire to harm a politically unpopular group, we have applied a more searching form of rational basis review to strike down such laws under the Equal Protection Clause.

[. . .]

The Equal Protection Clause "neither knows nor tolerates classes among citizens." Id. at 623 (quoting Plessy v. Ferguson, 163 U.S. 537, 559 (1896) (Harlan, J. dissenting)). [Lawrence v. Texas, 539 U.S. 558, 123 S.Ct. 2472 (2003)]

The facts and conclusions in this section are carefully hidden by a corrupted legal profession using the following means:

1. The annotated version of the clauses within the Constitution which prohibit titles of nobility are the nearly silent and irrelevant to the issues discussed herein. See:
 - 1.1. Article 1, Section 10

<http://caselaw.lp.findlaw.com/data/constitution/article01/>

1.2. Article I, Section 9, Clause 8

<http://caselaw.lp.findlaw.com/data/constitution/article01/>

2. The term “title of nobility” is not found in any law dictionary or regular dictionary that we could find.

3. Courts of justice deceive you into participating in the “attorney at law” franchise by fooling you into “representing yourself” as a “pro per” or a “pro se” litigant. You can’t “represent” anyone unless you are acting as a franchisee called an “attorney at law”. This is how they get the jurisdiction to regulate your conduct as a franchise court. Those who don’t want to participate in such franchise cannot claim to be “pro se” or “pro per”, but rather must claim to be “sui juris”. Note the phrase “for oneself” instead of “as oneself” in the definition of “pro se” and then compare that with the definition of “sui juris” below:

*“Pro se. **For one’s own behalf**; in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears **for himself** in court.”*
[Black’s Law Dictionary, Sixth Edition, p. 1221]

*“Sui juris. Of his own right; **possessing full social and civil rights; not under any legal disability [e.g. “franchise”]**, 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]

If you would like to see legal evidence proving the ratification and existence of the Original Thirteenth Amendment, see:

<http://famguardian.org/Subjects/LawAndGovt/LegalEthics/Missing13thAmendment-1819-laws-of-virginia.pdf>

7.3 Legal mechanisms for kidnapping your identity and moving it unlawfully to federal territory and thereby enslave you to a franchise contract

The states of the Union are legislatively but not constitutionally foreign and alien and sovereign in respect to the national government. Maintaining that separation of legislative powers, in fact, is one of the main purposes of the United States Constitution:

*“We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, § 8. As James Madison wrote, “[t]he 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 Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally mandated division of authority “was adopted by the Framers to ensure protection of our fundamental liberties.” Gregory v. Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). “Just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.” Ibid.***
[U.S. v. Lopez, [514 U.S. 549](#) (1995)]

In order to break down this separation of powers and enact law that regulates the conduct of nonresident alien parties domiciled in a legislatively foreign state such as a state of the Union, the national government has to use contracts and franchises to unlawfully reach outside of federal territory. It is a maxim of law that debt and contract know no place, meaning that they can be enforced anywhere.

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/BouviersMaxims.htm>]

Those who are in a state of the Union, in order to acquire a “commercial existence”, identity, or right in a foreign jurisdiction such as the federal zone are mandatorily required to become privileged. Here is an explanation of this phenomenon by the U.S. Supreme Court. Note that legislatively foreign and alien inhabitants of states of the Union must be treated as possessing an “implied license” to do business in a foreign jurisdiction, which in this case is the national government, and therefore become privileged “resident aliens”:

The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are found' were stated as follows: **'When private individuals of one nation [states of the Unions are "nations" under the law of nations] spread themselves through another as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the government to degradation, if such individuals or merchants did not owe temporary and local allegiance, and were not amenable to the jurisdiction of the country.** Nor can the foreign sovereign have any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him, nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons of this description from the jurisdiction of the country in which they are found, and no one motive for requiring it. **The implied license, therefore, under which they enter, can never be construed to grant such exemption.'** 7 Cranch, 144.

In short, the judgment in the case of *The Exchange* declared, as incontrovertible principles, that the jurisdiction of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory with its permission, and of their foreign ministers and public ships of war; and that **the implied license, under which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants, for purposes of business or pleasure, can never be construed to grant to them an exemption from the jurisdiction of the country in which they are found.** See, also, *Carlisle v. U.S.* (1872), 16 Wall. 147, 155; *Radich v. Hutchins* (1877), 95 U.S. 210; *Wildenhuis' Case* (1887), 120 U.S. 1, 7 Sup.Ct. 385; *Chae Chan Ping v. U.S.* (1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623. [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

The above is another way of expressing the operation of the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97, in which 28 U.S.C. §1605 identifies the criteria by which foreign sovereigns such as states of the Union, and the inhabitants within them "waive sovereignty immunity" and become subject to the jurisdiction of otherwise foreign law. Those mechanisms imply that when one "purposefully avails" himself of commerce in a foreign jurisdiction, they are to be deemed "resident aliens" within that otherwise foreign jurisdiction.

[TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)
[§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

(2) **in which the action is based upon a commercial activity carried on in the United States by the foreign state;** or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

Below is how the courts describe this mechanism. When a foreign state explicitly (in writing) or implicitly (through their conduct) consents to the jurisdiction of a sister Forum or State, they are deemed to be "present" within that state legally, but not necessarily physically. Here is how the Ninth Circuit Court of Federal Appeals describes this concept:

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.

[...]

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.
[Yahoo! Inc. v. La. Ligue Contre Le Racisme Et L'Antisemitisme, 433 F.3d. 1199 (9th Cir. 01/12/2006)]

The key is the phrase "purposeful availment". If you did not consent to do business in the forum, and instead had your money stolen by an ignorant payroll clerk or financial institution and sent to the corrupt United States, then that government:

1. Becomes the custodian over STOLEN money.
2. Becomes a "bailee" and "transferee" in temporary possession of property rightfully belonging to the party who was the subject of unlawful withholding and/or reporting.
3. Is required to return the funds, even if no law or even the franchise agreement itself authorizes the return of funds. Hence, a statutory "tax return" available ONLY to statutory franchisees called "taxpayers" need not be filled out and a NON-statutory claim should suffice.

"A claim against the United States is a right to demand money from the United States.⁴² Such claims are sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent.⁴³ **The general rule of non-liability of the United States does not mean that a citizen cannot be protected against the wrongful governmental acts that affect the citizen or his or her property.**⁴⁴ **If, for example, money or property of an innocent person goes into the federal treasury by fraud to which a government agent was a party, the United States cannot [lawfully] hold the money or property against the claim of the injured party.**⁴⁵"
[American Jurisprudence 2d, United States, §45 (1999)]

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

California Civil Code
Section 2224

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

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

⁴² United States ex rel. Angarica v Bayard, 127 U.S. 251, 32 L.Ed. 159, 8 S.Ct. 1156, 4 A.F.T.R. 4628 (holding that a claim against the Secretary of State for money awarded under a treaty is a claim against the United States); Hobbs v McLean, 117 U.S. 567, 29 L.Ed. 940, 6 S.Ct. 870; Manning v Leighton, 65 Vt. 84, 26 A. 258, motion dismd 66 Vt. 56, 28 A. 630 and (disapproved on other grounds by Button's Estate v Anderson, 112 Vt 531, 28 A.2d. 404, 143 A.L.R. 195).

⁴³ Blagge v Balch, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

⁴⁴ Wilson v Shaw, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

⁴⁵ Bull v. United States, 295 U.S. 247, 79 L.Ed. 1421, 55 S.Ct. 695, 35-1 U.S.T.C. ¶ 9346, 15 A.F.T.R. 1069; United States v. State Bank, 96 U.S. 30, 96 Otto 30, 24 L.Ed. 647.

4. May be sued in state court under a REPLEVIN action without invoking the franchise contract because the party whose funds were stolen did not consent to be a franchisee and therefore never “purposefully availed” themselves of the franchise or the commercial consequences of the franchise.

Here is how that process is described in the Foreign Sovereign Immunities Act (F.S.I.A.):

[TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)

[§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

(3) in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property is present in the United States in connection with a commercial activity carried on in the United States by the foreign state; or that property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States;

Below is the sequence of legal events that creates implied consent to the franchise, creates the legal “person”, “individual”, and “resident”, transports your identity to federal territory, and places it within the jurisdiction of a federal FRANCHISE court, and creates what the courts call a “federal question” to be heard ONLY in a federal court. In other words, the franchise agreement dictates choice of law that kidnaps your identity and moves it outside the protections of state law and the constitution and onto federal territory.

1. Through deceit, fraud, and adhesion contracts within financial account applications and employment withholding paperwork, you are illegally coerced to apply to receive and become a custodian of government property. The legal definition of “public office” confirms that a public officer is, in fact, someone who manages public property. The property you receive is the Social Security Card, Social Security Number, and the Taxpayer Identification Number. These numbers act as the equivalent of de facto license numbers giving permission from the state for you to engage in “the functions of a public office”. IRS Regulations at 26 C.F.R. §301.6109-1 confirm that the use of the number is ONLY mandatory in the case of those engaging in a “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.

“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]

2. The USE of said public property and de facto license and the number that goes with it constitutes “prima facie implied consent” to engage in the franchise and accept all of its terms and conditions. Hence, your implied consent makes you into a PRESUMED, DE FACTO public officer and transferee managing federal property. Any commercial transaction you connect the de facto license number to constitutes consent to donate the FRUITS of the transaction to a public purpose in order to receive the benefits of a government franchise.
3. Implied consent to the franchise contract creates “agency” on the part of the applicant. All contracts create agency, which as a bare minimum consists of delivering the “consideration” called for under the contract. The courts and the government illegally treat this agency as a public office as described in 26 U.S.C. §7701(a)(26). They do this unlawfully, because NO WHERE in the I.R.C. are the creation of any new public offices in the government authorized by the use of any tax form or any identifying number. The “consideration” they define by fiat as consisting of obedience to the laws and dictates of a legislatively foreign jurisdiction.
4. Third parties are LIED TO by the IRS into producing FALSE legal evidence that connects PRIVATE people with a public office. For instance, IRS FALSELY tells everyone that:

4.1. Every payment IN A LEGISLATIVELY FOREIGN JURISDICTION AND OUTSIDE THEIR TERRITORY must be reported using information returns such as IRS Forms W-2, 1042-S, 1098, and 1099.

4.2. The reports MUST contain Taxpayer Identification Numbers, Employer Identification Numbers, and Social Security Numbers, all of which are ONLY mandatory in the case of those lawfully occupying a public office in ONLY the District of Columbia and not elsewhere pursuant to 4 U.S.C. §72.

This has the practical effect of “electing” third parties into a public office without their consent, and in most cases ALSO without even their knowledge. Since they aren’t aware how the SCAM works, they never bother to rebut the FALSE evidence and hence, are compelled to act as a de facto public officer in criminal violation of 18 U.S.C. §912 and to satisfy all the obligations of the office WITHOUT any real compensation. See:

Correcting Erroneous Information Returns, Form #04.001

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

5. The public office (the “trade or business”) that is fraudulently created using your implied consent means that you:

5.1. Are acting in a representative capacity on behalf of a federal corporation, which in this case is the national government.

5.2. Are a statutory “U.S. citizen”, because the United States federal corporation you represent is a statutory but not constitutional citizen.

“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)]

6. Federal Rule of Civil Procedure 17(b) is used to transport your identity to the District of Columbia, because that is where “U.S. Inc.” is domiciled and located, who is the REAL party in interest for those acting in a representative capacity.

IV. PARTIES > Rule 17.

Rule 17. Parties Plaintiff and Defendant; Capacity

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

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

(2) for a corporation[the “United States”, in this case, or its officers on official duty representing the corporation], by the law under which it was organized [laws of the District of Columbia]; and

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

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

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

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

7. The franchise contract is then used to transport your identity against your will to the Domicile of “U.S. Inc.” in the District of Criminals. For example, 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) are used to transport your identity to the District of Columbia under the I.R.C. The “citizen or resident” they are talking about is the PUBLIC OFFICE, and NOT the human being and OFFICER filling the office.

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 in the District of Columbia for purposes of any provision of this title relating to—

(A) jurisdiction of courts, or

[TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408](#)
[§ 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions](#)

(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.***

7.4 How Deception, fraud, and “words of art” on government forms are abused by state and federal governments to illegally bypass the geographical restrictions on franchises

Now that we understand where franchises may lawfully be offered, we can also answer the question of WHY both state and federal government statutes and forms and services do all the following:

1. Ask whether you are a statutory “U.S. citizen”, which implies you are a “person” or “U.S. person” (26 U.S.C. §7701(a)(30)) domiciled on federal territory and NOT within the exclusive jurisdiction of any state of the Union. The term “U.S.” within that phrase means the national government and no part of any state of the Union. This is exhaustively proven in the following:

[Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen](http://sedm.org/Forms/FormIndex.htm), Form #05.006
<http://sedm.org/Forms/FormIndex.htm>

2. Forbid the issuance of licenses such as driver’s licenses to those who are not domiciled on federal territory and therefore not statutory ‘U.S. citizens’ or “residents” (aliens).

*State of Virginia
Title 46.2 - MOTOR VEHICLES.
Chapter 3 - Licensure of Drivers*

§46.2-328.1. Licenses, permits and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

*A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, **the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States.***

3. Ask for a government identifying number that ties you to domicile on federal territory. 20 C.F.R. §422.104 says that Social Security Numbers may only lawfully be issued to persons domiciled on federal territory.

[26 C.F.R. §301.6109-1\(g\)](#)

(g) Special rules for taxpayer identifying numbers issued to foreign persons—

(1) General rule—

(i) Social security number.

A social security number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual. A person may establish a different status for the number by providing proof of foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will assign this status to the individual's social security number.

4. Unlawfully and prejudicially deprive those who do not fraudulently declare a domicile on federal territory or a connection with some public franchise of the ability to conduct commerce to support their family and this is a violation of the equal protection of the laws mandated by the Constitution. They do this by:

- 4.1. Refusing to recognize the right of self-government declared in the Declaration of Independence to form your own government and issue your own private ID. No entity deserves to be called a “government” that refuses to recognize the EQUAL right of EVERYONE to peacefully govern themselves to the exclusion of others guaranteed by the Declaration of Independence without having to institute violence or force against anyone. The Declaration of Independence, in fact, makes it our DUTY to form our own government if the one we have does not meet our needs.

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 [SELF] 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, Thomas Jefferson]

- 4.2. Refusing to recognize, permit, or protect private ID or ID issued by families, churches, or private groups not associated with the government.
- 4.3. Refusing to publish standards for the issuance of PRIVATE ID for use by financial institutions and employers.
- 4.4. Refusing to prosecute financial institutions and employers for discrimination who fail to recognize or accept private ID while acting as government officers called “withholding agents”.

For further details on this subject, see section 12 for the methods by which Americans are unlawfully compelled to fraudulently declare a domicile on federal territory that they have never visited:

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

What they are trying to do is create the FALSE presumption that:

1. You are domiciled or resident on federal territory. For instance, those engaged in the “trade or business”/public officer franchise that forms the heart of Internal Revenue Code, Subtitles A through C have an effective residence on federal territory by virtue of simply engaging in the public office.

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

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.
[T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), P. 4967-4975]

2. Because you are domiciled on federal territory, you are not party to or protected by the United States Constitution.
3. You have no rights, but only Congressionally granted “privileges” and franchises. Everything that happens on federal territory is a privilege and not a right.
4. You are a government statutory “employee” pursuant to 5 U.S.C. §2105(a) or “public officer” on official business engaging in federal franchises. 5 U.S.C. §2105(a) identifies this statutory employee as an “officer AND individual”, meaning a public officer.

[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—***

5. You are in receipt, custody, and control of government property, namely the Social Security Card and number, or the “Employer Identification Number” and are therefore a “public officer” and fiduciary over said public property and all the legal rights that attach to said property. Both numbers are property of the government and possession of government/public property is what creates the usually false presumption that the holder is a public officer.

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.**

“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]**

6. By virtue of being a public officer, you are a “trustee”, “fiduciary” (26 U.S.C. §6903), and “transferee” (26 U.S.C. §6901) of the national government who has no private earnings, and who has donated all of his formerly private earnings to a “public use” under the terms of a franchise contract in order to procure the “benefits” of government franchises.

“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 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)]

7. You are NOT a human being, but a statutory but not common law “employee” (5 U.S.C. §2105(a)), public officer, and servant of 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)]

7.5 The criminal and unconstitutional consequences when governments are allowed to offer franchises outside of their territory and exclusive jurisdiction

Another important thing to completely understand is what are all of the legal consequences of allowing any government to enforce civil franchises outside of its territory and exclusive or general jurisdiction? Many people might say something like the following when such a thing happens, which is what one person said in the forums of the Family Guardian Fellowship sister website when the Obama Healthcare Bill was passed in 2010:

It's my feeling that the Health Care Law is constitutional because it is consensual. Correct me if I'm wrong, but I believe a "nonresident alien" is allowed the option of not participating, while a "U.S. person" must participate. Therein lies the voluntary and consensual nature of the franchise.

1) Either claim your true and correct status as provided for in the Constitution -- "nonresident alien"

or,

2) Elect to be treated as a "lawful permanent resident," and thus, a "U.S. person" -- someone who is subject.

To such a statement, we can only say that the person who said it was PRESUMING that the people can consent to ANYTHING without violating the law. The fact is THEY CANNOT. When this was attempted with the first major franchise, Social Security the U.S. Supreme Court held that states of the Union are not allowed to consent to the enlargement of federal powers within their borders under the Constitution.

"The people of the United States, by their Constitution, have affirmed a division of internal governmental powers between the federal government and the governments of the several states-committing to the first its powers by express grant and necessary implication; to the latter, or [301 U.S. 548, 611] to the people, by reservation, 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States.' The Constitution thus affirms the complete supremacy and independence of the state within the field of its powers. Carter v. Carter Coal Co., 298 U.S. 238, 295, 56 S.Ct. 855, 865. The federal government has no more authority to invade that field than the state has to invade the exclusive field of national governmental powers; for, in the oft-repeated words of this court in Texas v. White, 7 Wall. 700, 725, 'the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government.' The necessity of preserving each from every form of illegitimate intrusion or interference on the part of the other is so imperative as to require this court, when its judicial power is properly invoked, to view with a careful and discriminating eye any legislation challenged as constituting such an intrusion or interference. See South Carolina v. United States, 199 U.S. 437, 448, 26 S.Ct. 110, 4 Ann.Cas. 737."
[Steward Machine Co. v. Davis, 301 U.S. 548 (1937)]

And that same U.S. Supreme Court went so far as to say that the separation between the two must be indestructible and not subject to political whim, when it held just one year prior the following:

"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)]

The people can't consent to an enlargement of federal power within the borders of their state either, because while they are in a state and participating in the affairs of state government as jurists and voters, they are part of the state government and hence, they cannot consent to give up their authority to the federal government. And, the rights of people in the states of the Union are, per the Declaration of Independence, inalienable, which means you cannot lawfully consent to give them

away in relation to a real de jure government. So, even with their consent, it still cannot be done without destroying the constitutional separation of powers and therefore being unconstitutional.

It is unconstitutional to offer civil franchises to those domiciled outside of federal territory and within a state of the Union, because:

1. Franchises blur the line between what is public and private.
2. Franchises cause the de jure government to have to create “foreign agents” that are not part of the government and yet who fraudulently PRETEND to be part of the government. This includes:
 - 2.1. The Federal Reserve.

The Money Scam, Form #05.041

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

- 2.2. The Internal Revenue Service. See:

Origins and Authority of the Internal Revenue Service, Form #05.005

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

3. Franchises can't lawfully be offered to population protected by the constitution whose rights are unalienable. An unalienable right is a right that cannot be sold, bargained away, or transferred by any means, including a franchise. How do you “alienate” rights or make those who are the subject of them “resident aliens” under a franchise agreement?
4. Franchises create a conflict of interest in the people running the government. They will, on the one hand, be in charge of PROTECTING private rights, but on the other hand making a business out of destroying, taxing, and burdening those rights using franchises. They will simultaneously have to provide equal protection that is the foundation of the constitution, and yet also be in charge of destroying equality and replacing it with privilege, partiality, hypocrisy, and greed that is at the heart of all franchises. No man can serve two masters in this way.

*"No [public] servant [or biological person] 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 [money, franchises, or government].**"*
[Luke 16:13, Bible, NKJV]

5. Franchises cause money changers and lobbyists who benefit financially from the franchises to hijack the civic temple called “government” for personal gain, not unlike how the money changers took over the church court described in Matt. 21:12-17. This kind of corruption was the ONLY thing that Jesus ever got angry at, and here we are institutionalizing and expanding it. Even the thieves in the District of Criminals themselves identify the capitol they serve in as a “civic temple” and refer to the trust that Americans have in their conduct as “faith”, which is a kind of “civic religion”.

*"Now, Mr. Speaker, **this Capitol is the civic temple of the people**, and we are here by direction of the people to reduce the tariff tax and enact a law in the interest of all the people. This was the expressed will of the people at the polls, and you promised to carry out that will, but **you have not kept faith with the American people.**"*
[44 Cong.Rec. 4420, July 12, 1909; Congressman Heflin talking about the enactment of the Sixteenth Amendment]

6. Franchises cause the commission of a crime of impersonating a statutory citizen under 18 U.S.C. §911, which is a public officer, by those domiciled outside of federal territory and within a state of the Union. Congress STILL cannot establish public offices within states of the Union under 4 U.S.C. §72.
7. Franchises put federal judges in a criminal conflict of interest in violation of 18 U.S.C. §208, because they are put in charge of protecting rights protected by the constitution of those domiciled outside their jurisdiction, and yet also puts them in charge of maximizing revenues from DESTROYING those same rights and forcing people to participate. Do YOU want judges who are criminals?
8. Franchises commercially entice judges to abuse sovereign immunity to protect and expand a government monopoly in a specific field of PRIVATE business, and thus give the government unfair advantage. This is a violation of 28 U.S.C. §§144, 455, and 18 U.S.C. §208.
9. Franchises result in crime by jurors in federal court and voters because many of those jurors and voters will be receiving the socialist “benefit” and yet will also be ruling on cases relating to the benefit or voting for candidates based on promises to INCREASE the benefit. That is the same problem the income tax has. It is a CRIME to rule on any issue you have a financial interest in (18 U.S.C. §208) and it is a CRIME to bribe a voter (18 U.S.C. §201). And by the way: all jurors and voters are public officers in their STATE governments as well. See 18 U.S.C. §201, which describes jurors as public officers. BOTH will be happening if everyone receiving ANY kind of federal benefit is not disqualified from serving as a jurist or a voter. Personally, I think it ought to be against the law to be a jurist or a voter

if one receives ANY government benefit for this very reason. The original Articles of Confederation refused to count "paupers and vagabonds" as voters, and they were smart for this. That corruption will cause EVERYONE to be compelled to participate. Do you REALLY want to have to go in front of a WHOLE ROOM full of tax consumers on the jury and the bench and tell them that you don't want to subsidize their activities or bribe them? How do you think that is going to turn out?

"And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous."
[Exodus 23:8, Bible, NKJV]

*"He who is greedy for gain troubles his own house,
But he who hates bribes will live."*
[Prov. 15:27, Bible, NKJV]

*"Surely oppression destroys a wise man's reason.
And a bribe debases the heart."*
[Ecclesiastes 7:7, Bible, NKJV]

10. Franchises are based on fraud, because you can't call yourself a statutory "citizen" or "resident" in a place you have never physically lived in on federal territory. By this we mean that you as a person domiciled in a constitutional state of the Union can't truthfully call yourself a statutory citizen because you are domiciled outside the statutory but not constitutional "United States".
11. Franchises are based on fraud because the people participating still think they are private parties, and the courts lie about their status. Then, when you realize the fraud and correct your status as described in pleadings, the government tries to hide that fact by calling the litigant "frivolous", which really means you are a heretic who refuses to join the state sponsored religion of socialism.
12. Franchises are based on fraud because it is being offered as a government program, and yet cannot be offered by a de jure government to a people who cannot give up rights. A private corporation that is not a government is the only thing that can offer such a franchise, and that corporation cannot and should not use sovereign immunity to expand its program, and yet it does. It is fraud because they won't describe it as it REALLY is: Private business activity that can lawfully be refused and which a REAL de jure government would and should defend your right NOT to participate in.
13. Franchises are unconstitutional because people domiciled in states of the Union and serving within state governments will have to violate their state constitutions, most of which forbid simultaneously serving in federal office and state office at the same time. State judges, legislators, and employees who sign up for this FEDERAL program and become federal public officers will be committing TREASON. For a list of states with this constitutional prohibition, see:

[SEDM Jurisdictions Database](http://sedm.org/Forms/FormIndex.htm), Litigation Tool #09.003
<http://sedm.org/Forms/FormIndex.htm>

There are MANY things that even if it is lawful under man's law to consent to, that Christians CANNOT consent to without committing mutiny against God under HIS trust indenture called the Bible. This is exhaustively proven in:

[Delegation of Authority Order from God to Christians](http://sedm.org/Forms/FormIndex.htm), Form #13.007
<http://sedm.org/Forms/FormIndex.htm>

We believers are God's trustees under the Bible trust indenture and covenant and we have a duty to faithfully execute it. Jesus did not repeal the old testament and we still have to obey it. We must CARE at all times about what God's law says about what we are supposed to do.

The only place it is constitutional is where the constitution doesn't apply: Federal territory. Offering it to those domiciled in states of the Union and protected by the constitution is unconstitutional and violates the separation of powers doctrine. All it does is magnify corruption that is already rampant and is caused by a violation of the separation of powers. That doesn't help and it certainly doesn't "protect" anyone or anything.

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

All government franchises are civil law, and civil statutory federal law cannot be enforced outside of federal territory or against those not domiciled on federal territory without violating the separation of powers doctrine. Enforcing "health

insurance franchises" within a state of the Union is unconstitutional for the same reasons that enforcing the "trade or business" franchise within a state of the Union is unconstitutional, as documented in:

The "Trade or Business" Scam, Form #05.001, Section 17
<http://sedm.org/Forms/FormIndex.htm>

The only way to MAKE it constitutional is to authorize private companies to do it or to create private corporation that will do it and seed it with government money initially, but privatize it IMMEDIATELY.

"Congress cannot authorize a trade or business [INCLUDING a health insurance 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)]

The above case has NEVER been overruled. They STILL cannot lawfully establish franchises WITHIN states of the Union. They tip toe around this by refusing to call it a franchise, but that is the ONLY way they can reach inside states and outside their territory to begin with: Contracts, of which franchises are a type of contract. Therefore, they CANNOT contract with people in a state to create public offices. That is why everyone who occupies said offices has to physically MOVE to the District of Columbia and work on the king's land to begin with. Because that is the only way they can lawfully reach these people under civil law.

7.6 How "comity" has been redefined to allow franchises to be unconstitutionally extended outside the territory of the granting power

The main method of extending franchises outside the territory of the granting power is through the concept called "comity". Comity is the process by which courts voluntarily recognize the laws of a legislatively foreign jurisdiction that do not otherwise have the "force of law". At the founding of America, franchises were not allowed to be enforced outside the territory of the granting powers. This is also clear from the original definition of Comity in Bouvier's Law Dictionary, 1856:

COMITY. Courtesy; a disposition to accommodate.

2. Courts of justice in one state will, out of comity, enforce the laws of another state, when by such enforcement they will not violate their laws or inflict an injury on some one of their own citizens; as, for example, the discharge of a debtor under the insolvent laws of one state, will be respected in another state, where there is a reciprocity in this respect.

3. It is a general rule that the municipal laws of a country do not extend beyond its limits, and cannot be enforced in another, except on the principle of comity. But when those laws clash and interfere with the rights of citizens, or the laws of the countries where the parties to the contract seek to enforce it, as one or the other must give way, those prevailing where the relief is sought must have the preference. 2 Mart. Lo. Rep. N. S. 93; S. C. 2 Harr. Cond. Lo. Rep. 606, 609; 2 B. & C. 448, 471; 6 Binn. 353; 5 Cranch, 299; 2 Mass. 84; 6 Mass. 358; 7 Mart.Lo.R. 318. See Conflict of Laws; Lex loci contractus.

[Bouvier's Law Dictionary, 1856; SOURCE: <http://fanguardian.org/Publications/Bouviere/bouviere.txt>]

As time progressed and courts became corrupted, comity was unilaterally and unconstitutionally and illegally redefined by the legal profession as the main means of protecting and expanding franchises outside of federal territory. They did this because it enhanced the importance of lawyers and judges. Judges did this by expanding the definition of "comity" to add to the definition the phrase "a willingness to grant a privilege":

COMITY. Courtesy; complaisance; respect; a willingness to grant a privilege [FRANCHISE], not as a matter of right, but out of deference and good will. Dow v. Lillie, 26 N.D. 512, 144 N.W. 1082, 1088, L.R.A. 1915D, 754; Cox v. Terminal R. Ass'n of St. Louis, 331 Mo. 910, 55 S.W.2d. 685.

Comity of Nations
(Lat. comitas gentium)

The most appropriate phrase to express the true foundation and extent of the obligation of the laws of one nation within the territories of another. Story, Confl.Laws, §38. That body of rules which states observe towards one another from courtesy or mutual convenience, although they do not form part of international law. Holtz.

Enc. s. v. Hilton v. Guyot, 159 U.S. 113, 16 S.Ct. 139, 40 L.Ed. 95; People v. Rushworth, 294 Ill. 455, 128 N.E. 555, 558; Second Russian Ins. Co. v. Miller, C.C.A.N.Y., 297 F. 404, 409.

It is derived altogether from the voluntary consent of the latter; and it is inadmissible when it is contrary to its known policy, or prejudicial to its interests. In the silence of any positive rule affirming or denying or restraining the operation of foreign laws, **courts of justice presume the tacit adoption of them by their own government,** unless repugnant to its policy, or prejudicial to its interests. It is not the, comity of the courts, but the comity of the nation, which is administered and ascertained in the same way, and guided by the same reasoning, by which all other principles of the municipal law are ascertained and guided.

The recognition which one nation allows within its territory to the legislative, executive, or judicial acts of another nation, having due regard both to international duty and convenience and to the rights of its own citizens or of other persons who are under the protection of its laws. State ex rel. National Surety Corporation v. Price, 129 Neb. 433, 261 N.W. 884.

"The use of the word 'comity' as expressing the basis of jurisdiction has been criticized. It is, however, a mere question of definition. The principles lying behind the word are recognized. * * * **The truth remains that jurisdiction depends upon the law of the forum, and this law in turn depends upon the public policy disclosed by the acts and declarations of the political departments of the government.**" Russian Socialist Federated Soviet Republic v. Cibrario, 235 N.Y. 255, 139 N.E. 259, 260.

Judicial Comity

The principle in accordance with which the courts of one state or jurisdiction will give effect to the laws and judicial decisions of another, not as a matter of obligation, but out of deference and respect. Franzen v. Zimmer, 35 N.Y.S. 612, 90 Hun. 103; Stowe v. Bank, C.C.Me., 92 F. 96; Strawn Mercantile Co. v. First Nat. Bank, Tex. Civ.App., 279 S.W. 473, 474; Bobala v. Bobala, 68 Ohio.App. 63, 33 N.E.2d. 845, 849.

There is no statute or common-law rule by which one court is bound to abide by the decisions of another court of equal rank. It does so simply for what may be called comity among judges. There is no common law or statutory rule to oblige a court to bow to its own decisions; it does so on the ground of judicial comity. (1884) 9 P.D. 98, per Brett. M. R.

Of such a use of the word, however, Dicey says: "The term 'comity' * * * is open to the charge of implying that the judge, when he applies foreign law to a particular case, does so as a matter of caprice or favor."

Comity is not a rule of law, but one of practice, convenience and expediency. It is something more than mere courtesy, which implies only deference to the opinion of others, since it has a substantial value in securing uniformity of decision, and discouraging repeated litigation of the same question. But its obligation is not imperative. Comity persuades; but it does not command. It declares not how a case shall be decided, but how it may with propriety be decided. Mast, Foos & Co. v. Mfg. Co., 177 U.S. 485, 488, 20 S.Ct. 708, 44 L.Ed. 856; National Electric Signaling Co. v. Telefunken Wireless Telegraph Co. of United States, C.C.A.N.Y., 221 F. 629, 632; Lauer v. Freudenthal, 96 Wash. 394, 165 P. 98, 99.

Comity of States

Simply a phrase designating the practice by which the courts of one state follow the decision of another on a like question, though not bound by law of precedents to do so. Larrick v. Walters, 39 Ohio.App. 363, 177 N.E. 642, 645.

[Black's Law Dictionary, Fourth Edition, p. 334]

Important principles emerge from the above which need to be emphasized:

1. **"Comity is not a rule of law, but one of practice, convenience and expediency."**
 - 1.1. They don't define WHO'S convenience it is for, but the implication is obvious: It is for the convenience and profit of the GOVERNMENT, and NOT the people that the government was created to PROTECT and SERVE. Hence, it creates an unequal and prejudicial relationship between the governed and the governors.
 - 1.2. The opportunity for a judge to exercise this type of discretion obviously cannot coexist with obligations under the constitution to protect PRIVATE rights. This would create a criminal conflict of interest in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455. Hence, no judge who exercises this kind of discretion can or should ALSO hear constitutional issues not involving franchises. Anyone who consents to the jurisdiction of a judge who wears TWO hats, "franchise" and "constitutional", is aiding and abetting crime.
2. **"The truth remains that jurisdiction depends upon the law of the forum, and this law in turn depends upon the public policy disclosed by the acts and declarations of the political departments of the government."** Comity therefore is the

means by which judges act in a POLITICAL rather than LEGAL manner and implement “public policy” by caprice, rather than law. A true constitutional court cannot lawfully enforce public policy and therefore, only legislative franchises courts in the Executive Branch of the government can lawfully exercise this kind of comity. See:

Political Jurisdiction, Form #05.004
<http://sedm.org/Forms/FormIndex.htm>

3. “. . .they do not form part of international law.” This means that they are judge made law, not statutory law. That is why courts hearing franchise issues such as tax issues frequently will make their rulings “unpublished” so that they cannot be cited as precedence: Because they are not law but essentially an edict or command from the judge personally to a litigant before the court. Judges recognize that such unconstitutional and fraudulent commands cannot and do not have the “force of law”, which is why they are published as “opinions” or “memorandum opinions” instead of “ORDERS”. Under the Federal Rule of Evidence 610, “opinions” are inadmissible as evidence of ANYTHING, including an obligation. This is a sign that they are operating in a POLITICAL rather than LEGAL capacity AND that their “opinion” need not be obeyed.
 - 3.1. They only people they can issue “memorandums” to are OTHER public officers within the government.
 - 3.2. They can’t issue civil commands to public officers in any branch of the government outside the judicial branch without violating the separation of powers. That’s why FRANCHISE judges and FRANCHISEES have to BOTH be in the Executive Branch of the government, as the U.S. Supreme Court indirectly referenced in Freytag v. Commissioner, 501 U.S. 868 (1991).
4. “There is no statute or common-law rule by which one court is bound to abide by the decisions of another court of equal rank. It does so simply for what may be called comity among judges.” This means that the mere will of the judge is the sole arbiter of whether the foreign law is enforced. The U.S. Supreme Court defined the exercise of this type of discretion as “the essence of slavery itself”:

“And the law is the definition and limitation of power.” *It is, indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts bill of rights, the government of the commonwealth ‘may be a government of laws and not of men.’ For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.”*
[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

In conclusion, it ought to be obvious to the reader that:

1. The exercise of “comity” as it is currently defined turns a “society of law” into a “society of men”.
2. Lodging the kind of discretion exercised by judges that is described above is extremely dangerous.

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

3. Franchises and franchise courts ought to be avoided entirely, because the conflict of interest, greed, and covetousness by the government that they create and perpetuate are a severe threat to one’s liberty.
4. It is a violation of the separation of powers for franchise judges to hear matters not involving those who are not lawfully appointed or elected to public offices within the federal and not state government. All such cases MUST be dismissed or the constitute an unconstitutional Bill of Attainder.

7.7 Summary

The profound implications of this section are the following:

1. De jure constitutional governments are established to protect private rights by keeping what is “public” separate from what is “private”.

2. The rights of those protected by the Constitution are “unalienable”, which means that they cannot be bargained away through any commercial process in relation to the government.
3. Franchises are a commercial process, and therefore they may not lawfully be offered to human beings protected by the Constitution.
4. The purpose of franchises is to tax, regulate and DESTROY rights, not protect them.
5. Franchises may only be offered to persons domiciled on federal territory where rights do not exist. Offering them any other place or within a state of the Union is a violation of the Constitution.
6. Rights and franchises compete with each other and destroy each other. They cannot coexist in any truly free de jure government. Any attempt to mix them inevitably will cause every single private right to be gobbled up by Pac Man franchises and turned into “public rights” and publici juris because the love of money by politicians is without end and without scruples. That conversion will occur primarily by manufacturing legal ignorance in the public schools, STEALING ordinary words and converting them into “words of art”, and abusing unconstitutional presumption to deceive the ignorant into volunteering for these franchises. See:

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

7. We cannot have a “Dr. Jekyll” and “Mr. Hyde” government or court that on the one hand is in charge of protecting private rights, and on the other hand and at the same time, is running profitable businesses or “franchises” that can tax, destroy, and regulate rights! For instance:
- 7.1. It is a conflict of interest for a judge to rule on any matter that he has either a direct or an indirect pecuniary financial interest in. See 18 U.S.C. §208, 28 U.S.C. §144.
- 7.2. It is a conflict of interest for a voter to vote on any measure that might produce a financial benefit for himself at the expense of another nonconsenting party. See 18 U.S.C. §597.

“The government that robs Peter to pay Paul can always depend on the support of Paul.”
[George Bernard Shaw]

“A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves money from the Public Treasury. From that moment on, the majority always votes for the candidate promising the most benefits from the Public Treasury with the result that a democracy always collapses over loose fiscal policy always followed by dictatorship.”
[“The Decline and Fall of the Athenian Republic”, Alexander Fraser Tytler]

“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. Supreme Court in *United States v. William M. Butler*, 297 U.S. 1 (1936)]

- 7.3. It is a conflict of interest for a jurist who receives government “benefits” to rule on any matter involving the payment of taxes for those benefits. 18 U.S.C. §201 makes it a crime to bribe a “public officer” and it also describes jurists as “public officers”:

[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;

What we have is Dr. Jekyll and Mr. Hyde government. On the one hand, it claims to champion freedom and rights throughout the world but behind the scenes and on government forms, it is secretly undermining those same rights and making everyone into a government statutory “employee” (5 U.S.C. §2105(a)) or “public officer” and servant without compensation who is called by any one of the following names:

1. Statutory “taxpayer” as defined at 26 U.S.C. §§7701(a)(14) and 1313. A federal business trust that earns “income” as defined in 26 U.S.C. §643(b). This trust is wholly owned by a federal corporation, the “United States” pursuant to 28 U.S.C. §3002(15)(A). All federal corporations are “citizens” under the law they were incorporated, which in the case of the “U.S. Inc.” is the District of Columbia. By signing and submitting SSA Form SS-5, you created this trust and

agreed to become surety for it as a “public officer”. Possession of the Social Security Card and use of the number constitutes prima facie evidence that you consent to act as the “trustee” and custodian of public property. The card and number are “public property” pursuant to 20 C.F.R. §422.103(d) and you can’t use public property for a private use. If you did, you would be guilty of conversion pursuant to 18 U.S.C. §654. In that sense, the number acts as a prima facie license to act as a “public officer” engaged in federal franchises. See:

Resignation of Compelled Social Security Trustee, Form #06.002

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

2. Statutory “person” as defined at 26 U.S.C. §6671(b) and 7343. All such “persons” are officers or employees of federal corporations or federal partnerships contractually engaged with the government as “public officers”.
3. Statutory “individual” as defined at 26 C.F.R. §1.1441-1(c)(3). This is an alien or “nonresident alien” who signed up for a Taxpayer Identification Number or provided a Social Security Number as a substitute for a Taxpayer Identification Number. He or she or it is engaged in any one of the following franchises. All of these franchises are described in the instructions for IRS Form 1042-S:
 - 3.1. Any recipient whose income is effectively connected with the conduct of a trade or business in the United States.
 - 3.2. Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a foreign country and the United States, unless the income is an unexpected payment (as described in Regulations, 26 U.S.C. §1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations that are actively traded; dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and are registered with the Securities and Exchange Commission under the Securities Act of 1933; and amounts paid with respect to loans of any of the above securities.
 - 3.3. Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities received under qualified plans.
 - 3.4. A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt organization under I.R.C. §501(c) or as a private foundation.
 - 3.5. Any QI.
 - 3.6. Any WP or WT.
 - 3.7. Any nonresident alien individual claiming exemption from withholding on compensation for independent personal services [services connected with a “trade or business”].
 - 3.8. Any foreign grantor trust with five or fewer grantors.
 - 3.9. Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.
4. Statutory “Voter” as referred to at 18 U.S.C. §201(a)(1). All voters are “public officers”.
5. Statutory “Employee” as defined at 26 U.S.C. §3401(c), 26 C.F.R. §31.3401(c)-1, and 5 U.S.C. §2105. Defined as an officer or employee of the national government and NOT a private business.
6. Statutory “U.S. citizen” as defined at 8 U.S.C. §1401 and 26 C.F.R. §1.1-1(c) and 26 U.S.C. §3121(e).
7. Statutory “U.S. resident” as defined at 26 U.S.C. §7701(b)(A). A statutory “U.S. citizen” temporarily abroad and coming under an income tax treaty with a foreign country pursuant to 26 U.S.C. §911. Under the treaty and in relation to the foreign country, he or she is an “alien”. Pursuant to 26 U.S.C. §911(d)(3), this “resident alien” has an “abode”, which means domicile, in the District of Columbia.
8. Statutory “Federal personnel” as defined at 5 U.S.C. §552a(a)(13). A Social Security Trust that you created by filling out an SSA Form SS-5 and agreeing to act as a trustee over said trust.

Of the above hypocrisy and the “Pharisees”, meaning lawyers who propagate it, Jesus Himself said the following:

“But woe to you, scribes and Pharisees, hypocrites! For you shut up the kingdom of heaven against men; for you neither go in yourselves, nor do you allow those who are entering to go in.”

[...]

Woe to you, scribes and Pharisees, hypocrites! For you pay tithe of mint and anise and cummin, and have neglected the weightier matters of the law: justice and mercy and faith. These you ought to have done, without leaving the others undone.

1 [...]

2 **Woe to you, scribes and Pharisees, hypocrites! For you are**
3 **like whitewashed tombs which indeed appear beautiful**
4 **outwardly, but inside are full of dead men's bones and all**
5 **uncleanness.**

6 **Even so, you also outwardly appear righteous to men, but**
7 **inside you are full of hypocrisy and lawlessness.**

8 [...]

9 *Fill up, then, the measure of your fathers' guilt. Serpents, brood of vipers! How can you escape the*
10 *condemnation of hell? Therefore, indeed, I send you prophets, wise men, and scribes: some of them you will*
11 *kill and crucify, and some of them you will scourge in your synagogues and persecute from city to city, that on*
12 *you may come all the righteous bloodshed on the earth..."*
13 *[Matthew 23:13-36, Bible, NKJV]*

14 **8 How statutory franchises and "public rights" effect your standing in federal court**⁴⁶

15 This section will describe all the affects upon your standing in federal court in the case of those who participate in federal
16 franchises. For exhaustive details on the nature of government franchise and all the legal consequences of participation, see
17 the following informative and important memorandum of law on our website:

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

18 **8.1 Background**

19 A very important aspect of determining choice of law in any controversy that could be heard in either a state or federal
20 court is the concept of government "franchises". A franchise is any statutory system created by the government which
21 results in some kind of perceived "benefit" or "privilege". Such franchises are frequently called "public rights" by the
22 courts.

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

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

31 *In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised*
32 *without legislative grant. To be a corporation is a franchise. The various powers conferred on corporations*
33 *are franchises. The execution of a policy of insurance by an insurance company [e.g. Social Insurance/Social*
34 *Security], and the issuing a bank note by an incorporated bank [such as a Federal Reserve NOTE], are*
35 *franchises. People v. Utica Ins. Co., 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace the property*
36 *acquired by the exercise of the franchise. Bridgeport v. New York & N.H.R. Co., 36 Conn. 255, 4 Am.Rep. 63.*
37 *Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019, 1020. In a*
38 *popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc.*
39 *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,*
40 *352.*

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

⁴⁶ Source: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 26; <http://sedm.org/Forms/FormIndex.htm>.

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]

The most important fact which emerges from the above is that when you agree to accept a franchise, then you agree, based on the above to:

1. Abide by all the legal obligations associated with the statutory franchise:

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.

2. Become a "privileged subject" and nominate a "king" to rule over you by "royal prerogative".

"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,."

[Black's Law Dictionary, Fourth Edition, pp. 786-787]

Generally, anything that includes a "license" is a statutory franchise or "public right" that is voluntary, and all the laws that implement it function essentially as private law and the equivalent of a contract between the "applicant" for the license, and the government:

"Private law. That portion of the law which defines, regulates, enforces, and administers relationships among individuals, associations, and corporations. As used in contradistinction to public law, the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private individuals. See also Private bill; Special law. Compare Public Law."

[Black's Law Dictionary, Sixth Edition, p. 1196]

Examples of "public rights" and statutory franchises include such things as:

1. Income tax
2. Social Security
3. Medicare
4. Medicaid

- 1 5. Driver's licenses
- 2 6. Marriage licenses
- 3 7. Nearly every form of "public assistance"
- 4 8. Professional licenses of every description

5 In law, rights are property:

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

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

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

25 Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical
26 thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*,
27 230 Or. 439. 370 P.2d. 694. 697.

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

30 Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal
31 property, contract rights, choses-in-action and other interests in or claims to wealth, admission or
32 transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal
33 Code. Q 223.0. See also Property of another, *infra*. *Dusts*. Under definition in *Restatement, Second, Trusts, Q*
34 *2(c)*, it denotes interest in things and not the things themselves.
35 [*Black's Law Dictionary, Fifth Edition, p. 1095*]

36 Anything that conveys rights is also property. Contracts convey rights and therefore are property. All franchises are
37 contracts between the grantor and grantee and therefore also are property.

38 As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon
39 valuable considerations, for purposes of individual advantage as well as public benefit,⁴⁷ and thus a franchise
40 partakes of a double nature and character. So far as it affects or concerns the public, it is *publici juris* and is
41 subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be
42 granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in
43 exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But
44 when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental
45 control growing out of its other nature as *publici juris*.⁴⁸
46 [*American Jurisprudence 2d, Franchises, §4: Generally (1999)*]

47 Corporations are only one of several types of government franchises. Below is an example:

⁴⁷ *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.

⁴⁸ *Georgia R. & Power Co. v. Atlanta*, 154 Ga. 731, 115 S.E. 263; *Lippencott v. Allander*, 27 Iowa 460; *State ex rel. Hutton v. Baton Rouge*, 217 La. 857, 47 So.2d. 665; *Tower v. Tower & S. Street R. Co.* 68 Minn 500, 71 N.W. 691.

1 "The power of making all needful rules and regulations respecting the territory [property] of the United
2 States, is one of the specified powers of congress. Under this power, it has never been doubted, that congress
3 had authority to establish corporations [franchises] in the territorial governments. But this power is derived
4 entirely from implication. It is assumed, as an incident to the principal power."
5 [M'Culloch v. State, 17 U.S. 316, 1819 WL 2135 (U.S.,1819)]

6 Therefore, contracts, franchises, territory, and domicile (which is a protection franchise) all constitute "property" of the
7 national government and are the origin of all civil jurisdiction over "persons" in federal courts. Jurisdiction of federal
8 courts over such "property" extends into the states and wherever said property is found:

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

23 It is jurisdiction mainly over government/public franchises which is the origin of nearly all civil jurisdiction that federal
24 courts assert over most Americans. Franchises are the main method by which your legal identity is "kidnapped" and
25 transported to a foreign jurisdiction.

26 "For the upright will dwell in the land,
27 And the blameless will remain in it;
28 But the wicked [those who allow themselves through their covetousness to be enticed by a government bribe
29 in the form of a franchise] will be cut off [legally kidnapped pursuant to F.R.Civ.P. 17(b)] from the earth
30 [and transported to a foreign land to serve tyrants like the Israelites were kidnapped and transported to
31 Egypt].
32 And the unfaithful will be uprooted from it."
33 [Prov. 2:21-22, Bible, NKJV]

34 The U.S. Supreme Court described how this kidnapping occurs against those who accept privileges when it held the
35 following. The phrase "exempted from the rigor of the common law" is synonymous with exempted from the protections
36 of the bill of rights and equity jurisdiction in relation to the grantor of the franchise:

37 The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have
38 been carried over from the law of Great Britain, and recur constantly either as such or in equivalent
39 expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and
40 originally signified a peculiar right or private law conceded to particular persons or places whereby a certain
41 individual or class of individuals was exempted from the rigor of the common law. Privilege or immunity is
42 conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights,
43 authorizing him to enjoy some particular advantage or exemption. See Magill v. Browne, Fed.Cas. No. 8952, 16
44 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien, "Privileges and Immunities of Citizens of the
45 United States," in Columbia University Studies in History, Economics, and Public Law, vol. 54, p. 31.
46 [Paul v. Virginia, 8 Wall. 168, 19 L.Ed. 357]

47 For an example of how this legal kidnapping or "identity theft" operates, see 26 U.S.C. §7701(a)(39) and 26 U.S.C.
48 §7408(d) . The "citizen" or "resident" described in these two code sections is a person who participates in the "protection
49 franchise", or should we say "protection racket" called "domicile", which domicile is on federal territory and not within any
50 state of the Union. If you would like to know more about how this process of legal kidnapping operates both spiritually and
51 legally, see the following:

<p><u>Government Instituted Slavery Using Franchises</u>, Form #05.030, Section 11.3 http://sedm.org/Forms/FormIndex.htm</p>
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52 All franchises cause those engaged in them to take on a "public character" and become government agents, officers, and
53 "public officers" of one kind or another and the "office" they occupy has an effective domicile on federal territory. The

public office is the “res” or subject of nearly all civil proceedings in the district and circuit “franchise courts”, and not the physical person occupying said office.

“Res. Lat. The subject matter of a trust [the Social Security Trust or “public trust” (government), in most cases] or will [or legislation]. 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 [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 trust they are talking about in the phrase “subject matter of a trust” is the “public trust”. Government is a public trust:

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.

In the case below, this source of civil jurisdiction over government franchises is called “statutory law”:

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

To implement these principles, courts must consider from time to time where the governmental sphere [e.g. “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)]

In support of the above conclusions, the following memorandum of law exhaustively analyzes the subject of civil statutory jurisdiction of the national government over persons domiciled outside of federal territory and in states of the Union and concludes that all statutory law is law only for the government and franchisees who are also part of the government:

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

8.2 Franchises are the main tool that judges and governments use to plunder and enslave you

We're sure you have heard the old saying:

"A fool and his money are soon parted."

This section will describe how government granted franchises such as Social Security, the income tax, Medicare, federal employment or office, etc are the main method of choice used and abused by clever judges and government prosecutors in THEIR privileged "franchise courts" for parting a fool of ALL of his or her money and rights. More particularly, franchises are the main method:

1. That God uses to punish a wicked and rebellious people. See Nehemiah 8-9.
2. That rulers and governments use to plunder and enslave those they are supposed to be serving and protecting.
3. By which the wicked are uprooted from the land and kidnapped legally from the protections of God to occupy a foreign land. Prov. 2:21-22.

The Bible says that the Heavens and the Earth belong to the Lord and NOT Caesar.

*The heavens are Yours [God's], the earth also is Yours;
The world and all its fullness, You have founded them.
The north and the south, You have created them;
Tabor and Hermon rejoice in Your name.
You have a mighty arm;
Strong is Your hand, and high is Your right hand."*
[Psalm 89:11-13, Bible, NKJV]

*"I have made the earth,
And created man on it.
I—My hands—stretched out the heavens,
And all their host I have commanded."*
[Isaiah 45:12, Bible, NKJV]

"Indeed heaven and the highest heavens belong to the Lord your God, also the earth with all that is in it."
[Deuteronomy 10:14, Bible, NKJV]

Since God owns everything and Caesar owns nothing, then what we are to render to Caesar is NOTHING according to Romans 13. Caesar is therefore God's temporary trustee and steward over what ultimately belongs exclusively and permanently and ONLY to God. The delegation of authority from God to Caesar is the Bible itself, which is a trust indenture that describes itself as a covenant or promise, and which makes God the beneficiary of all of Caesar's and our choices as God's steward. The terms of that delegation of authority order and trust indenture are exhaustively described below:

Delegation of Authority Order from God to Christians, Form #13.007
<http://sedm.org/Forms/FormIndex.htm>

The above facts are the basis for why 1 Peter 2 says the following, and note the phrase "for the Lord's sake":

*"Therefore submit yourselves to every ordinance of man **for the Lord's sake**, whether to the king as supreme, or to governors, as to those who are sent by him for the punishment of evildoers and for the praise of those who do good. For this is the will of God, that by doing good you may put to silence the ignorance of foolish men—as free, yet not using liberty as a cloak for vice, but as bondservants of God. Honor all people. Love the brotherhood. Fear God. Honor the king."*

That government which is NOT “for the Lord’s sake” and instead is for Satan’s sake we are not only NOT to submit to as Christians, but are required to rebel against and literally “hate” its bad deeds but not the people who affect them. The hate is directed at evil behavior, not evil people. It is a fact that most kings and governors are NOT sent by God, but by Satan, and most of them rebel against rather than obey God or His moral laws. These rulers, in fact, are the ones who ultimately will engage in the final conflict against God:

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

God would never and has never commanded us to do evil nor to obey rulers who are evil. In fact, most of the evil in our society originates from abuses by rulers who refuse to either recognize or obey God’s moral laws in the Bible. The essence of loving the Lord, for instance, is to “fear God”.

You shall fear the LORD your God and serve [ONLY] Him, and shall take oaths in His name. You shall not go after other gods, the gods of the peoples who are all around you (for the LORD your God is a jealous God among you), lest the anger of the LORD your God be aroused against you and destroy you from the face of the earth.

[. . .]

And the LORD commanded us to observe all these statutes, to fear the LORD our God, for our good always, that He might preserve us alive, as it is this day.
[Deut. 6:13, 24, Bible, NKJV]

“You shall fear the LORD your God; you shall serve [ONLY] Him, and to Him you shall hold fast, and take oaths in His name.”
[Deut. 10:20, Bible, NKJV]

The Bible then defines “fearing the Lord” as “hating evil”. You can’t “hate evil” by effecting it or by obeying or subsidizing rulers who effect it in our name as our representatives. No one who wars against God’s commandments or obeys rulers who war against God’s commandments can claim to be “fearing the Lord”. We argue that one cannot simultaneously love God, and not hate his opposite, which is evil.

*“The fear of the LORD is to hate evil:
Pride and arrogance and the evil way
And the perverse mouth I hate.”*
[Prov. 8:13, Bible, NKJV]

Therefore, so long as we as Christians continually recognize God’s exclusive ownership and control over the Earth and the fact that Caesar doesn’t own any part of it, the only type of allegiance we can have that attaches to any geographical territory is allegiance to God and not Caesar. That allegiance manifests itself in choosing a legal domicile that is not within the jurisdiction of any man-made government and instead is within God’s Kingdom on Earth exclusively. This exclusive allegiance we have to God then determines who we nominate as our protector and where the civil laws are derived which protect us.

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

“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]]

“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)]

We can’t have allegiance to Caesar because the Bible says we can’t serve two masters or, by implication, have two masters:

“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, NKJV. Written by a tax collector]

God is our ONLY Lawgiver, Judge, and Protector:

“For God is the King of all the earth; Sing praises with understanding.”
[[Psalm 47:7](#), Bible, NKJV]

“For the LORD is our Judge, the LORD is our Lawgiver, the LORD is our King; He will save [and protect] us.”
[[Isaiah 33:22](#), Bible, NKJV]

Those who do not have a domicile within Caesar’s jurisdiction are called by any of the following names in Caesar’s courts:

1. “transient foreigners”

“Transient foreigner. One who visits the country, without the intention of remaining.”
[Black’s Law Dictionary, Sixth Edition, p. 1498]

2. “stateless persons”

Social Security Program Operations Manual System (POMS)
RS 02640.040 Stateless Persons

A. DEFINITIONS

[. . .]

DE FACTO—Persons who have left the country of which they were nationals and no longer enjoy its protection and assistance. They are usually political refugees. They are legally citizens of a country because its laws do not permit denaturalization or only permit it with the country’s approval.

[. . .]

2. De Facto Status

Assume an individual is de facto stateless if he/she:

a. says he/she is stateless but cannot establish he/she is de jure stateless; and

b. establishes that:

- he/she has taken up residence [chosen a **legal domicile**] outside the country of his/her nationality;
- there has been an event which is hostile to him/her, such as a sudden or radical change in the government, in the country of nationality; and

NOTE: In determining whether an event was hostile to the individual, it is sufficient to show the individual had reason to believe it would be hostile to him/her.

- he/she renounces, in a sworn statement, the protection and assistance of the government of the country of which he/she is a national and declares he/she is stateless. The statement must be sworn

to before an individual legally authorized to administer oaths and the original statement must be submitted to SSA.

*De facto [stateless] status stays in effect only as long as the conditions in b. continue to exist. If, for example, the individual returns [changes their **domicile** back] to his/her country of nationality, de facto statelessness ends.*

[SOURCE: Social Security Program Operations Manual System (POMS), Section RS 02650.040 entitled "Stateless Persons"]

<https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0302640040/>

3. "nonresidents"

Man's law says that if we exercise our right of political association or DISASSOCIATION protected by the First Amendment by choosing a domicile in God's kingdom rather than Caesar's kingdom, that the law which then applies is the law from our domicile, which means God's Holy laws.

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.

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

Notice that in addition to "domicile" above, three other sources or "choice of law" are provided, which is:

1. Acting in a representative capacity on behalf of another. This can only happen by holding an "office", such as a "public office" in the government.
2. Operating as a corporation, which is a franchise.
3. The state court where suit is brought. This court ordinarily has civil jurisdiction only if the party bringing suit or the respondent has a domicile in that forum.

Therefore, there are only two methods to switch the civil choice of law away from the protections of a person's domicile, which are:

1. Acting in a representative capacity on behalf of another as an officer or public officer or trustee.
2. Operating as a corporation, which is a franchise.

Note that both of the above conditions of a person result from the voluntary exercise of your right to contract, because contracting is the only way you can enter into such relationships. Note also that both conditions are franchises of one kind or another. You can't become a "public officer" of the government, for instance, without signing an employment agreement, which is a franchise. That franchise, by the way, implies a surrender of your constitutional rights, according to the U.S. Supreme Court:

"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)]

God’s laws say that a wicked or unfaithful people will be “cut off from the earth” meaning divorced from the protections of God’s laws and of their legal domicile. By “wicked”, we believe He means “ignorant, lazy, presumptuous, or covetous”. The above two mechanisms are the means for doing this:

*“For the upright will dwell in the land,
And the blameless will remain in it;
But the wicked will be cut off from the earth.
And the unfaithful will be uprooted from it.”
[Prov. 2:21-22, Bible, NKJV]*

How do the upright “dwell in the land”? By having a legal domicile there! How are they “uprooted from it”? By engaging in franchises or acting in a representative capacity. We hope that by now, you understand that:

1. Those who engage in government franchises act as “public officers” or agents of the government.
2. Engaging in a franchise and operating in a representative capacity are therefore synonymous.

Consequently, God’s laws recognize that franchises are the main method to uproot a wicked people from His protection, the protection of His laws, and their legal domicile in order that they may be legally kidnapped and moved to another jurisdiction. The mechanisms for effecting that kidnapping are recognized by Federal Rule of Civil Procedure 17(b) above.

Whenever a judge or ruler wants to tempt a wicked person and use their weaknesses to bring them into servitude and “voluntary compliance”, they will try to bribe them with franchises, such as Social Security, Medicare, Unemployment compensation. They do this to entice the ignorant, the lazy, covetous, and those who want “something for nothing” to give up their rights.

*“The hand of the diligent will rule, but the lazy man will be put to **forced labor** [slavery!].”
[Prov. 12:24, Bible, NKJV]*

***“My son, if sinners [socialists, in this case] entice you,
Do not consent
If they say, “Come with us,
Let us lie in wait to shed blood;
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”--
My son, do not walk in the way with them,
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.
They lurk secretly for their own lives.
So are the ways of everyone who is greedy for gain;
It takes away the life of its owners.”***
[Proverbs 1:10-19, Bible, NKJV]

The “one purse” they are referring to above is the government’s purse! They want to hire you on as a recipient of stolen goods, which are goods stolen from others who are compelled to participate in their franchises and would not participate if offered a fully informed, uncoerced choice not to participate. Once your tyrant rulers and public servants get you eating out of their hand, then you are roped into ALL their other franchises and become their servant and slave, literally. Every one of

1 their franchises inevitably ropes you into other franchises. For instance, the drivers licensing franchise forces you to have a
2 domicile on federal territory and to participate in the federal and state income tax system.

3 *"The more you want, the more the world can hurt you."*
4 *[Confucius]*

5 *"But those who desire to be rich fall into temptation and a snare, and into many foolish and harmful lusts [for*
6 *"free" government "benefits"] which drown men in destruction and perdition. For the love of money [or*
7 *unearned "benefits"] is a root of all kinds of evil, for which some have strayed from the faith in their*
8 *greediness, and pierced themselves through with many sorrows."*
9 *[1 Tim. 6:9-10, Bible, NKJV]*

10 *"For the turning away of the simple will slay them. And the complacency of fools will destroy them; but*
11 *whoever listens to me [God and the wisdom that comes ONLY from God] will dwell safely, and will be secure*
12 *[within the protections of God's laws and their place of domicile], without fear of evil."*
13 *[Prov. 1:20-33, Bible, NKJV]*

14 When we abuse our power of choice to consent to government franchises we therefore are FIRING God as our Lawgiver,
15 Judge, and Protector and replacing Him and His Laws with a vain man or ruler. For that, God says ultimately, we are
16 severely punished, plundered, and enslaved:

17 *"The Lord is well pleased for His righteousness' sake; He will exalt the law [HIS law, not man's law] and*
18 *make it honorable. But this is a people robbed and plundered! [by tyrants in government] All of them are*
19 *snared in [legal] holes [by the sophistry of greedy lawyers], and they are hidden in prison houses; they are*
20 *for prey, and no one delivers; for plunder, and no one says, "Restore!"*

21 *Who among you will give ear to this? Who will listen and hear for the time to come? Who gave Jacob for*
22 *plunder, and Israel to the robbers? [IRS] Was it not the Lord, He against whom we have sinned? For they*
23 *would not walk in His ways, nor were they obedient to His law [they divorced themselves from their domicile*
24 *using their right to contract], therefore He has poured on him the fury of His anger and the strength of battle;*
25 *it has set him on fire all around, yet he did not know; and it burned him, yet he did not take it to heart. [he*
26 *became an unwitting victim of his own IGNORANCE OF THE LAW]"*
27 *[Isaiah 42:21-25, Bible, NKJV]*

29 *"Woe to the rebellious children," says the Lord, "Who take counsel, but not of Me, and who devise plans*
30 *[e.g. "social insurance"], but not of My Spirit, that they may add sin to sin; who walk to go down to Egypt*
31 *[Babylon or the District of Criminals, Washington, D.C.], and have not asked My advice, to strengthen*
32 *themselves in the strength of Pharaoh, and to trust in the shadow of Egypt! Therefore the strength of*
33 *Pharaoh shall be your shame, and trust in the shadow of Egypt shall be your humiliation...*

34 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
35 ever: that this is a rebellious people, lying children, children who will not hear the law of the Lord; who say to
36 the seers, "Do not see," and to the prophets [economic prognosticators], "Do not prophesy to us right things"
37 Speak to us smooth [politically correct] things, prophesy deceits. Get out of the way, turn aside from the path,
38 cause the Holy One of Israel to cease from before us [take the ten commandments out of the Supreme Court
39 Building]."

40 Therefore thus says the Holy One of Israel:

41 *"Because you despise this word [God's word/law], and trust in [government] oppression and perversity, and*
42 *rely on them, therefore this iniquity shall be to you like a breach ready to fall, a bulge in a high wall, whose*
43 *breaking comes suddenly, in an instant. And He shall break it like the breaking of the potter's vessel, which*
44 *is broken in pieces; He shall not spare. So there shall not be found among its fragments a shard to take fire*
45 *from the hearth, or to take water from the cistern."*
46 *[Isaiah 30:1-3, 8-14, Bible, NKJV]*

47 Thus, franchises act as an insidious snare that destroys freedom, people, lives, and families. Both the Bible and our
48 Founding Fathers forcefully say we must wisely exercise our discretion and our power of choice to systematically avoid
49 such snares and the franchises and contracts which implement them:

50 *Take heed to yourself, lest you make a covenant [contract or franchise] with the inhabitants of the land*
51 *where you are going, lest it be a snare in your midst. But you shall destroy their altars, break their sacred*
52 *pillars, and cut down their wooden images (for you shall worship no other god, for the LORD, whose name*
53 *is Jealous, is a jealous God), lest you make a covenant [engage in a franchise, contract, or agreement] with*
54 *the inhabitants of the land, and they play the harlot with their gods [pagan government judges and rulers]*

1 and make sacrifice [YOU and your RIGHTS!] to their gods, and one of them invites you and you eat of his
2 sacrifice, and you take of his daughters for your sons, and his daughters play the harlot with their gods and
3 make your sons play the harlot with their gods.
4 [Exodus 34:10-16, Bible, NKJV]

5 "My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic;
6 but to keep the United States free from political connections with every other Country. To see that they may
7 be independent of all, and under the influence of none. In a word, I want an American character, that the
8 powers of Europe may be convinced we act for ourselves and not for others [as contractors, franchisees, or
9 "public officers"]; this, in my judgment, is the only way to be respected abroad and happy at home."
10 [George Washington, (letter to Patrick Henry, 9 October 1775);
11 Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]

12 "About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to
13 you, it is proper that you should understand what I deem the essential principles of our government, and
14 consequently those which ought to shape its administration. I will compress them within the narrowest compass
15 they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of
16 whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations
17 — entangling alliances [contracts, treaties, franchises] with none."
18 [Thomas Jefferson, First Inaugural Address, March 4, 1801]

19 The Bible forbids Christians to allow anyone but the true and living God to be their king or ruler. Franchises replace God
20 as our ruler, replace him with a man or a government, and destroy equal protection of the law. Your right to contract is the
21 most dangerous right you have, folks! The abuse of that right to sign up for government franchises leaves you entirely
22 without remedy and entirely without any protection for any of your God given rights. Governments are created to protect
23 the exercise of your right to contract and if you abuse that right, you are TOAST folks, because they can't undo the damage
24 for you and you lose your right to even go into court to invoke the government's protection!

25 "These general rules are well settled: (1) That the United States, when it creates [STATUTORY
26 FRANCHISE] rights in individuals against itself [a "public right", which is a euphemism for a "franchise"
27 to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through
28 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
29 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5
30 Wall. 419, 431, 433, 18 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute
31 creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn
32 Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; Armon v. Murphy,
33 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnet v. National Bank, 98 U. S. 555, 558, 25 L.Ed. 212;
34 Farmers' & Mechanics' National Bank v. Dearing, 91 U. S. 29, 35, 23 L.Ed. 196. Still the fact that the right and
35 the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy
36 expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal
37 involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of
38 the act. See Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; Parish v. MacVeagh,
39 214 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.
40 260; United States v. Laughlin (No. 200), 249 U. S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14,
41 1919. But here Congress has provided:
42 [U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]

43 Under God's law, all persons are equal and any attempt to make them unequal is an attempt at idolatry. In God's eyes,
44 when we show partiality in judgment of others based on the "privileges" or "franchises" they are in receipt of or other
45 forms of "social status", then we are condemned as Christians:

46 "You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid
47 in any man's presence, for the judgment is God's. The case that is too hard for you, bring to me, and I will hear
48 it."
49 [Deut. 1:17, Bible, NKJV]

50 "You shall not pervert justice; you shall not show partiality, nor take a bribe [a franchise or "benefit"
51 payment], for a bribe blinds the eyes of the wise and twists the words of the righteous."
52 [Deut. 16:19, Bible, NKJV]

53 "For the LORD your God is God of gods and Lord of lords, the great God, mighty and awesome, who shows
54 no partiality nor takes a bribe [a franchise is a type of government bribe]."
55 [Deut. 10:17, Bible, NKJV]

56 "He [God] will surely rebuke you If you secretly show partiality [against a accused who refuses to participate
57 in franchises as taxpayer and therefore refuses to subsidize your lifestyle as a "benefit" recipient]."
58 [Job 13:10, Bible, NKJV]

1 “The rich and the poor have this in common, the LORD is the maker of them all.”
2 [Prov. 22:2, Bible, NKJV]

3 “But you, do not be called ‘Rabbi’; for One is your Teacher, the Christ, and you are all brethren. Do not call
4 anyone on earth your father; for One is your Father, He who is in heaven. And do not be called teachers; for
5 One is your Teacher, the Christ. But he who is greatest among you shall be your servant. And whoever exalts
6 himself will be humbled, and he who humbles himself will be exalted”.
7 [Jesus in Matt. 23:8-12, Bible, NKJV]

8 But Jesus called them to Himself and said to them, “You know that those who are considered rulers over the
9 Gentiles lord it over them, and their great ones exercise authority over them. Yet it shall not be so among you;
10 but whoever desires to become great among you shall be your servant. And whoever of you desires to be first
11 shall be slave of all. For even the Son of Man did not come to be served, but to serve, and to give His life a
12 ransom for many.”
13 [Mark 10:42-45, Bible, NKJV. See also Matt. 20:25-28]

14 “There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are
15 all one in Christ Jesus.”
16 [Gal. 3:28, Bible, NKJV]

17 Is it fitting to say to a king, “You are worthless,”
18 And to nobles, “You are wicked”?
19 Yet He [God] is not partial to princes [for FRANCHISEES].
20 Nor does He regard the rich more than the poor;
21 For they are all the work of His hands.
22 [Job. 34:18-19, Bible, NKJV]

23 “The poor man is hated even by his own neighbor,
24 But the rich has many friends.
25 He who despises his neighbor sins;
26 But he who has mercy on the poor, happy is he.”
27 [Prov. 14:20-21]

28 “You shall not show partiality to a poor man in his dispute.”
29 [Exodus 23:3, Bible, NKJV]

30 “The rich shall not give more and the poor shall not give less than half a shekel, when you give an offering to
31 the LORD, to make atonement for yourselves.”
32 [Exodus 30:15, Bible, NKJV]

33 “Better is the poor who walks in his integrity Than one perverse in his ways, though he be rich.”
34 [Prov. 28:6, Bible, NKJV]

35 “And again I say to you, it is easier for a camel to go through the eye of a needle than for a rich man to enter
36 the kingdom of God.”
37 [Matt. 19:24, Bible, NKJV]

38 “For there is no distinction between Jew and Greek, for the same Lord over all is rich to all who call upon
39 Him.”
40 [Rom. 10:12, Bible, NKJV]

41 “Command those who are rich in this present age not to be haughty, nor to trust in uncertain riches but in the
42 living God, who gives us richly all things to enjoy.”
43 [1 Tim. 6:17, Bible, NKJV]

44 Therefore, accepting any kind of government “privilege” or franchise for a Christian encourages unlawful partiality and
45 constitutes idolatry. The “privilege” described by God in the passage below is the “privilege” of having a King (man) to
46 protect, care for, and “govern” the people as a substitute for God’s protection. It is a “protection franchise”. The price
47 exchanged for receipt of the “protection franchise” privilege is becoming “subjects” and paying usurious “tribute” in many
48 forms to the king using their labor, property, and life.

49 Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, “Look, you are
50 old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be
51 OVER them]”.

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

8 So Samuel told all the words of the LORD to the people who asked him for a king. And he said, "This will be
9 the behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his
10 own chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his
11 thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to
12 make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be
13 perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your
14 olive groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and
15 give it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your
16 finest young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth
17 of your sheep. And you will be his servants. And you will cry out in that day because of your king whom you
18 have chosen for yourselves, and the LORD will not hear you in that day."

19 Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over
20 us, that we also may be like all the nations, and that our king may judge us and go out before us and fight our
21 battles."
22 [[1 Sam. 8:4-20](#), Bible, NKJV]

23 The right to be protected by the King above is earned by giving him exclusive allegiance, and thereby withdrawing
24 allegiance from God as your personal sovereign:

25 "The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath of allegiance to a new,
26 is the strongest evidence of withdrawing allegiance from a previous, sovereign...."
27 [[Talbot v. Janson](#), 3 U.S. 133 (1795)]

28 "And the men of Israel were distressed that day, for Saul [their new king] had placed the people under oath [of
29 allegiance and thereby FIRED God as their protector]"
30 [[1 Sam. 14:24](#), Bible, NKJV]

31 The method described above of taking an oath of allegiance is voluntarily choosing your domicile and nominating a king or
32 ruler to protect you, who you then owe allegiance, support, and tribute to, which today we call "taxes":

33 "TRIBUTE. Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a
34 common feature of international relationships in the biblical world. The tributary could be either a hostile state
35 or an ally. Like deportation, its purpose was to weaken a hostile state. Deportation aimed at depleting the
36 man-power. The aim of tribute was probably twofold: to impoverish the subjugated state and at the same time
37 to increase the conqueror's own revenues and to acquire commodities in short supply in his own country. As
38 an instrument of administration it was one of the simplest ever devised: the subjugated country could be made
39 responsible for the payment of a yearly tribute. Its non-arrival would be taken as a sign of rebellion, and an
40 expedition would then be sent to deal with the recalcitrant. This was probably the reason for the attack
41 recorded in Gn. 14.
42 [[New Bible Dictionary](#), Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962;
43 InterVarsity Press: Downers Grove]

44 The abuse of "benefits" to tempt, debase, and destroy people is the heart of traitor Franklin Delano Roosevelt's "New
45 Deal", which we call the "Raw Deal". It's a raw deal because:

- 46 1. What they tempt you with has no economic value. This is because the government's half of the bargain is
47 unenforceable in a true, Article III court. Note the word "scheme" in the second ruling. Quite telling:

48 "... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at
49 any time."
50 [[United States Railroad Retirement Board v. Fritz](#), [449 U.S. 166](#) (1980)]

51 "We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to
52 say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional
53 restraint."
54 [[Flemming v. Nestor](#), [363 U.S. 603](#) (1960)]

2. The money used to pay you the “benefit” is counterfeited or stolen or both and isn’t lawful money anyway. Accepting the benefit therefore constitutes criminal money laundering. See:

The Money Scam, Form #05.041
<http://sedm.org/Forms/FormIndex.htm>

The above may explain why the Bible says:

For thus says the LORD: “ You have sold yourselves for nothing, And you shall be redeemed without money. ”
[Isaiah 52:3, Bible, NKJV]

If you would like to learn more about the FRAUD of government “benefits” and all the mechanisms by which they are abused to destroy, entrap, and enslave people in a criminal tax prosecution, see:

The Government “Benefits” Scam, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>

8.3 Effect of franchises on choice of forum

The U.S. Supreme Court has said that when Congress creates what it calls a “public right” and, by implication a “statutory privilege”, Congress has the authority to circumscribe and prescribe how that right may be exercised and which forums it is enforced within. Hence, for instance, Congress can prescribe that if you dispute your income tax liability, you must first enter Tax Court, which isn’t a Constitutional court at all, but an Article I administrative agency within the Executive 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 define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts. [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 83-84, 102 S.Ct. 2858 (1983)]

The U.S. Supreme Court also held that the only circumstances when Congress may remove the enforcement of a right to a non-Article III, legislative tribunal or, by implication, remove it from a state court to federal court is in connection with a statutory franchise or “public right”:

*“The distinction between public rights and private rights has not been definitively explained in our precedents.FN22 Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a minimum arise “between the government and others.” Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413.FN23 In contrast, “the liability of one individual to another under the law as defined,” Crowell v. Benson, supra, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art. III courts and delegated to legislative courts or administrative agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, *Federal Legislative Courts*, 43 Harv.L.Rev. 894, 917-918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power.”*
[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

The key to determining whether a matter must be heard in federal court or state court then, is to first determine whether it involves a “public right” or “statutory franchise”. If it is a state statutory privilege or right, it must be litigated in a state court. If it is a federal statutory right or privilege, then it can be litigated only in a federal court. The Separation of Powers

1 Doctrine and the sovereign immunity of the states and federal governments towards each other prohibit state matters from
2 being heard in a federal court or federal matters being heard in a state court. Alden v. Maine, 527 U.S. 706 (1999) .

3 **8.4 How to determine whether you are engaged in a “franchise” or “public right”**

4 This task of determining whether the controversy involves a “public right” or “statutory privilege” can be difficult, because
5 the statutes themselves that confer the right very deliberately do not specify because they don’t want you to know that
6 participation is voluntary and that you can un-volunteer. In that sense, statutory franchises are what we call a “roach trap
7 statute”. The trap has honey in the center to attract needy and hungry insects like you, and once you enter inside the trap,
8 you must obey all the unjust and prejudicial edicts of your new landlord. It is up to you as the vigilant and informed citizen
9 to research and know this in the defense of your Constitutional rights.

10 Every government “privilege” carries with it some kind of usually pecuniary benefit or entitlement. Examples include:
11 Social Security benefits, unemployment benefits, Medicare insurance benefits, etc. The U.S. Supreme Court has said that
12 the government may not lawfully pay money to anyone except in the course of what it calls a “public purpose”, which
13 means that the payment of all such benefits can only lawfully be made to “public officials” who are part of the government
14 in the lawful exercise of their constitutionally authorized employment duties.

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

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

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

31 *“A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the*
32 *support of the government. The word has never thought to connote the expropriation of money from one group*
33 *for the benefit of another.”*
34 *[U.S. v. Butler, 297 U.S. 1 (1936)]*

35 Another angle on this situation is that the government cannot pass any law that imposes any duty upon you without
36 violating the Thirteenth Amendment prohibition against “involuntary servitude”.

37 *“Every man has a natural right to the fruits of his own labor, is generally admitted; and no other person can*
38 *rightfully deprive him of those fruits, and appropriate them against his will ...”*
39 *[The Antelope, 23 U.S. 66, 10 Wheat. 66, 6 L.Ed. 268 (1825)]*

40 The U.S. Supreme Court has held that there are only four ways for the government to obtain lawful authority over a man’s
41 property, which includes his life, liberty, and property. Labor, for instance, and all “rights” for that matter, constitute
42 “property” from a legal perspective:

43 *“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’*
44 *and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which a*
45 *man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use*
46 *it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit; second,*
47 *that if he devotes it to a public use, he gives to the public a right to*
48 *control that use; and third, that whenever the public needs require, the public may take it upon*
49 *payment of due compensation.*
50 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

We have summarized the ONLY four distinct ways the government can lawfully take a man's property away from him from the above ruling as follows:

1. He can involuntarily lose his property if he uses it to hurt others. This, by the way, is the foundation of all criminal laws, because "rights", including constitutional rights, are considered property. You lose your rights when you exercise them in such a way that you abuse them to destroy the equal rights of others. Thus, crimes against others are the only basis for non-consensual taking of a person's life, liberty, property, or labor.
2. He cannot be compelled to benefit his neighbor. That means indirectly that can't be compelled to participate in any government "benefit" or entitlement program such as Social Security, and that he can quit all such programs IMMEDIATELY.
3. When he devotes it to a "public use", he gives the right to the public to control that use. Every provision of the Internal Revenue Code, Subtitles A and C can only be applied against property and labor that have been connected to a "public office", which is one kind of "public use".
4. When the public needs require, the public may take his property from him upon payment of due compensation. This is the provision the government uses to assert eminent domain over real property in the building of public roads.

Notice that provisions 2 through 4 require his explicit consent in some form and that the ONLY way a man's property, including his labor and the fruits from his labor, can be taken from him WITHOUT his consent is if he abuses it to hurt others. 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".

The main method the government uses to lawfully take your property, your labor, your earnings from labor is item number 3 above. What the government does is procure your consent through fraud using vague or ambiguous "words of art" on government forms which effectively trick you into donating your private property to a "public use" to procure the benefits of a franchise. This makes your formerly private property into "public property" which the government can then control, levy, and lien because it is theirs while it is dedicated to a "public use". Everything that has a government issued SSN or Taxpayer Identification Number associated with it essentially amounts to "private property" donated to "public use" to procure the benefits of the "Trade or Business" franchise. The use of these government owned numbers effectively constitutes a license to act as a "public officer" as well as "prima facie" evidence of consent to engage in The "Trade or Business" franchise.⁴⁹

Consequently, the most effective way to determine whether a particular government program is a "privilege" is to look at whether you must be a government employee or "public officer" to receive its benefits. If you must declare yourself to be such a person, then it is a voluntary statutory privilege and not a common law or constitutional right. Examples of this phenomenon include the following:

1. The Social Security Program, which makes all those who participate into "federal personnel":

[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 [not "includes", but 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).

2. Serving as a juror in a federal court. 18 U.S.C. §201 identifies all federal jurors as "public officers".

⁴⁹ 20 C.F.R. §422.104 says that the Social Security Number is NOT "yours", but instead belongs to the U.S. government and the Social Security Administration. The card itself has printed on the back "Property of the Social Security Administration. Must be returned upon request." This effectively makes you into a "fiduciary" and a "trustee" and a "public officer" in temporary custody of government property whose actions are governed by federal law in the using of said property. If you use the number for your own personal benefit as anything other than a "public officer" engaged in the federal franchise, you are embezzling and abusing government property for private gain, which is a criminal violation of 18 U.S.C. §641.

3. [26 U.S.C. §6331](#)(a) limits all enforcement within the Internal Revenue Code to employees, officers, and instrumentalities of the United States Government. The IRS knows this, so they “conveniently” omit this provision of law from their citation of 26 U.S.C. §6331 on the back of a notice of levy to deceive the recipient. See:

[IRS Form 668A\(c\)](#)

[http://famguardian.org/TaxFreedom/Forms/IRS/IRSForm668-A\(c\)\(DO\).pdf](http://famguardian.org/TaxFreedom/Forms/IRS/IRSForm668-A(c)(DO).pdf)

4. Signing up for employment withholding using an IRS Form W-4. The upper left corner says “**Employee** Withholding Allowance Certificate” and the statutes and regulations at [26 U.S.C. §3401\(c\)](#) and 26 C.F.R. §31.3401(c)-1 both define this “**employee**” as a “public official” of the United States Government. Therefore, the W-4 constitutes BOTH a federal employment application and a voluntary agreement which donates your labor and your earnings from labor to a “public office” and a “public use”.
5. [31 C.F.R. §202.2](#) says that all FDIC insured banks are “Financial Agents of the Government”. In other words, participating in the FDIC insurance franchise makes them “public officers”.
6. All federal law that does not have implementing regulations published in the Federal Register may only be enforced against agents, instrumentalities, “**employees**”, and “officers” of the United States Government. The Internal Revenue Code has no enforcement implementing regulations and therefore it fits into this category. See:

[IRS Due Process Meeting Handout](#), Form #03.008

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

The government has no delegated constitutional or statutory authority to regulate private conduct.

*“There is a clear distinction in this particular case between an individual and a 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 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.**”*
[Hale v. Henkel, 201 U.S. 43, 74 (1906)]

Therefore if you want to receive any benefits from them, they can’t regulate the benefits without making you into one of their employees, instrumentalities, or agents using private/contract law that you must either implicitly or explicitly consent to in some form:

“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)]

Once you make voluntary application to become a federal “public officer” (e.g. a federal agent or instrumentality) using an IRS Forms W-4 or 1040 or SSA Form SS-5, you then must live your entire financial and work life under the following MAJOR legal disabilities as a fiduciary and “trustee” over federal property temporarily in your custody. This property includes your own labor and all the earnings from your labor in the context of the “trust” or “public trust” or “public office” that you have voluntarily chosen to exercise!:

1 “As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be
2 exercised in behalf of the government or of all citizens who may need the intervention of the officer. 50
3 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level
4 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor
5 under every disability and prohibition imposed by law upon trustees relative to the making of personal
6 financial gain from a discharge of their trusts. 51 That is, a public officer occupies a fiduciary relationship
7 to the political entity on whose behalf he or she serves. 52 and owes a fiduciary duty to the public. 53 It has
8 been said that the fiduciary responsibilities of a public officer cannot be less than those of a private
9 individual. 54 Furthermore, it has been stated that any enterprise undertaken by the public official which
10 tends to weaken public confidence and undermine the sense of security for individual rights is against public
11 policy.55”
12 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

13 Therefore, you can deduce whether you are engaged in a “statutory franchise” if the government calls you by any of the
14 following names and defines these names to be federal instrumentalities in the “codes” that administer the program, such as
15 the Internal Revenue Code, Subtitle A or the Social Security Act:

- 16 1. “individual”: Means a “resident alien” engaged in a privileged “trade or business” or a nonresident alien who has
17 made an election to be treated as a “resident alien”. Notice the definition of “individual” below does not include
18 “citizens”. This is no accident, but an admission that you must volunteer to surrender your sovereign citizen status as a
19 “citizen” and consent to be treated instead as a “resident alien” in respect to your government in order to procure
20 privileges from it. Once you engage in the franchise, your status as a person domiciled in a state of the Union shifts
21 from that of a nonresident alien not engaged in a “trade or business” to that of a “resident alien”. More on this later.

22 26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.
23 (c) Definitions

24 (3) Individual.

25 (i) Alien individual.

26 The term alien individual means an individual who is not a citizen or a national of the United States. See Sec.
27 1.1-1(c).

28 (ii) Nonresident alien individual.

29 The term nonresident alien individual means a person described in section 7701(b)(1)(B), an alien individual
30 who is a resident of a foreign country under the residence article of an income tax treaty and Sec. 301.7701(b)-
31 7(a)(1) of this chapter, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of
32 Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under Sec. 301.7701(b)-
33 1(d) of this chapter. An alien individual who has made an election under section 6013 (g) or (h) to be treated as
34 a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of
35 withholding under chapter 3 of the Code and the regulations thereunder.
36

37 [26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.](#)

50 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.

51 Georgia Dep't of Human Resources v. Sistrunk, 249 Ga. 543, 291 SE2d 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.

52 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.

53 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).

54 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.

55 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).

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. A foreign [ALIEN] corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a **resident** foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as **resident** or **nonresident** is not determined by the nationality or residence of its members or by the place in which it was created or organized.

[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

2. “federal personnel”: [5 U.S.C. §552a](#)(a)(13) above defines this as anyone eligible to receive a federal retirement benefit, such as social security.
3. “public office”: an elected, appointed, or franchise office within the federal government
4. “officer of a corporation”: an officer of a corporation that is an instrumentality of the federal government.
5. “employee”: Someone who performs “personal services” for the U.S. government, “Personal services” are then defined as work performed in connection with a “trade or business” (public office) in [26 C.F.R. §1.469-9](#):

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

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

6. “employer”: Means someone who has “employees”.

[TITLE 26 > Subtitle C > CHAPTER 24 > § 3401](#)
[§ 3401. Definitions](#)

(d) Employer

For purposes of this chapter, the term “employer” means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that—

(1) if the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term “employer” (except for purposes of subsection (a)) means the person having control of the payment of such wages, and

(2) in the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term “employer” (except for purposes of subsection (a)) means such person.

7. “taxpayer”: Means a person subject to the Internal Revenue Code as defined in [26 U.S.C. §7701](#)(a)(14) and [26 U.S.C. §1313](#)(b). The only persons who can be subject are those engaged in The “Trade or Business” franchise as “public officers” working for the federal government. A person’s property can be subject through “in rem” jurisdiction without them personally being subject.

If you would like to learn more than you could ever possibly want to know about how this scam works, see the following fascinating pamphlet:

<p><u>Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008</u></p>

A franchise associated with taxation is called by any one of the following names which are all synonymous:

1. “Excise tax”: Notice that even the legal dictionary below attempts to disguise and obfuscate the true nature of the income tax as an excise tax.

1 *"Excise tax. A tax imposed on the performance of an act, the engaging in an occupation, or **the enjoyment of a***
2 ***privilege** [e.g., "franchise"]. Rapa v. Haines, Ohio Comm.Pl., 101 N.E.2d. 733, 735. A tax on the manufacture,*
3 *sale, or use of goods or on the carrying on of an occupation or activity or tax on the transfer of property. In*
4 *current usage the term has been extended to include various license fees and practically every internal revenue*
5 *tax except income tax (e.g., federal alcohol and tobacco excise taxes, I.R.C. §5011 et seq.)"*
6 *[Black's Law Dictionary, Sixth Edition, p. 563]*

7
8 *"Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon*
9 *licenses to pursue certain occupations and upon corporate privileges...the requirement to pay such taxes*
10 *involves the exercise of privileges, and the element of absolute and unavoidable demand is lacking...*

11 *...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the*
12 *right to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the*
13 *measure of taxation is found in the income produced in part from property which of itself considered is*
14 *nontaxable...*

15 *[Flint v. Stone Tracy Co., 220 U.S. 107 (1911)]*

16 2. "Privilege tax".

- 17 3. "Indirect excise tax": These are excise taxes instituted by the federal government only within states of the Union. If
18 the tax is levied only on federal territory or franchises, it instead is simply called an "excise tax" without the word
19 "indirect" in front of it.

20 *"..by the previous ruling it was settled that **the provisions of the Sixteenth Amendment conferred no new***
21 ***power of taxation** but simply prohibited the previous complete and plenary power of income taxation*
22 *possessed by Congress from the beginning from being taken out of the category of indirect taxation to which*
23 *it inherently belonged and being placed in the category of direct taxation subject to apportionment by a*
24 *consideration of the sources from which the income was derived, that is by testing the tax not by what it was -- a*
25 *tax on income, but by a mistaken theory deduced from the origin or source of the income taxed. "*

26 *[Stanton v. Baltic Mining (240 U.S. 103), 1916]*

27 Let's now apply what we have just learned to a unraveling the most prevalent statutory "franchise" that forms the heart of
28 our federal income tax system, which is a "trade or business". A "trade or business" is defined as follows:

29 [26 U.S.C. §7701\(a\)\(26\)](#)

30 *"The term 'trade or business' includes the performance of the functions of a public office."*

31 A "trade or business" is a franchise or "public right", because it carries with it certain economic "privileges", such as:

- 32 1. "Public right"/privilege (as a "public officer") to claim benefits of a tax treaty with a foreign country so that one is not
33 subject to double-taxation by both countries.
34 2. "Public right" to claim deductions on a tax return pursuant to [26 U.S.C. §162](#).
35 3. "Public right" to claim credits on a tax return pursuant to [26 U.S.C. §32](#).
36 4. "Public right" to claim a reduced, graduated rate of tax pursuant to [26 U.S.C. §1](#). Those not engaged in a "trade or
37 business" must apply a flat rate of 30% described in [26 U.S.C. §871](#), which is usually higher than the graduated rate
38 found in [26 U.S.C. §1](#).

39 The "Trade or Business" franchise is exclusive to the federal government, because the "public office" described in that code
40 is an office within only the federal government and not in any state or other government. Under the principles of a judicial
41 doctrine known as "sovereign immunity", the U.S. Supreme Court has furthermore said that the federal government may
42 not be sued in a state court.

43 *"It is unquestioned that the Federal Government retains its own immunity from suit not only in state tribunals*
44 *but also in its own courts."*

45 *[Alden v. Maine, 527 U.S. 706 (1999)]*

46
47 *"The exemption of the United States from being impleaded without their consent is, as has often been affirmed*
48 *by this court, as absolute as that of the crown of England or any other sovereign."*

49 *[U.S. v. Lee, 106 U.S. 196 (1882)]*

50 The U.S. Constitution itself, in Article III, Section 2 also says that a state may not be sued in any federal court OTHER than
51 the U.S. Supreme Court.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

8.5 Summary of Choice of Law Rules Involving Federal Franchises

Therefore, in the adjudication of “public rights” or “statutory franchises” or “privileges”, if they are created by federal statute or legislation, then the choice of law rules are as follows:

1. The franchise agreement behaves as “private law”, meaning that only parties who implicitly or explicitly consent can have its provisions enforced against them.
2. Legal disputes relating to a federal franchise may not be litigated in a state or foreign court, even under equity, because the United States cannot be sued in a foreign court without its express consent provided in legislative form.
3. Disputes relating to a federal franchise must be litigated ONLY in federal courts.
4. The franchise agreement itself prescribes and fixes all the “statutory rights” or “public rights” that exist among both parties. Franchise agreements include:
 - 4.1. [Internal Revenue Code, Subtitle A](#)
 - 4.2. Social Security Act and [42 U.S.C. Chapter 7](#).
5. The statutes creating the franchise need not identify it as a franchise. This is implied by the franchise agreement or legislation itself.
6. Those who are not party to the franchise agreement may not cite or invoke it in defense of their “public rights” because they DON’T HAVE any “public rights”! For them, the franchise agreement is “foreign law” and their estate is a “foreign estate” relative to that law or statute. The only thing you accomplish by citing the franchise agreement is convey your consent to be bound by it, and thereby submit yourself to its jurisdiction. See the following supporting information for examples:
 - 6.1. [26 U.S.C. §7701](#)(a)(31) : Defines the estate of those not engaged in The “Trade or Business” franchise as a “foreign estate”.
 - 6.2. The following court rulings:

“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws...”
[Long v. Rasmussen, 281 F. 236 (1922)]

“Revenue Laws relate to taxpayers [officers, employees, instrumentalities, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government and who did not volunteer to participate in the federal “trade or business” franchise]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law.”
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

“A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power of assessment against individuals not specified in the statutes as a person liable for the tax without an opportunity for judicial review of this status before the appellation of ‘taxpayer’ is bestowed upon them and their property is seized...”
[Botta v. Scanlon, 288 F.2d. 504, 508 (1961)]

6.3. [Why You Shouldn’t Cite Federal Statutes for Protecting Your Rights, Family Guardian Fellowship:](http://famguardian.org/Subjects/Discrimination/CivilRights/DontCiteFederalLaw.htm)
<http://famguardian.org/Subjects/Discrimination/CivilRights/DontCiteFederalLaw.htm>

7. Anyone who cites provisions or case law of the statutory franchise or “public right” against you:
 - 7.1. If they cited inapposite case law involving a franchisee against you when you in fact are NOT a franchisee, is abusing case law for political purposes to prejudice your rights. See:

[Political Jurisdiction](#), Form #05.004
<http://sedm.org/Forms/FormIndex.htm>

- 7.2. Is making a presumption that you consented to participate in the franchise.

7.2.1. This “prima facie presumption” will stick if you don’t challenge the jurisdiction at that point and vociferously deny the applicability of the statute.

7.2.2. If you don’t consent but also don’t speak up to challenge the misapplication of the franchise statute, your opponent has effectively:

7.2.2.1. Asserted unlawful eminent domain over your life, liberty, and property without just compensation and connected it to the government as “public property”.

7.2.2.2. Exploited your ignorance and/or laziness to enslave you.

7.2.2.3. Can claim you acquiesced to the “taking” of your property and assert an equitable estoppel and laches defense. See:

Silence as a Weapon and a Defense in Legal Discovery, Form #05.021

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

7.2.2.4. Has enslaved you against your will in violation of the Thirteenth Amendment, [42 U.S.C. §1994](#), and [18 U.S.C. §1589](#).

7.2.3. If you want to know how to challenge these unlawful and unconstitutional presumptions, see:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017

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

7.3. Should be challenged to produce evidence of consent ON THE RECORD at every point in the proceeding in order to communicate to them that you don’t consent to the franchise agreement and are deriving no benefits or protection from it. The method for challenging this presumption and FORCING them to admit they are making it is to use the following:

Federal Enforcement Authority Within States of the Union, Form #05.032

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

8. Explicit consent of each party to the franchise agreement in a legal dispute before a court must be proven *on the record* before any of the terms of the franchise may be enforced against that party. Otherwise, a violation of due process occurs because presumption of consent is acting as an unlawful substitute for evidence of consent. A court which does not prove consent on the record is:

8.1. Engaging in involuntary servitude against the party whose consent was never proven, in violation of the Thirteenth Amendment, [42 U.S.C. §1994](#), and [18 U.S.C. §1589](#).

8.2. Unlawfully interfering with the right to contract or not contract of the parties.

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

[\[Sinking Fund Cases, 99 U.S. 700 \(1878\)\]](#)

8.3. Committing fraud, by misrepresenting what is actually “private law” as “public law”.

8.4. Violating the judge’s oath to support and defend the Constitution.

9. For those not engaged in the franchise:

9.1. The “code” or statute that implements the franchise is “foreign law” and they are nonresident persons or “nonresident aliens” in respect to it.

9.2. Courts litigating disputes under the franchise agreement must satisfy the requirements of Minimum Contacts Doctrine of the U.S. Supreme Court.

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.

[. . .]

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.

[*Yahoo! Inc. v. La. Ligue Contre Le Racisme Et L'Antisemitisme*, 433 F.3d. 1199 (9th Cir. 01/12/2006)]

9.3. Their estate is a "foreign estate" not within the jurisdiction of the code which administers the program. See [26 U.S.C. §7701\(a\)\(31\)](#).

10. Governments and courts frequently will go to great lengths to disguise the nature of the transaction as a voluntary franchise and the accompanying requirement to prove consent by the following means, in order to unlawfully enlarge their jurisdiction and enslave the people by:

10.1. Referring to everyone as a "franchisee". For instance, the IRS calls absolutely EVERYONE a "taxpayer", when in fact, only those who partake of the privilege are "taxpayers". They also refuse on their website to even mention the term "nontaxpayer", which is a person who is not subject to the I.R.C., even though the courts routinely do. For further details, see:

Taxpayer v. Nontaxpayer: Which One Are You?, Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/Articles/TaxpayerVNontaxpayer.htm>

10.2. Allowing case law to be cited by the government party against you that deals only with franchisees and which is irrelevant or inapposite to a person such as yourself who is NOT a franchisee. This constitutes an abuse of "foreign law" for political purposes to promote the selfish whims of the judge or the prosecutor who engages in it for his own personal pecuniary gain in violation of [18 U.S.C. §208](#) and [28 U.S.C. §455](#). See:

Political Jurisdiction, Form #05.004
<http://sedm.org/Forms/FormIndex.htm>

10.3. Refusing to acknowledge or enforce the constitutional or "private rights" of those who are not party to the franchise agreement, in order to coerce them into volunteering for the franchise. This turns the court essentially into a "franchise court" where only privileged persons may appear to conduct business in front of the court, which at that point simply becomes an Executive Branch legislatively created agency for conducting "business" of the federal government and turns judges from "justices" to federal administrators who arbitrate disputes under the franchise agreement.

10.4. Inventing new names for the word "privilege", such as "public right", to disguise the true nature of the transaction being arbitrated. See *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858 (1983) for a good example of this. Not ONCE does the court admit that what they are really describing is a voluntary franchise or excise that requires the explicit consent of those whose terms it is being enforced against.

10.5. Refusing to require in a legal dispute that evidence of consent and the jurisdiction that it creates be produced on the court record.

10.6. Evading the discussion of words that describe the existence of the franchise and diverting attention away from them by bending the rules of statutory construction. See:

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

11. The protection and enforcement of constitutional rights in a court of law does NOT involve “public rights”, but rather “private rights”.

11.1. A Bivens Action under [42 U.S.C. §1983](#) for deprivation of rights is always directed at specific individuals who have violated your personal rights by either violating a law or acting outside their lawfully delegated authority. It is usually never directed at the government, because this would require a waiver of sovereign immunity that seldom is given.

11.2. The enforcement of constitutional or “private rights” must always be litigated in an Article III Constitutional court and may not be litigated in a legislative court. Legislative courts include all United States District Courts, which are Article IV legislative courts that may not lawfully officiate over Article III matters or “private rights” or Constitutional rights. See:

What Happened to Justice?, Form #06.012

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

11.3. No federal legislative court, such as any Article IV “United States District Court” or Article I “U.S. Tax Court”, may lawfully rule on any matter that involves “private rights” nor may they lawfully remove such a matter to such a legislative court. This would violate the separation of powers doctrine. *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858 (1983).

11.4. Matters involving “private rights” or “constitutional rights” may be litigated in EITHER state courts or Article III federal courts. State courts may rule against federal actors or Article III federal courts may rule against state actors in cases involving violations of “private rights” because in nearly all cases, they are acting outside of their lawful authority and in violation of the Constitution and consequently surrender official, judicial, and sovereign immunity to become private persons. To wit:

*“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)]

“... 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)]

8.6 Effects of Participating in Federal Franchises

The entirety of Internal Revenue Code, Subtitle A of the U.S. Code, also called the Internal Revenue Code (I.R.C.), describes the administration of the TOP SECRET “trade or business” franchise, which is an excise tax upon federal “privileges” or “public rights” associated with a “public office” in the United States government. This body of law is “private law” that only applies against those who individually and expressly consent. For exhaustive details on how this franchise operates, see:

The “Trade or Business” Scam, Form #05.001

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

Federal Jurisdiction

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 05.018, Rev. 10-30-2014

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EXHIBIT: _____

Since no sane person would knowingly make an informed decision to participate if they knew it was a voluntary franchise, then your public dis-servants have taken great pains to hide the requirement for consent, but to respect it using silent presumptions which they will do everything within their power to avoid disclosing to the American public who they are SUPPOSED to serve. See the following for how this SCAM works in the courts:

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

Yet another type of “public right” or “statutory franchise” is the Social Security system. The operation of this franchise is exhaustively explained in the link below:

Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

Based on the exhaustive analysis of the “Trade or Business” and the “social security” franchises listed in the references above, we can safely conclude the following:

1. Participating in any government franchise always creates the PRESUMPTION (usually illegally) of contractual agency through the operation of a “trust” or “public trust”. That agency subjects you to the laws of a foreign jurisdiction in the District of Columbia pursuant to [Federal Rule of Civil Procedure 17\(b\)](#), [26 U.S.C. §7701\(a\)\(39\)](#) , and [26 U.S.C. §7408\(d\)](#) under the terms of the franchise agreements codified in [Internal Revenue Code, Subtitle A](#) and the Social Security Act.
2. The agency created is that of a “trustee” over “public property”, which usually becomes public property by voluntarily donating one’s private property to a “public use” for the purposes of procuring the privilege. That process of donating private property to a public use implicitly grants the government the authority 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 [and EXCLUSIVE] 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 [that is why Social Security is voluntary!]; 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. The trust relation is a cestuis que trust, which is a charitable trust created for the equal benefit of all those who participate. All those acting as “trustees” represent a federal corporation pursuant to 28 U.S.C. §3002(15)(A) and the corporation they represent is a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401. All corporations are classified as “citizens” of the place where they were incorporated.

“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, Corporations, §883 (2003)]

“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, Corporations, §886 (2003)]

4. You cannot participate in any “public right” or “public franchise” without becoming a “public officer” of the government granting the privilege.
5. Participating in any government franchise makes one a “resident alien” for the purposes of federal jurisdiction and causes an implied surrender of sovereign immunity pursuant to [28 U.S.C. §1605\(a\)\(2\)](#) . There is also an implied surrender of sovereign immunity pursuant to 28 U.S.C. §1603(b)(3) because a “citizen”, which is what the corporation

is that you represent, cannot be a “foreign state” or “foreign sovereign” under the [Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97](#).

6. All privileged activities are usually licensed by the government. The application of the license causes a surrender of constitutional rights.

“And here a thought suggests itself. As the Meadors, subsequently to the passage of this act of July 20, 1868, applied for and obtained from the government a license or permit to deal in manufactured tobacco, snuff and cigars, I am inclined to be of the opinion that they are, by this their own voluntary act, precluded from assailing the constitutionality of this law, or otherwise controverting it. For the granting of a license or permit-the yielding of a particular privilege-and its acceptance by the Meadors, was a contract, in which it was implied that the provisions of the statute which governed, or in any way affected their business, and all other statutes previously passed, which were in pari materia with those provisions, should be recognized and obeyed by them. When the Meadors sought and accepted the privilege, the law was before them. And can they now impugn its constitutionality or refuse to obey its provisions and stipulations, and so exempt themselves from the consequences of their own acts?”

[In re Meador, 1 Abb.U.S. 317, 16 F.Cas. 1294, D.C.Ga. (1869)]

7. The Social Security Number is the “de facto” license number which is used to track and control all those who voluntarily engage in public franchises and “public rights”.

7.1. The number is “de facto” rather than “de jure” because Congress cannot lawfully license any trade or business, including a “public office” in a state of the Union, by the admission of no less than 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)]

7.2. If you don’t want to be in a “privileged” state and suffer the legal disabilities of accepting the privilege, then you CANNOT have or use Social Security Numbers.

8. Those participating in the “benefits” of the franchise have implicitly surrendered the right to challenge any encroachments against their “private rights” or “constitutional rights” that result from said participation:

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

[. . .]

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

^{FN7} Compare *Electric Co. v. Dow*, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; *Pierce v. Somerset Ry.*, 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; *Leonard v. Vicksburg, etc., R. Co.*, 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.

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

9. Use of a Social Security Number constitutes prima facie consent to engage in the franchise. Use of this number constitutes prima facie evidence of implied consent because:

9.1. It is a crime to compel use or disclosure of Social Security Numbers. [42 U.S.C. §408](#).

9.2. You can withdraw from the franchise lawfully at any time if you don't want to participate. See SSA Form 521. See:

Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

9.3. If the government uses the SSN trustee licenses number to communicate with you and you don't object or correct them, then you once again consented to their jurisdiction to administer the program. See:

Wrong Party Notice, Form #07.105
<http://sedm.org/Forms/FormIndex.htm>

10. The Social Security Number is property of the government and NOT the person using it. 20 C.F.R. §422.103(d).

10.1. The Social Security card confirms this, which says: "Property of the Social Security Administration and must be returned upon request.

10.2. Anything the Social Security Number is attached to becomes "private property" voluntarily donated to a "public use" to procure the benefits of the "public right" or franchise. Only "public officers" on official business may have public property in their possession such as the Social Security Number.

We will now further analyze items 1 and 2 above by giving you an example of how partaking of a franchise creates agency and constitutes a "trust" or "public trust". The following supreme Court ruling proves that a corporate railroad is a government franchise which makes the corporation into a "cestuis que trust", the officers into "public officers" and "trustees" of the United States Government through the operation of private law, which is the corporate charter.

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.

The legislative power of Congress over this subject has already been considered, and need not be further alluded to. The trust here relied on is one which is supposed to grow out of the relations of the corporation to the government, which, without any aid from legislation, are cognizable in the ordinary courts of equity.

It must be confessed that, with every desire to find some clear and well-defined statement of the foundation for relief under this head of jurisdiction, and after a very careful examination of the authorities cited, the nature of this claim of right remains exceedingly vague. Nearly all the cases- we may almost venture to say all of them- fall under two heads:--

1. Where municipal, charitable, religious, or eleemosynary corporations, public in their character, had abused their franchises, perverted the purpose of their organization, or misappropriated their funds, and as they, from the nature of their corporate functions, were more or less under government supervision, the Attorney-General proceeded against them to obtain correction of the abuse; or,

*2. Where private corporations, chartered for definite and limited purposes, had exceeded their powers, and were restrained *618 or enjoined in the same manner from the further violation of the limitation to which their powers were subject.*

The doctrine in this respect is well condensed in the opinion in The People v. Ingersoll, recently decided by the Court of Appeals of New York, 58 N.Y. 1. 'If,' says the court, 'the property of a corporation be illegally interfered with by corporation officers and agents or others, the remedy is by action at the suit of the corporation, and not of the Attorney-General. Decisions are cited from the reports of this country and of this State, entitled to consideration and respect, affirming to some extent the doctrine of the English courts, and applying it to like cases as they have arisen here. But in none has the doctrine been extended beyond the principles of the English cases; and, aside from the jurisdiction of courts of equity over trusts of property for public uses and over the trustees, either corporate or official, the courts have only interfered at the instance of the Attorney-General to prevent and prohibit some official wrong by municipal corporations or public officers, and the exercise of usurped or the abuse of actual powers.' p. 16.

***37 To bring the present case within the rule governing the exercise of the equity powers of the court, it is strongly urged that the company belongs to the class first described.*

The duties imposed upon it by the law of its creation, the loan of money and the donation of lands made to it by the United States, its obligation to carry for the government, and the great purpose of Congress in opening a highway for public use and the postal service between the widely separated States of the Union, are relied on as establishing this proposition.

But in answer to this it must be said that, after all, it is but a railroad company, with the ordinary powers of such corporations. Under its contract with the government, the latter has taken good care of itself; and its

1 rights may be judicially enforced without the aid of this trust relation. They may be aided by the general
2 legislative powers of Congress, and by those reserved in the charter, which we have specifically quoted.

3 The statute which conferred the benefits on this company, the loan of money, the grant of lands, and the right of
4 way, did the same for other corporations already in existence under State or territorial charters. Has the United
5 States the right *619 to assert a trust in the Federal government which would authorize a suit like this by the
6 Attorney-General against the Kansas Pacific Railway Company, the Central Pacific Railroad Company, and
7 other companies in a similar position?

8 If the United States is a trustee, there must be cestuis que trust. There cannot be the one without the other,
9 and the trustee cannot be a trustee for himself alone. A trust does not exist when the legal right and the use
10 are in the same party, and there are no ulterior trusts.

11 Who are the cestuis que trust for whose benefit this suit is brought? If they be the defrauded stockholders, we
12 have already shown that they are capable of asserting their own rights; that no provision is made for securing
13 them in this suit should it be successful, and that the statute indicates no such purpose.

14 If the trust concerned relates to the rights of the public in the use of the road, no wrong is alleged capable of
15 redress in this suit, or which requires such a suit for redress.

16 Railroad Company v. Peniston (18 Wall. 5) shows that the company is not a mere creature of the United States,
17 but that while it owes duties to the government, the performance of which may, in a proper case, be enforced, it
18 is still a private corporation, the same as other railroad companies, and, like them, subject to the laws of
19 taxation and the other laws of the States in which the road lies, so far as they do not destroy its usefulness as an
20 instrument for government purposes.

21 We are not prepared to say that there are no trusts which the United States may not enforce in a court of
22 equity against this company. When such a trust is shown, it will be time enough to recognize it. But we are of
23 opinion that there is none set forth in this bill which, under the statute authorizing the present suit, can be
24 enforced in the Circuit Court.

25 **38 There are many matters alleged in the bill in this case, and many points ably presented in argument,
26 which have received our careful attention, but of which we can take no special notice in this opinion. We have
27 devoted so much space to the more important matters, that we can only say that, under the view which we take
28 of the scope of the enabling statute, they furnish no ground for relief in this suit.

29 *620 The liberal manner in which the government has aided this company in money and lands is much urged
30 upon us as a reason why the rights of the United States should be liberally construed. This matter is fully
31 considered in the opinion of the court already cited, in United States v. Union Pacific Railroad Co. (supra), in
32 which it is shown that it was a wise liberality for which the government has received all the advantages for
33 which it bargained, and more than it expected. In the feeble infancy of this child of its creation, when its life
34 and usefulness were very uncertain, the government, fully alive to its importance, did all that it could to
35 strengthen, support, and sustain it. Since it has grown to a vigorous manhood, it may not have displayed the
36 gratitude which so much care called for. If this be so, it is but another instance of the absence of human
37 affections which is said to characterize all corporations. It must, however, be admitted that it has fulfilled the
38 purpose of its creation and realized the hopes which were then cherished, and that the government has found
39 it a useful agent, enabling it to save vast sums of money in the transportation of troops, mails, and supplies,
40 and in the use of the telegraph.

41 A court of justice is called on to inquire not into the balance of benefits and favors on each side of this
42 controversy, but into the rights of the parties as established by law, as found in their contracts, as recognized by
43 the settled principles of equity, and to decide accordingly. Governed by this rule, and by the intention of the
44 legislature in passing the act under which this suit is brought, we concur with the Circuit Court in holding that
45 no case for relief is made by the bill.

46 [U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878)]

47 Notice that the government, in relation to the franchisee, is referred to by the Supreme Court as a “parens patriae”. This
48 describes the role of the government as protector over persons with a legal disability. That disability, in fact, consists
49 mainly of the obligations associated with a “public office” in the U.S. Government. By partaking of a “public right” or
50 “statutory right” or “privilege”, you are abdicating responsibility over your life, admitting that you can’t govern or support
51 yourself, and therefore transferring your own person, property, and labor to another sovereign, who then exercises a legal
52 “guardianship” as a bloated socialist government. Quite revealing!:

53 PARENS PATRIAE. Father of his country; parent of the country. In England, the king. In the United States, the
54 state, as a sovereign referring to the sovereign power of guardianship over persons under disability; In re
55 Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent
56 persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.

Those who nominate a “parens patriae” to govern their lives by engaging in statutory “public rights” and franchises can, at the whim of their new master, be left entirely without remedy in any court of law. Below is the proof:

These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself, 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; Barnett 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:

‘That any claim which shall be presented and acted on under authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered.’

These words express clearly the intention to confer upon the Treasury Department exclusive jurisdiction and to make its decision final. The case of United States v. Harmon, 147 U.S. 268, 13 Sup.Ct. 327, 37 L.Ed. 164, strongly relied upon by claimants, has no application. Compare D. M. Ferry & Co. v. United States, 85 Fed. 550, 557, 29 C.C.A. 345.

*In the Babcock Case claimant insists also that section 3482 of the Revised Statutes (Comp. St. § 6390), as amended by Act of June 22, *332 1874, c. 395, 18 Stat. 193 (Comp. St. §§ 6391, 6392) affords a basis for the recovery. That section provided for reimbursement for horses lost in the military service, among other things ‘in consequence of the United States failing to supply sufficient forage.’ The 1874 amendment provided for reimbursement in any case ‘where the loss resulted from any exigency or necessity of the military service, unless it was caused by the fault or negligence of such officers or enlisted men.’ Even if these statutes were applicable to facts like those presented here, there could be no recovery; because under Act Jan. 9, 1883, c. 15, 22 Stat. 401, and Act Aug. 13, 1888, c. 868, 25 Stat. 437, the right to present claims under section 3482 of the Revised Statutes as amended finally expired in 1891. See Griffith v. United States, 52 Ct.Cl. 1, 170.*

*The Court of Claims was without jurisdiction in either case, and the judgments are Reversed.
[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]*

8.7 How to avoid franchises and public rights

Therefore, those wishing to retain their God-given “private rights” and not surrender them to procure a “privilege” should:

1. Demand that any court hearing a matter involving them and the opposing parties MAY NOT cite any provision of the franchise agreement, such as the Social Security Act or Internal Revenue Code, Subtitle A, against them without FIRST satisfying the burden of proof that you are subject to the agreement as a “taxpayer”. See:

Government Burden of Proof, Form #05.025
<http://sedm.org/Forms/FormIndex.htm>

2. Insist that all disputes they litigate in federal courts MUST be heard by Article III judges in Article III courts. This means that the Court’s jurisdiction must be challenged and that it MUST produce the statute from the Statutes at Large which confers Article III powers upon the court. We have searched every enactment of Congress from the Statutes at Large and determined that NO United States District Court has Article III powers. See:

What Happened to Justice?, Form #06.012
<http://sedm.org/Forms/FormIndex.htm>

3. Avoid engaging in franchises and “public rights” at all costs.
4. Not generate any evidence that might connect you to the franchise. For instance, NEVER:
 - 4.1. Use a federal identifying number when corresponding with the government.
 - 4.2. Open financial accounts with SSN’s or as a “U.S. person”. Instead, use the procedures below:

About IRS Form W-8BEN, Form #04.202
<http://sedm.org/Forms/FormIndex.htm>

4.3. Submit IRS Form W-4 when you go to work. It's the WRONG form. See:

Federal and State Tax Withholding Options for Private Employers, Form #04.101
<http://sedm.org/Forms/FormIndex.htm>

4.4. Submit IRS Form 1040, which is the WRONG form. Everything that goes on this form is "trade or business" earnings. See:

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

4.5. Sign up for Social Security using form SS-5. If you did this, you should quit using the instructions below:

Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

5. Promptly rebut all evidence generated by third parties which might connect you with a franchise, such as all IRS information returns, which are usually false because most people are NOT engaged in a "public office" or "trade or business". See the following resources on how to rebut information returns that connect you to The "Trade or Business" franchise pursuant to [26 U.S.C. §6041](#) or which are useful in rebutting tax collection notices based on these forms of FALSE hearsay evidence:

5.1. Rebut all uses of federal identifying numbers on any government correspondence you receive. See:

Wrong Party Notice, Form #07.105
<http://sedm.org/Forms/FormIndex.htm>

5.2. *Correcting Erroneous Information Returns*, Form #04.001. Incorporates the content of all the next four items plus additional material.

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

5.3. *Correcting Erroneous IRS Form 1042s*, Form #04.003

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

5.4. *Correcting Erroneous IRS Form 1098*, Form #04.004

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

5.5. *Correcting Erroneous IRS Form 1099*, Form #04.005

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

5.6. *Correcting Erroneous IRS Form W-2*, Form #04.006

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

6. Vociferously oppose any attempts to "presume" that they are engaged in franchises by any government employee. All such presumptions which might prejudice constitutionally guaranteed rights are an unlawful violation of due process of law. See:

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

For instance, if someone cites any provision of the I.R.C. against you, which is private law that only pertains to those engaged in The "Trade or Business" franchise, then you should insist that they meet the burden of proving that you are a "taxpayer" who is subject BEFORE they may cite or enforce any of its provisions against you. See:

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

If you would like to learn more about how to avoid franchises and licensed activities, please visit the following section of our website:

SEDM Liberty University, Section 4 entitled: "Avoiding Government Franchises and Licenses"
<http://sedm.org/LibertyU/LibertyU.htm>

9 How to tell when the government is exceeding its jurisdiction during litigation

Now that we thoroughly understand federal jurisdiction, where it comes from, and all the rules for choice of law during federal litigation, the last important subject we must discuss to properly prepare you for your own battles in federal court is to document all of the illegal, dishonest, and underhanded techniques that federal judges and U.S. attorneys will use to prejudice your rights as a sovereign. These techniques include:

1. Refusing to enter proof of jurisdiction on the record when jurisdiction is challenged. Whenever you challenge jurisdiction, proof of jurisdiction MUST be entered on the record by the party who initiated the suit or the court or both. If you challenge jurisdiction using the content of this document and either the Plaintiff or the Court or both are

silent in response or say they won't entertain such a challenge, then they are involved in a criminal conspiracy against your rights in violation of 18 U.S.C. §241 and 42 U.S.C. §1983.

"A court lacking diversity jurisdiction cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking. 28 U.S.C.A. §1332."

"Party invoking jurisdiction of the court has duty to establish that federal jurisdiction does not exist. 28 U.S.C.A. §§1332, 1332(c)."

"There is a presumption against existence of federal jurisdiction; thus, party invoking federal court's jurisdiction bears the burden of proof. 28 U.S.C.A. §§1332, 1332(c); Fed.Rules Civ. Proc. rule 12(h)(3), 28 U.S.C.A."

"If parties do not raise question of lack of jurisdiction, it is the duty of the federal court to determine the manner sua sponte. 28 U.S.C.A. §1332."

"Lack of jurisdiction cannot be waived and jurisdiction cannot be conferred upon a federal court by consent, inaction, or stipulation. 28 U.S.C.A. §1332."

"Although defendant did not present evidence to support dismissal for lack of jurisdiction, burden rested with plaintiffs to prove affirmatively that jurisdiction did exist. 28 U.S.C.A. §1332". Basso v. Utah Power and Light Company, 495 F.2d. 906 (1974)

[Basso v. Utah Power and Light Company, 495 F.2d. 906 (1974);

SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Jurisdiction-BassoVUtahPL-495F2d906.pdf>

2. Refusing to acknowledge that the thing being regulated constitutes a "franchise" or an "excise tax":

2.1. If they acknowledged the origins of their jurisdiction as a franchise or an "excise tax", the first logical question out of your mouth as a litigant would be: "Where is the application or license that I completed, signed, and voluntarily submitted to you which gave rise to this franchise?". This would shift the burden of proof to them to produce consent to the franchise, and since they know they can't do that, they avoid the question entirely at all costs because it would shut down the entire income tax system. Consequently, they typically will refuse to make any declaratory judgments relating to the nature of the franchise as either an "excise tax", a "direct tax", or an "indirect excise tax" and may even feign ignorance on the subject, even though they know the answer to the question. This SCAM is exposed in the *Great IRS Hoax*, Form #11.302, Section 3.17.1, which shows that there is wide disparity and disagreement between all the federal circuit courts about whether the federal income tax is an "excise tax" or a "direct tax". See:

<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

2.2. The IRS pulls the same concealment SCAM as the courts to in regard to the nature of Internal Revenue Code, Subtitle A as an excise tax upon the privilege called a "trade or business". This SCAM is exhaustively documented in the memorandum of law below:

The "Trade or Business" Scam, Form #05.001

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

3. If the subject is a "tax", refusing to acknowledge the voluntary nature of the tax for "nontaxpayers" and refusing to even acknowledge the existence of "nontaxpayers": The following legal authorities exhaustively prove that Internal Revenue Code, Subtitle A is voluntary for "nontaxpayers":

3.1. *Legal Authorities Which Prove the Income Tax is Voluntary for "Nontaxpayers"*, Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/Articles/IncomeTaxVoluntary.htm>

3.2. *"Taxpayer" v. "Nontaxpayer" - Which One are You?*, Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/Articles/TaxpayerVNontaxpayer.htm>

3.3. *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002
<http://sedm.org/Forms/FormIndex.htm>

4. Violating/bending the rules of evidence by admitting essentially hearsay evidence into evidence that you were engaged in a federal franchise. The Hearsay Rule, Federal Rule of Evidence 802 excludes anything as evidence that is not authenticated with a perjury oath. 26 U.S.C. §6065 also requires that every document produced under the authority of the Internal Revenue Code must be signed under penalty of perjury, which includes information returns. For instance:

4.1. Admitting hearsay "information returns" into evidence that are unsigned and therefore inadmissible. Information returns include forms such as IRS Forms W-2, 1042-s, 1098, 1099, and 8300.

4.2. Admitting IRS assessments and computer printouts into evidence that are not signed under penalty of perjury by an "assessment officer" as required by 26 U.S.C. §6065.

5. Citing statutes against persons who do not satisfy the definition of "person" within the code cited. For instance:

5.1. Enforcing I.R.C. penalties against someone who does not satisfy the definition of “person” found in 26 U.S.C. §6671(b).

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

(b) Person defined

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

5.2. Criminally enforcing the I.R.C. against someone who does not fit the description of “person” found in 26 U.S.C. §7343.

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

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

All of the above “persons” are “public officers” who work for the U.S. government in a representative capacity as “officers of a corporation”. The “corporation” is the “United States”, pursuant to [28 U.S.C. §3002\(15\)\(A\)](#). The “duty to perform” they are talking about is the duty created by their oath as a “public officer”. There can be no other source of said duty, because there is no statute making the average American domiciled in a state of the Union “liable” to withhold or pay federal income taxes. Usually, the only defense the government can come up against when challenged with the above definitions in a tax prosecution is to point to the word “includes” and to imply that the definition can include anything they subjectively want to include in it. This is an abuse of the rules of statutory construction that is easily defeated. This type of legal abuse as well as techniques for easily defeating it are found below:

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

6. Refusing to properly invoke diversity jurisdiction:

- 6.1. A party domiciled either in a foreign country or a state of the Union must invoke CONSTITUTIONAL diversity jurisdiction pursuant to United States Constitution, Article III, Section 2 but NOT STATUTORY diversity pursuant to 28 U.S.C. §1332.
 - 6.2. The “State” mentioned in the Constitution and the “State” defined in 28 U.S.C. §1332(d) are NOT the same, and therefore CONSTITUTIONAL diversity and STATUTORY diversity are mutually exclusive types of diversity.
 - 6.3. Typically, most federal courts will falsely and fraudulently presume that these two types of diversity are the same.
7. Refusing to acknowledge your status as a nonresident party. For instance, if your administrative record says you are a “nonresident alien”, refusing to acknowledge all the benefits of being a nonresident alien, such as:
- 7.1. No “gross income” if not engaged in a “trade or business”. 26 C.F.R. §1.872-2(f).
 - 7.2. Not within any internal revenue district and therefore local IRS offices may not investigate your liability or used any evidence gathered outside of an internal revenue district. 26 U.S.C. §7601.
 - 7.3. No requirement to have or use Social Security Numbers if not engaged in a “trade or business”. 31 C.F.R. §103.34(a)(3)(x).
 - 7.4. Not within any United States Judicial District and therefore not subject to the jurisdiction of any federal district or circuit court. Federal district courts are Article IV legislative tribunals that are part of the Executive rather than Judicial branch of the government. They have jurisdiction only over federal territory, property, or franchises within the exterior limits of the district pursuant to the United States Constitution, Article 4, Section 3, Clause 2. See:

[What Happened to Justice?](#), Form #06.012
<http://sedm.org/Forms/FormIndex.htm>

8. Refusing to acknowledge your status as a person not in receipt of the franchise being litigated. For instance:

- 8.1. U.S. attorney or judge refusing their obligation to acknowledge that you are a “nontaxpayer” against whom no provision of the Internal Revenue Code may be cited or enforced.
- 8.2. U.S. attorney or judge refusing their obligation to produce evidence of consent to the franchise on the record when jurisdiction is challenged. See:

Requirement for Consent, Form #05.003

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

9. Directly citing federal statutory law against you without ALSO producing implementing regulations. A person domiciled in a state of the Union is protected by the United States Constitution. Consequently, due process requires that he must be given “reasonable notice” by publication in the Federal Register of law he might become the target of enforcement for. See 44 U.S.C. §1505(a) and 5 U.S.C. §553(a). U.S. attorney or judge may not therefore lawfully cite any provision from the I.R.C. directly against a person domiciled in a state of the Union who is not engaged in the franchise without ALSO producing an implementing regulation published in the Federal Register. Most enforcement provisions of the Internal Revenue Code do not have implementing regulations, because it only pertains to those engaged in a franchise and therefore who effectively become “federal instrumentalities” and “public officers”. See:

IRS Due Process Meeting Handout, Form #03.008

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

10. Refusing to apply the mandatory requirements of the Minimum Contacts Doctrine to your circumstances as a nonresident party. The Minimum Contacts Doctrine requires that when courts wish to assert jurisdiction over nonresident parties, they must satisfy ALL of the following requirements (see Yahoo! Inc. v. La. Ligue Contre Le Racisme Et L'Antisemitisme, 433 F.3d. 1199 (9th Cir. 01/12/2006) earlier):

10.1. 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

10.2. the claim must be one which arises out of or relates to the defendant's forum-related activities; and

10.3. the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

11. Citing case law that pertains to persons who are not similarly situated to you. For instance:

11.1. Citing case law that relates to a person found to be a “taxpayer” without proving ON THE RECORD that you are a “taxpayer” engaged in the franchise FIRST.

11.2. Citing federal case law against a person domiciled in a state of the Union who is not protected by federal law.

The only way federal law can lawfully be cited against a person not domiciled on federal territory is if they are engaged in a federal franchise or are abroad (not within any state of the Union).

12. Making silent and prejudicial presumptions and refusing to justify defend the basis for those presumptions. All presumptions which prejudice constitutionally guaranteed rights are unconstitutional. See

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017

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

For example:

- 12.1. That you are engaged in a “trade or business”. See:

The “Trade or Business” Scam, Form #05.001

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

- 12.2. That you are a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401. People born within and domiciled within states of the Union are non-resident non-persons under federal law rather than “citizens”. They are “citizens” within the meaning of the Constitution, but not within the meaning of federal statutory law. See:

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

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

- 12.3. That you are a “resident” (alien) pursuant to 26 U.S.C. §7701(b)(1)(A). The only type of “resident” defined in the I.R.C. is a “resident alien”, and you aren’t an “alien” if you were born in any of the 50 states.

- 12.4. That you are acting as a “public officer” acting in a fiduciary capacity as a “transferee” over federal payments pursuant to 26 U.S.C. §6903. This is simply false if you terminated participation in the Social Security scam.

See:

Resignation of Compelled Social Security Trustee, Form #06.002

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

10 Strategy for Effectively Challenging Federal Jurisdiction

The following subsections deal with how to successfully challenge federal jurisdiction. For a simple slide show summarizing these techniques, see:

Challenging Federal Jurisdiction Course, Form #12.010

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

10.1 Summary of approach

Challenges to federal jurisdiction to enforce a statute may be made using the following effective strategy:

1. The U.S. Supreme Court has held that the ability to regulate private conduct is repugnant to the Constitution, which means unconstitutional.

"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)]

Why? Because it's involuntary servitude in violation of the Thirteenth Amendment to impose any duty upon a private human being beyond that of simply avoiding harming the equal rights of others.

"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]

The purpose of all law is therefore to protect private rights by keeping what is private and what is public completely separate from each other and by keeping private individuals from injuring each other. Therefore:

- 1.1. Any government official who asserts the right to impose a duty of any kind upon you or enforce civil law against you has a burden of showing that you are consensually and lawfully engaged in public rather than private conduct.
- 1.2. By "public conduct", we mean a "public office" within the government. Example: All income taxes are excise taxes imposed upon the public office franchises within the U.S. government. Income taxes cannot be enforced against those not lawfully engaged in a public office in the specific case they are authorized to serve in that office, which 4 U.S.C. §72 says is ONLY the District of Columbia and NOT elsewhere. All franchises, in fact, require those so engaged to be public officers BEFORE they consent to engage in the activity and the application for the license does not create any new public offices.
- 1.3. Any evidence that might connect you to a public office should be rebutted in order to prove that you weren't lawfully or consensually engaged in a franchise or public office. This includes:
 - 1.3.1. Showing that you weren't domiciled on federal territory at the time and therefore cannot either be offered or consent to participate in any federal franchise because your rights are unalienable, meaning they can't be sold or transferred or bargained away through any commercial process in relation to the government, including a franchise.

*"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]

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

- 1.3.2. Information returns such as IRS Forms W-2, 1042-s, 1098, and 1099. See:

Correcting Erroneous Information Returns, Form #04.001
<http://sedm.org/Forms/FormIndex.htm>

- 1.3.3. Identifying numbers. If you were not domiciled on federal territory at the time the number was used and were not engaged in a specifically identified franchise, then the use of the number is unlawful and fraudulent. See:

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

1.4. If you want to know what the legal qualifications are for serving in a public office, they are found below:

The "Trade or Business" Scam, Form #05.001, Section 10.1: Legal Requirements for Occupying a Public Office
<http://sedm.org/Forms/FormIndex.htm>

2. If you were not physically present on federal territory at the time the crime, offense, or injury occurred, then:

2.1. Subject matter jurisdiction is the only type of jurisdiction that may be exercised by the court.

2.2. The matter involves extraterritorial jurisdiction.

2.3. In order to prove subject matter jurisdiction, the government as moving party must produce evidence to consent to a contract or franchise in writing.

3. If the government is the moving party in the action asserting an obligation or duty on your part, then they have the burden of proving their claim. Your job is to:

3.1. Make the burden of proof they must meet so high that their case must be dismissed for lack of jurisdiction.

3.2. Establish that all statutory law is prima facie territorial.

3.3. Force them to meet the burden of proving the lawful basis by which they are acting extraterritorially in a legislatively foreign jurisdiction. There are ONLY two sources of extraterritorial jurisdiction under the common law: Debt and contract. They must therefore PROVE that one of these two things apply in every civil enforcement case and that you EXPRESSLY CONSENTED to the debt or contract.

Debitum et contractus non sunt nullius loci.

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/BouviersMaxims.htm>]

4. You must be continually aware that the only weapon of enslavement and injustice available to government attorneys and judges are the abuse of "words of art" to deceive you and misapply the law. They will abuse these words in order to victimize you with invisible presumptions about your status that, if left unchallenged or unclarified, will work a FRAUD upon you.

4.1. Study all the "words of art" they will be using or are using with the following resource:

Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic

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

4.2. Every geographical term you expect people to use in the case should be carefully defined BEFORE the conflict begins. The best method for doing this is to attach the following to your pleadings:

Rules of Presumption and Statutory Interpretation, Litigation Tool #01.006

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

5. Whenever you file a pleading in any case, you should invoke the protections of Fed.Rul.Civ.P. 8(b)(6), wherein a failure to deny by the opposing party constitutes an admission of all statements made under penalty of perjury before the court. Below is language to that effect which appears in the Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002:

Submitter/movant petitions for the following of this Court in addition to those things mentioned in the attached pleading, motion, or petition:

[. . .]

3. That the Court and/or the opposing party remain silent on all issues raised in this pleading which the Court concurs and agrees entirely with. Any facts or statements or admissions included in this pleading which are not denied or rebutted by either the Court or the opposing party with supporting evidence and under penalty of perjury shall therefore constitute an Admission to the truthfulness of each statement or conclusion as required by Federal Rule of Civil Procedure Rule 8(b)(6).

[Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002]

Most of your pleadings should contain affidavits of Material Fact that call for a denial by the opposing party. The next pleading you file in each action AFTER the submission of the Affidavit of Material Facts should contain a Verified Affidavit of Default listing all facts admitted to by the opposing party because of a failure to deny.

6. The majority of cases brought in federal court involve government franchises of one kind or another, such as:

6.1. Income tax.

6.2. Medicare.

6.3. Social Security.

6.4. Unemployment Compensation.

7. Congress cannot lawfully license or establish a franchise within any state of the Union or offer franchises to those domiciled within the exclusive jurisdiction of a state of the Union. Therefore:

7.1. You need to hold their feet to the fire as to which of the three “United States” they mean for each use of the word and where that definition is found. See Section 3.2 of Litigation Tool #01.006 mentioned above.

7.2. You need to emphasize that you are not qualified to participate and never have lawfully participated in any government franchise. This is accomplished by attaching the following to your first filing in the case:

Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001

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

7.3. You need to emphasize that you never consented to participate in any government franchise.

8. Those domiciled on federal territory not protected by the Constitution are the only ones who may lawfully participate in federal franchises.

8.1. These people are called statutory “U.S. citizens” pursuant to 8 U.S.C. §1401 or “resident aliens” pursuant to 26 U.S.C. §7701(b)(1)(A).

8.2. Those domiciled in a state of the Union are not statutory “U.S. citizens” pursuant to 8 U.S.C. §1401 or “resident aliens” pursuant to 26 U.S.C. §7701(b)(1)(A), but rather statutory “non-resident non-persons”, and transient foreigners. See:

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

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

9. You should emphasize that offering or enforcing franchises to those domiciled in a state of the Union is a violation of the separation of powers doctrine and therefore a violation of the Constitution. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023, Section 10.5

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

10. It is very important to go to great pains to establish verified evidence in the record that you are not domiciled and never have been domiciled in the statutory but not constitutional “United States” and that you are not a lawful participant in any government franchise in order to circumvent any possibility that you will be confused with someone they have jurisdiction over. This is done by doing the following:

10.1. Attaching the following forms to your initial Complaint or Response in the action:

10.1.1. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002

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

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

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

10.2. Using the following as a guide in responding to disputes by the government over your citizenship:

10.2.1. *Flawed Tax Arguments to Avoid*, Form #08.004, Section 9.1.1

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

10.2.2. *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006

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

10.3. Using the following form when deposed and in all responses to legal discovery

Citizenship, Domicile, and Tax Status Options, Form #10.003

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

11. You should insist on equal protection of the law:

11.1. When you want to sue the government, they will insist on sovereign immunity and that you produce a statute waiving sovereign immunity in order to have jurisdiction to sue them.

11.2. You should insist on the same sovereign immunity in relation to them, which must take the form of written consent to be sued conveyed in the form that you and not they specify. In the case of Members, that consent must be in a writing signed by BOTH you AND the government where all rights conveyed are described on the application itself, and where you had a domicile on federal territory at the time you applied. Sections 4 through 4.3 of the following document establish this criteria for Members, and use of this document is mandatory for all Members as part of the free Path to Freedom process:

Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001

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

12. The government’s waiver of sovereign immunity comes from the following sources:

12.1. Whenever they are acting extraterritorially, they are acting as the equivalent of “private persons” in equity, and especially if they are engaging in otherwise private business activity such as “social insurance”.

12.2. The source of the waiver of sovereign immunity is the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and the law of nations, which makes all nations equal.

12.3. The fact that the states of the Union are “nations” under the law of nations insofar as civil and criminal jurisdiction within their exclusive jurisdiction.

"The States between each other are sovereign and independent. They are distinct and separate sovereignties, except so far as they have parted with some of the attributes of sovereignty by the Constitution. They continue to be nations, with all their rights, and under all their national obligations, and with all the rights of nations in every particular; except in the surrender by each to the common purposes and objects of the Union, under the Constitution. The rights of each State, when not so yielded up, remain absolute."
[Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519; 10 L.Ed. 274 (1839)]

12.4. The fact that when the federal government or its agent tries to offer commercial franchises in legislatively foreign states, they waive their sovereign immunity and agreed to be sued in state court as PRIVATE actors.

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)]

13. The following section describes how establish evidence on the record of the case that will make it impossible for the government to prove that they have jurisdiction in a federal income tax case involving those domiciled within the exclusive jurisdiction of a state of the Union.

10.2 Specific facts to be established on the record of the proceeding

The following facts should be established on the record of any proceeding against the federal government or any of its actors in which any statutory right or interest is being enforced:

1. That it is “repugnant to the constitution” to regulate or interfere with the exercise of EXCLUSIVELY PRIVATE rights.
2. That you are acting in an EXCLUSIVELY PRIVATE capacity.
3. That the only thing governments can lawfully regulate or tax civilly is the exercise of PUBLIC RIGHTS by PUBLIC OFFICERS.
4. That it is a crime to impersonate a public officer per 18 U.S.C. §912.
5. That you cannot “elect” yourself into a public office by simply filling out a tax form.
6. That all franchisees are public officers within the Executive Branch of the government.
7. That it is a criminal conflict of interest for any franchise judge to ALSO hear constitutional issues per 18 U.S.C. §208.
8. What is the nature of the “right” being enforced by the government as moving party? Is it a:
 - 8.1. PUBLIC right created by congress?
 - 8.2. PRIVATE or NATURAL right recognized by the Constitution and/or the Bill of Rights?
9. What branch of the government is the court hearing the case within. Is it a:
 - 9.1. LEGISLATIVE franchise court in the EXECUTIVE Branch proceeding under Article 4, Section 3, Clause 2 of the Constitution...or
 - 9.2. CONSTITUTIONAL court within the JUDICIAL branch proceeding under Article III of the Constitution?
10. That it is a CRIME to enter a plea in a tax case as a NONTAXPAYER. A NONTAXPAYER cannot enter a plea without criminally impersonating the public officer who is the ONLY lawful subject of the Internal Revenue Code per 26 U.S.C. §7701(a)(14).

- 1 11. That any attempt to confuse PUBLIC rights with PRIVATE rights by abusing “words of art” or expanding their
2 meaning beyond the clear meaning of the statutes constitutes the equivalent of “purposeful availment” by the national
3 government in a legislatively but not constitutionally foreign jurisdiction and which produces a waiver of sovereign
4 immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and the Longarm Statutes of the state
5 you are within.
6 12. The SPECIFIC and EXACT provision by which your EXCLUSIVELY PRIVATE rights and PRIVATE property were
7 consensually converted to PUBLIC RIGHTS and PUBLIC PROPERTY:

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

11 [1] First, that he shall not use it to his neighbor's injury, and that does not mean that he
12 must use it for his neighbor's benefit [e.g. SOCIAL SECURITY,
13 Medicare, and every other public “benefit”];

14 [2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and

15 [3] third, that whenever the public needs require, the public may take it upon payment of due
16 compensation.”

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

18 The above rules are summarized below:
19

Table 3: 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. “ <u>eminent domain</u> ”.	No

12.1. 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:

12.1.1.

12.1.2. DIRECT CONVERSION: Owner donates the property by conveying title or possession to the government.⁵⁶

12.1.3. INDIRECT CONVERSION: Owner assumes a PUBLIC status as a PUBLIC officer in the HOLDING of title to the property.⁵⁷ 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.

12.2. 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).

12.2.1. 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.

12.2.2. 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”.

12.2.3. 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.

12.2.4. 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.”

⁵⁶ 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.

⁵⁷ 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).

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.

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

12.3.1. Circumvents any of the above rules.

12.3.2. Blurs, confuses, or obfuscates the distinction between PRIVATE property and PUBLIC property.

12.3.3. Refuses to identify EXACTLY which of the mechanisms identified in item 10 above was employed in EACH specific case where it:

12.3.3.1. Asserts a right to regulate the use of private property.

12.3.3.2. Asserts a right to convert the character of property from PRIVATE to PUBLIC.

12.3.3.3. Asserts a right to TAX what you THOUGHT was PRIVATE property.

11 Techniques for Combatting Government Verbiage and Presumption When Litigating Against the Government⁵⁸

As we said in the Introduction of this document, the most prevalent method for unlawfully enlarging government jurisdiction and advancing the government flawed tax arguments described starting in Form #08.004, Section 9 are presumptions, equivocation, and verbiage using "words of art". The following subsections contain verbiage that we recommend including in any Memorandum of Law you file in any especially federal court during litigation involving taxation in order to prevent being victimized by such abuses. The language assumes that you are litigating against the government. The last of the three subsections derives from the following free memorandum of law:

Legal Deception, Propaganda, and Fraud, Form #05.014, Section 3.9
<http://sedm.org/Forms/FormIndex.htm>

If you would like all of the following subsections in one convenient form ready to attach to your pleadings, you can obtain it at the link below:

Rules of Presumption and Statutory Interpretation, Litigation Tool #01.006
<http://sedm.org/Litigation/LitIndex.htm>

11.1 Rebuttal of Those who Fraudulently Challenge or Try to Expand the Statutory Definitions in this Document

The main purpose of law is to limit government power. The foundation of what it means to have a "society of law and not men" is law that limits government powers. We cover this in [Legal Deception, Propaganda, and Fraud, Form #05.014](#), Section 5. Government cannot have limited powers without DEFINITIONS in the written law that are limiting and which define and declare ALL THINGS that are included and implicitly exclude all things not expressly identified. The rules of statutory construction and interpretation recognize this critical function of law with the following maxims:

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

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at

⁵⁸ Source: *Flawed Tax Arguments to Avoid*, Form #08.004, Section 12; <https://sedm.org/Forms/FormIndex.htm>.

1 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include
2 the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the
3 contrary."
4 [[Stenberg v. Carhart, 530 U.S. 914 \(2000\)](#)]

5 The ability to define terms or ADD to the EXISTING statutory definition of terms is a LEGISLATIVE function that can
6 lawfully and constitutionally be exercised ONLY by the Legislative Branch of the government. The power to define or
7 expand the definition of statutory terms:

- 8 1. CANNOT lawfully be exercised by either a judge or a government prosecutor or the Internal Revenue Service.
- 9 2. CANNOT be exercised by making [PRESUMPTIONS](#) about what a term means or by enforcing the COMMON
10 meaning of the term that is already defined in a statute. See [Presumption: Chief Weapon for Unlawfully Enlarging](#)
11 [Federal Jurisdiction, Form #05.017](#):

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

17

18 A presumption is an assumption of fact that the law requires to be made from another fact or group of facts
19 found or otherwise established in the action. A presumption is not evidence. A presumption is either
20 conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of
21 producing evidence or (b) a presumption affecting the burden of proof. Calif.Evid.Code, §600.

22 In all civil actions and proceedings not otherwise provided for by Act of Congress or by the Federal Rules of
23 Evidence, a presumption imposes on the party against whom it is directed the burden of going forward with
24 evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of
25 the risk of nonpersuasion, which remains throughout the trial upon the party on whom it was originally cast.
26 Federal Evidence Rule 301.

27 See also Disputable presumption; inference; Juris et de jure; Presumptive evidence; Prima facie; Raise a
28 presumption.
29 [[Black's Law Dictionary, Sixth Edition, p. 1185](#)]

- 30 3. Unlawfully and unconstitutionally violates the [separation of powers](#) when it IS exercised by a judge or government
31 prosecutor. See [Government Conspiracy to Destroy the Separation of Powers, Form #05.023](#).
- 32 4. Produces the following consequences when it IS exercised by a judge or government prosecutor or administrative
33 agency. The statement below was written by the man who DESIGNED our three branch system of government. He
34 also described in his design how it can be subverted, and corrupt government actors have implemented his
35 techniques for subversion to unlawfully and unconstitutionally expand their power:

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

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

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

46 [. . .]

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

Any judge, prosecutor, or clerk in an administrative agency who tries to EXPAND or ADD to statutory definitions is violating all the above. Likewise, anyone who tries to QUOTE a judicial opinion that adds to a statutory definition is violating the separation of powers, usurping authority, and STEALING your property and rights. It is absolutely POINTLESS and an act of ANARCHY, lawlessness, and a usurpation to try to add to statutory definitions.

The most prevalent means to UNLAWFULLY and UNCONSTITUTIONALLY add to statutory definitions is through the abuse of the words "[includes](#)" or "including". That tactic is thoroughly described and rebutted in:

Legal Deception, Propaganda, and Fraud, Form #05.014, Section 15.2
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>

Government falsely accuses sovereignty advocates of practicing anarchy, but THEY, by trying to unlawfully expand statutory definitions through either the abuse of the word "[includes](#)" or through [PRESUMPTION](#), are the REAL anarchists.

11.2 Identity Theft Prevention During Litigation

1. Attaching the following to your initial complaint or response in every action in federal court:
 - 1.1. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002
<http://sedm.org/Litigation/LitIndex.htm>
 - 1.2. *Rules of Presumption and Statutory Interpretation*, Litigation Tool #01.006
<http://sedm.org/Litigation/LitIndex.htm>
 - 1.3. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001
<http://sedm.org/Forms/FormIndex.htm>
2. Not citing statutes implementing federal franchises in your defense and instead basing your action entirely upon the constitution, equity, and equal protection. All you do by citing provisions of a franchise agreement that is voluntary is prove that you are subject to it. Such franchises include but are not limited to:
 - 2.1. 26 U.S.C.: Internal Revenue Code.
 - 2.2. 42 U.S.C.: Social Security Act, Medicare, and Unemployment insurance
3. Introducing the following document into evidence whenever you are either deposed or sent a request for production of documents.

Citizenship, Domicile, and Tax Status Options, Form #10.003
<http://sedm.org/Forms/FormIndex.htm>

11.3 Using the Overbreadth Doctrine to attack vague or undefined statutes or terms or attempts to compel you to fill out government forms a certain way or punish you for language you accurately used on the form

The Overbreadth Doctrine of the U.S. Supreme Court was invented to prevent the chilling effect upon the First Amendment rights of litigants caused by statutes that are vague or which use undefined words or government enforcement actions that enjoin any kind of speech, including specific types of speech on government forms or even tax forms. For instance, it is used to attack:

1. Definitions of key terms in statutes so as to include PRIVATE people or PRIVATE property. The ability to regulate PRIVATE rights and PRIVATE property is repugnant to the Constitution and therefore, Congress cannot define terms to include anything PRIVATE. See:

Enumeration of Inalienable (PRIVATE) Rights, Form #10.002
<https://sedm.org/Forms/FormIndex.htm>
2. The validity of all legislation that administratively or financially penalizes specific types of truthful speech, including on government forms.
3. Attempts by judges and IRS to call you "frivolous" without providing court admissible evidence from a neutral third party that PROVES that the speech they seek to penalize you for as "frivolous" satisfies the definition of "frivolous". A judge cannot practice law by being the judge, jury, and executioner without jury oversight in sanctioning litigants for being frivolous and yet refusing to even prove their case. See:

Responding to "Frivolous" Penalties and Accusations, Form #05.027

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

4. Attempts by the IRS to penalize you for truthfully claiming under penalty of perjury that you are any of the following on government forms, in court, or at an IRS audit:
 - 4.1. A statutory "nonresident" or "non-resident non-person".
 - 4.2. A statutory "nontaxpayer".
 - 4.3. Not a statutory "employee".
 - 4.4. Not a statutory "employer".
 - 4.5. Not in the statutory "United States" (federal zone).
 - 4.6. Not in the CORPORATION "United States" (28 U.S.C. §3002(15)(A)) as a legal person and a public officer.All such attempts constitute criminal witness tampering if authenticated with a perjury statement.
5. Attempts by the IRS to ignore correspondence or custom or amended forms you submit claiming to be a nontaxpayer because they refuse to offer "nontaxpayer" or "non-resident non-person" status forms or status blocks on existing forms. When they ignore such correspondence, they usually will try long after receiving such forms from you to say that they either didn't receive your correspondence or try to penalize you for truthfully claiming to be a "non-resident non-person" and a "nontaxpayer". This also constitutes criminal witness tampering and violates the overbreadth doctrine.
6. Attempts by the IRS to penalize you for defining terms on government forms so as to place you outside of their territorial or enforcement jurisdiction. See:

Why Penalties are Illegal for Anything But Government Franchisees, Employees, Contractors, and Agents, Form #05.010

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

It is important to note that the Overbreadth Doctrine:

1. Only applies to those protected by the Constitution and the First Amendment. That means people standing on land within a constitutional state at the time of the injury. The constitution attaches to LAND, and not the status of the people ON the land. ⁵⁹
2. Does NOT apply to fictions of law or statutory franchisee creations of Congress such as "taxpayers", all of which are public offices in the national government. Such fictions and franchisee offices have ONLY the privileges that Congress chooses by statute to convey to them. See:

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

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

3. Can be employed by those who are protected by the Constitution but were compelled under duress to declare themselves "taxpayers" under threat of administrative penalty if they DO NOT.
4. Cannot be employed by those who readily admit they are statutory "taxpayers", "persons", "individuals", or those who describe themselves as such on government forms. Submitting a duress statement signed under penalty of perjury in your court pleadings is MANDATORY BEFORE undertaking an Overbreadth Action for those whose administrative record reflects the false notion that they are "taxpayers", "individuals", "persons", etc. A failure to do so will result in them rightfully being penalized as "frivolous". For an example of such a duress statement in a tax context, see:

Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers, Form #02.005

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

5. Can be successfully employed even among those who cannot personally demonstrate an injury. This makes it different from most common law actions and adds a LOT of flexibility and coverage to many more situations than usual.
6. Applies to ALL First Amendment activity, including not only speech but the exercise of your First Amendment right to both politically and CIVILLY DISASSOCIATE with anyone and everyone and to be protect ONLY by the CRIMINAL and CONSTITUTIONAL law and not any civil statutes. In fact, the means by which you associate or disassociate with any political entity are the civil statutes that you connect yourself with VOLUNTARILY on government forms. A REFUSAL or FAILURE to associate with any political group and thereby become a "non-resident non-person" or "nontaxpayer" is, in fact, an act of DISASSOCIATION protected by the First Amendment and the Overbreadth Doctrine. See:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008

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

⁵⁹ "It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it." [Balzac v. Porto Rico, 258 U.S. 298 (1922)]

1 The following subsections deal with the employment of this doctrine. They derive from the American Jurisprudence 2d,
2 16A Am.Jur.2d, Constitutional Law, Sections 409 through 414 (1999).

3 **11.3.1 Validity of legislation, in general**

4 In determining the validity of legislation where a violation of protected First Amendment freedoms has been alleged, a
5 comprehensive review of the entire record is important to assure that no intrusion upon them has occurred. 13 Moreover,
6 in appraising a statute's inhibitory effect upon First Amendment rights, the United States Supreme Court will not hesitate to
7 take into account the possible applications of the statute in other factual contexts besides the one being specifically
8 considered. 14 In this connection, it has been held that the limit placed upon the power of the states by the Fourteenth
9 Amendment is not narrower than that placed upon the national government by the First Amendment, 15 but, by the same
10 token, it has also been held that stricter scrutiny of validity should not be exercised in instances of a national statute under
11 the First Amendment than in those of a state statute under the Fourteenth Amendment. 16 Decisions of the United States
12 Supreme Court as to whether a congressional act contravenes the First Amendment are authoritative when a state court
13 considers whether a state enactment contravenes the Fourteenth Amendment. 17

14 Courts will not assume in advance that Congress will pass legislation in violation of the First Amendment, and will
15 presume, until the contrary appears, that Congress will fulfill its obligation to defend and preserve the Constitution. 18

16

17 **Footnotes**

18 Footnote 13. *Grausam v. Murphey*, 448 F.2d. 197 (3d Cir. 1971), cert. dismissed, 405 U.S. 981, 92 S.Ct. 1207, 31 L.Ed.2d.
19 257 (1972).

20 Footnote 14. *Bigelow v. Virginia*, 421 U.S. 809, 95 S.Ct. 2222, 44 L.Ed.2d. 600, 1 Media L. Rep. (BNA) 1919 (1975).

21 Footnote 15. *Rase v. U.S.*, 129 F.2d. 204 (C.C.A. 6th Cir. 1942); *Bolling v. Superior Court for Clallam County*, 16
22 Wash.2d. 373, 133 P.2d. 803 (1943).

23 Footnote 16. *Dunne v. U. S.*, 138 F.2d. 137 (C.C.A. 8th Cir. 1943), cert. denied, 320 U.S. 790, 64 S.Ct. 205, 88 L.Ed. 476
24 (1943), reh'g denied, 320 U.S. 814, 64 S.Ct. 260, 88 L.Ed. 492 (1943) and reh'g denied, 320 U.S. 815, 64 S.Ct. 426, 88
25 L.Ed. 493 (1944).

26 Footnote 17. *State v. Barlow*, 107 Utah 292, 153 P.2d. 647 (1944), appeal dismissed, 324 U.S. 829, 65 S.Ct. 916, 89 L.Ed.
27 1396 (1945), reh'g denied, 324 U.S. 891, 65 S.Ct. 1026, 89 L.Ed. 1438 (1945).

28 Footnote 18. *U.S. v. Josephson*, 165 F.2d. 82 (C.C.A. 2d Cir. 1947), cert. denied, 333 U.S. 838, 68 S.Ct. 609, 92 L.Ed. 1122
29 (1948), reh'g denied, 333 U.S. 858, 68 S.Ct. 731, 92 L.Ed. 1138 (1948) and reh'g denied, 335 U.S. 899, 69 S.Ct. 294, 93
30 L.Ed. 434 (1948).

31 **11.3.2 Vagueness of legislation**

32 The vagueness of a content-based regulation of speech raises special First Amendment concerns because of its obvious
33 chilling effect on free speech. 19 Thus, reasonable certainty in statutes is more essential than usual when vagueness might
34 induce individuals to forgo their First Amendment rights for fear of violating an unclear law. 20

35 While a statute punishing verbal acts, carefully drawn so as not unduly to impair liberty of expression, is not too vague for a
36 criminal law, 21 a statute which, upon its face, and as authoritatively construed, is so vague as to permit the punishment of
37 the fair use of the opportunity of free political discussion is repugnant to the guarantee of liberty contained in the
38 Fourteenth Amendment. 22 Vague laws in any area suffer a constitutional infirmity, but when First Amendment rights are
39 involved, the United States Supreme Court looks even more closely lest, under the guise of regulating conduct that is
40 reachable by the police power, a First Amendment freedom suffers; such a law must be narrowly drawn to prevent the
41 supposed evil. 23 Because First Amendment freedoms need breathing space to survive, the government may regulate in
42 the area only with narrow specificity. 24 Stricter standards of permissible statutory vagueness may be applied to a statute
43 having a potentially inhibiting effect on speech; 25 precision of regulation must be the touchstone in an area so closely

involving our most precious freedoms. 26 And since standards of permissible statutory vagueness are strict in the area of free expression, the United States Supreme Court will not assume that an ambiguous line between permitted and prohibited activities curtails constitutionally protected activity as little as possible, or that in subsequent enforcement of the statute, ambiguities will be resolved in favor of adequate protection of First Amendment rights. 27

“ Observation: Although the Supreme Court has held that the application of the overbreadth doctrine 28 is inappropriate in commercial speech cases, 29 it has not limited the reach of the vagueness doctrine in the same way. 30

Footnotes

Footnote 19. *Reno v. American Civil Liberties Union*, 117 S.Ct. 2329, 138 L.Ed.2d. 874, 25 Media L. Rep. (BNA) 1833 (U.S. 1997) (holding provisions of the Communications Decency Act (CDA) prohibiting transmission of obscene or indecent communications over the Internet to persons under the age of 18, or sending patently offensive communications through the use of an interactive computer service to persons under that age, to be unconstitutional).

Footnote 20. *Scull v. Com. of Va. ex rel. Committee on Law Reform and Racial Activities*, 359 U.S. 344, 79 S.Ct. 838, 3 L.Ed.2d. 865 (1959).

As to vagueness of statutes in general, see 73 Am Jur 2d, Statutes § 346.

As to certainty and definiteness, or vagueness, of criminal statutes, see 21 Am Jur 2d, Criminal Law § 17.

Footnote 21. *Chaplinsky v. State of New Hampshire*, 315 U.S. 568, 62 S.Ct. 766, 86 L.Ed. 1031 (1942).

Annotation: Supreme Court's views regarding validity of criminal disorderly conduct statutes under void-for-vagueness doctrine, 75 L.Ed.2d. 1049.

Footnote 22. *Cox v. State of Louisiana*, 379 U.S. 536, 85 S.Ct. 466, 13 L.Ed.2d. 487 (1965); *Edwards v. South Carolina*, 372 U.S. 229, 83 S.Ct. 680, 9 L.Ed.2d. 697 (1963); *Cramp v. Board of Public Instruction of Orange County, Fla.*, 368 U.S. 278, 82 S.Ct. 275, 7 L.Ed.2d. 285 (1961); *Winters v. New York*, 333 U.S. 507, 68 S.Ct. 665, 92 L.Ed. 840 (1948).

But the First Amendment is not implicated by the Cuban Asset Control Regulations, restricting travel to Cuba, and the regulations are not subject to challenge for vagueness on the ground that their vague language gives officials of the Office of Foreign Assets Control the ability to arbitrarily interfere with the right to gather firsthand information about Cuba. *Freedom to Travel Campaign v. Newcomb*, 82 F.3d. 1431 (9th Cir. 1996).

Footnote 23. *Ashton v. Kentucky*, 384 U.S. 195, 86 S.Ct. 1407, 16 L.Ed.2d. 469 (1966).

Footnote 24. *Gooding v. Wilson*, 405 U.S. 518, 92 S.Ct. 1103, 31 L.Ed.2d. 408 (1972); *National Ass'n for Advancement of Colored People v. Button*, 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d. 405 (1963).

Generally, as to the requirement of narrow specificity in legislation affecting fundamental rights, see § 397.

As to overbreadth of legislation affecting First Amendment rights, see §§ 411 et seq.

Footnote 25. *Keyishian v. Board of Regents of University of State of N.Y.*, 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d. 629 (1967); *National Ass'n for Advancement of Colored People v. Button*, 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d. 405 (1963); *Cramp v. Board of Public Instruction of Orange County, Fla.*, 368 U.S. 278, 82 S.Ct. 275, 7 L.Ed.2d. 285 (1961); *Smith v. People of the State of California*, 361 U.S. 147, 80 S.Ct. 215, 4 L.Ed.2d. 205, 14 Ohio.Op.2d. 459 (1959), reh'g denied, 361 U.S. 950, 80 S.Ct. 399, 4 L.Ed.2d. 383 (1960).

Footnote 26. *Keyishian v. Board of Regents of University of State of N.Y.*, 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d. 629 (1967).

1 Footnote 27. National Ass'n for Advancement of Colored People v. Button, 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d. 405
2 (1963).

3 Footnote 28. As to the overbreadth doctrine, see § 411.

4 Footnote 29. § 413.

5 Footnote 30. Jacobs v. The Florida Bar, 50 F.3d. 901, 23 Media L. Rep. (BNA) 1718 (11th Cir. 1995), reh'g and suggestion
6 for reh'g en banc denied, (June 16, 1995).

7 **11.3.3 Overbreadth of legislation; generally**

8 "Overbreadth" is a judicially created doctrine designed to prevent the chilling of protected expression. 31 The
9 doctrine of overbreadth derives from the recognition that an unconstitutional restriction of expression may deter protected
10 speech by parties not before the court and thereby escape judicial review. 32 Numerous decisions have dealt with the
11 question whether legislation 33 is invalid, upon its face or as applied, because due to its overbreadth, it infringes upon
12 First Amendment rights, that is, the rights of free speech and press, of freedom of religion, of peaceful assembly and
13 association, and of petitioning the government for a redress of grievances.

14 The doctrine of overbreadth is of relatively recent origin. 34 Claims of facial overbreadth have been entertained in cases:
15 (1) involving statutes which, by their terms, seek to regulate "only spoken words," in such cases it being the judgment of
16 the court that the possible harm to society in permitting some unprotected speech to go unpunished is outweighed by the
17 possibility that protected speech of others may be muted and perceived grievances left to fester because of the possible
18 inhibitory effect of overly broad statutes; (2) where the court thought that rights of association were ensnared in statutes
19 which, by their broad sweep, might result in burdening innocent associations; and (3) where statutes, by their terms, purport
20 to regulate the time, place, and manner of expressive or communicative conduct and such conduct has required official
21 approval under laws that delegated standardless discretionary power to local functionaries, resulting in virtually
22 unreviewable prior restraints on First Amendment rights. 35

23 " Practice guide: In order to prevail on a facial attack on the constitutionality of a statute on grounds of overbreadth, the
24 challenger must show either that every application of the statute creates an impermissible risk of suppression of ideas, or
25 that the statute is "substantially" overbroad, which requires the court to find a realistic danger that the statute itself will
26 significantly compromise recognized First Amendment protections of parties not before the court. 36

27 The distinction between the doctrine of overbreadth and the doctrine of vagueness 37 is that the overbreadth doctrine is
28 applicable primarily in the First Amendment area 38 and may render void legislation which is lacking neither in clarity
29 nor precision, 39 whereas the vagueness doctrine is based on the due process clauses of the Fifth and Fourteenth
30 Amendments 40 and is applicable solely to legislation which is lacking in clarity and precision. 41

31 " Observation: However, in some cases, legislation has been struck down on the grounds of both overbreadth and
32 vagueness, 42 and the Supreme Court has not always made a clear distinction between the two doctrines. 43

33 While in general there is no such thing as a First Amendment challenge for "underbreadth," that is, an underinclusiveness of
34 the law, as evidenced by the failure of government to regulate other, similar activity, such a circumstance may, in some rare
35 cases, give rise to the conclusion that the government has in fact made an impermissible distinction on the basis of the
36 content of regulated speech. 44

37

38 **Footnotes**

39 Footnote 31. Massachusetts v. Oakes, 491 U.S. 576, 109 S.Ct. 2633, 105 L.Ed.2d. 493 (1989).

40 A complete ban on handbiling, by suppressing a great quantity of speech that does not cause the evils that it seeks to
41 eliminate, whether they be fraud, crime, litter, traffic congestion, or noise, is substantially broader than necessary to achieve
42 the interests justifying it, and thus violates the free speech provision of the First Amendment. Ward v. Rock Against

1 Racism, 491 U.S. 781, 109 S.Ct. 2746, 105 L.Ed.2d. 661 (1989), reh'g denied, 492 U.S. 937, 110 S.Ct. 23, 106 L.Ed.2d.
2 636 (1989).

3 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
4 725.

5 Footnote 32. Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York, 447 U.S. 557, 100 S.Ct. 2343,
6 65 L.Ed.2d. 341, 6 Media L. Rep. (BNA) 1497, 34 Pub. Util. Rep. 4th (PUR) 178 (1980).

7 Footnote 33. As used in this discussion, the term "legislation" includes federal and state statutes and ordinances, as well as
8 executive and administrative regulations.

9 However, it should be noted that not only legislation, but also a court's injunction, may be challenged as overbroad. Carroll
10 v. President and Com'rs of Princess Anne, 393 U.S. 175, 89 S.Ct. 347, 21 L.Ed.2d. 325, 1 Media L. Rep. (BNA) 1016
11 (1968).

12 Footnote 34. Gooding v. Wilson, 405 U.S. 518, 92 S.Ct. 1103, 31 L.Ed.2d. 408 (1972).

13 Footnote 35. Broadrick v. Oklahoma, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973).

14 A city ordinance which is not limited to fighting words, or to obscene or opprobrious language, but which prohibits speech
15 that "in any manner" interrupts a police officer in the performance of his duties, is unconstitutionally overbroad. City of
16 Houston, Tex. v. Hill, 482 U.S. 451, 107 S.Ct. 2502, 96 L.Ed.2d. 398 (1987).

17 Annotation: Supreme Court's view as to the protection or lack of protection, under the Federal Constitution, of the utterance
18 of "fighting words," 39 L.Ed.2d. 925.

19 Law Reviews: Wertheimer, The First Amendment Distinction Between Conduct and Content: A Conceptual Framework for
20 Understanding Fighting Words Jurisprudence. 63 Fordham LR 793, December, 1994.

21 Footnote 36. New York State Club Ass'n, Inc. v. City of New York, 487 U.S. 1, 108 S.Ct. 2225, 101 L.Ed.2d. 1, 46 Empl.
22 Prac. Dec. (CCH) ¶ 38035 (1988).

23 Footnote 37. Generally, as to the vagueness doctrine, see § 410.

24 Footnote 38. § 413.

25 Footnote 39. Grayned v. City of Rockford, 408 U.S. 104, 92 S.Ct. 2294, 33 L.Ed.2d. 222 (1972); Cameron v. Johnson, 390
26 U.S. 611, 88 S.Ct. 1335, 20 L.Ed.2d. 182 (1968), reh'g denied, 391 U.S. 971, 88 S.Ct. 2029, 20 L.Ed.2d. 887 (1968); U.S.
27 v. Robel, 389 U.S. 258, 88 S.Ct. 419, 19 L.Ed.2d. 508 (1967).

28 Footnote 40. See, for instance, Parker v. Levy, 417 U.S. 733, 94 S.Ct. 2547, 41 L.Ed.2d. 439 (1974) (Fifth Amendment);
29 Baggett v. Bullitt, 377 U.S. 360, 84 S.Ct. 1316, 12 L.Ed.2d. 377 (1964) (Fourteenth Amendment).

30 Footnote 41. Grayned v. City of Rockford, 408 U.S. 104, 92 S.Ct. 2294, 33 L.Ed.2d. 222 (1972); Zwickler v. Koota, 389
31 U.S. 241, 88 S.Ct. 391, 19 L.Ed.2d. 444 (1967) (distinguishing the overbreadth and vagueness doctrines).

32 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
33 725.

34 Footnote 42. See, for instance Plummer v. City of Columbus, Ohio, 414 U.S. 2, 94 S.Ct. 17, 38 L.Ed.2d. 3, 68 Ohio.Op.2d.
35 78 (1973); Coates v. City of Cincinnati, 402 U.S. 611, 91 S.Ct. 1686, 29 L.Ed.2d. 214, 58 Ohio.Op.2d. 481 (1971);
36 Keyishian v. Board of Regents of University of State of N.Y., 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d. 629 (1967).

37 Footnote 43. Cox v. State of Louisiana, 379 U.S. 536, 85 S.Ct. 466, 13 L.Ed.2d. 487 (1965) (where the court held that the
38 challenged statute was "unconstitutionally vague in its overly broad scope"); National Ass'n for Advancement of Colored
39 People v. Button, 371 U.S. 415, 83 S.Ct. 328, 9 L.Ed.2d. 405 (1963).

1 In *Adderley v. State of Fla.*, 385 U.S. 39, 87 S.Ct. 242, 17 L.Ed.2d. 149 (1966), reh'g denied, 385 U.S. 1020, 87 S.Ct. 698,
2 17 L.Ed.2d. 559 (1967) , the court pointed out that in *Cantwell v. State of Connecticut*, 310 U.S. 296, 60 S.Ct. 900, 84
3 L.Ed. 1213, 128 A.L.R. 1352 (1940) , a breach-of-the-peace statute was struck down as being "so broad and all-embracing"
4 as to jeopardize speech, press, assembly, and petition, and that "it was on this same ground of vagueness" that another
5 state's breach of the peace statute was invalidated in *Cox v. State of Louisiana*, 379 U.S. 536, 85 S.Ct. 466, 13 L.Ed.2d. 487
6 (1965).

7 Footnote 44. *DLS, Inc. v. City of Chattanooga*, 107 F.3d. 403, 1997 FED.App. 66P (6th Cir. 1997), reh'g and suggestion for
8 reh'g en banc denied, (Apr. 15, 1997).

9 Law Reviews: Lee, *The First Amendment Doctrine of Underbreadth*. 71 Wash U LQ 637, Fall, 1993.

10 **11.3.4 Procedural aspects of doctrine**

11 The general rule governing the standing of a party to challenge the constitutionality of legislation is that a litigant to whom
12 a statute may constitutionally be applied will not be heard to challenge the statute on the ground that it may conceivably be
13 applied unconstitutionally to others in situations not before the court. A closely related principle is that constitutional rights
14 are personal and may not be asserted vicariously. However, the Supreme Court has recognized some limited exceptions to
15 this rule in the presence of the most "weighty countervailing policies." 45

16 One of these modifications or exceptions has been carved out by the Supreme Court in the area of the First Amendment,
17 where the court, altering its traditional rules of standing, permits attacks on overly broad statutes without requiring that the
18 person making the attack demonstrate that his or her own conduct cannot be regulated by a statute drawn with the requisite
19 narrow specificity. 46 A defendant's standing to challenge a statute on First Amendment grounds as facially overbroad has
20 been held not to depend upon whether his or her own activity is shown to be constitutionally privileged. 47 In other words,
21 although a statute or ordinance is not vague, overbroad, or otherwise invalid as applied to conduct charged against a
22 particular defendant, he or she is permitted by the court to raise its unconstitutional vagueness or overbreadth as applied to
23 other persons in situations not before the court. 48 The same rule applies to corporations and other entities. 49 However,
24 a litigant has no standing to attack legislation on overbreadth grounds, where he or she does not claim a specific present
25 subjective harm or a threat of specific future harm, or where the alleged overbreadth is not substantial. 50 Also, the
26 overbreadth exception to the general rule of standing has less weight in the military than in the civilian context, 51 and has
27 ordinarily not been applied by the Supreme Court to litigation in areas other than those relating to the First Amendment. 52

28 In addition, the doctrine of abstention—under which, as a general proposition, a federal court, confronted with issues of
29 constitutional dimension which implicate or depend upon unsettled questions of state law, should abstain and stay its
30 proceedings until those state law questions are definitely resolved by the state courts 53 —has been held inapplicable where
31 a clear and precise state statute, not susceptible to a narrowing construction by the state courts, is challenged on the grounds
32 of overbreadth. 54

34 **Footnotes**

35 Footnote 45. *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973).

36 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
37 725.

38 Generally, as to the interest essential to raising the question of the constitutionality of legislation, see §§ 139 et seq.

39 As to the necessity of having a personal interest, generally, see § 145.

40 Footnote 46. *Bigelow v. Virginia*, 421 U.S. 809, 95 S.Ct. 2222, 44 L.Ed.2d. 600, 1 Media L. Rep. (BNA) 1919 (1975)
41 (where the court rested the exception on the danger of tolerating, in the area of First Amendment freedoms, the existence of
42 a penal statute susceptible of sweeping and improper application); *Lewis v. City of New Orleans*, 415 U.S. 130, 94 S.Ct.
43 970, 39 L.Ed.2d. 214 (1974); *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973); *Gooding v.*
44 *Wilson*, 405 U.S. 518, 92 S.Ct. 1103, 31 L.Ed.2d. 408 (1972); *Dombrowski v. Pfister*, 380 U.S. 479, 85 S.Ct. 1116, 14

1 L.Ed.2d. 22 (1965); *Freedman v. State of Md.*, 380 U.S. 51, 85 S.Ct. 734, 13 L.Ed.2d. 649, 1 Media L. Rep. (BNA) 1126
2 (1965).

3 Footnote 47. *Bigelow v. Virginia*, 421 U.S. 809, 95 S.Ct. 2222, 44 L.Ed.2d. 600, 1 Media L. Rep. (BNA) 1919 (1975).

4 Footnote 48. *Board of Airport Com'rs of City of Los Angeles v. Jews for Jesus, Inc.*, 482 U.S. 569, 107 S.Ct. 2568, 96
5 L.Ed.2d. 500 (1987); *Doran v. Salem Inn, Inc.*, 422 U.S. 922, 95 S.Ct. 2561, 45 L.Ed.2d. 648 (1975); *Bigelow v. Virginia*,
6 421 U.S. 809, 95 S.Ct. 2222, 44 L.Ed.2d. 600, 1 Media L. Rep. (BNA) 1919 (1975); *Plummer v. City of Columbus, Ohio*,
7 414 U.S. 2, 94 S.Ct. 17, 38 L.Ed.2d. 3, 68 Ohio Op.2d. 78 (1973); *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S.Ct. 2908, 37
8 L.Ed.2d. 830 (1973); *Grayned v. City of Rockford*, 408 U.S. 104, 92 S.Ct. 2294, 33 L.Ed.2d. 222 (1972); *Gooding v.*
9 *Wilson*, 405 U.S. 518, 92 S.Ct. 1103, 31 L.Ed.2d. 408 (1972).

10 Given a case or controversy, a litigant whose own activities are unprotected may challenge a statute by showing that it
11 substantially abridges the First Amendment rights of other parties not before the court. *Village of Schaumburg v. Citizens*
12 *for a Better Environment*, 444 U.S. 620, 100 S.Ct. 826, 63 L.Ed.2d. 73 (1980), reh'g denied, 445 U.S. 972, 100 S.Ct. 1668,
13 64 L.Ed.2d. 250 (1980).

14 The overbreadth doctrine permits litigants to challenge a law's facial validity on grounds that it unconstitutionally restricts
15 the First Amendment rights of third parties not before the court; the application of the overbreadth doctrine depends in part
16 upon whether commercial or noncommercial speech is involved, and a statute is unconstitutionally overbroad only if it
17 reaches a "substantial amount" of noncommercial speech. *Garner v. White*, 726 F.2d. 1274 (8th Cir. 1984).

18 Footnote 49. *Board of Airport Com'rs of City of Los Angeles v. Jews for Jesus, Inc.*, 482 U.S. 569, 107 S.Ct. 2568, 96
19 L.Ed.2d. 500 (1987); *Village of Schaumburg v. Citizens for a Better Environment*, 444 U.S. 620, 100 S.Ct. 826, 63
20 L.Ed.2d. 73 (1980), reh'g denied, 445 U.S. 972, 100 S.Ct. 1668, 64 L.Ed.2d. 250 (1980) (a nonprofit environmental-
21 protection organization is entitled to a judgment of the facial invalidity of a municipal ordinance prohibiting the solicitation
22 of contributions by charitable organizations that do not use at least 75 percent of their receipts for "charitable purposes" if
23 the ordinance purports to prohibit canvassing by a substantial category of charities to which the 75-percent limitation
24 cannot be applied consistently with First and Fourteenth Amendments, even if there is no demonstration that the
25 environmental organization itself is one of those organizations).

26 Footnote 50. *Young v. American Mini Theatres, Inc.*, 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed.2d. 310, 1 Media L. Rep. (BNA)
27 1151 (1976), reh'g denied, 429 U.S. 873, 97 S.Ct. 191, 50 L.Ed.2d. 155 (1976); *Bigelow v. Virginia*, 421 U.S. 809, 95 S.Ct.
28 2222, 44 L.Ed.2d. 600, 1 Media L. Rep. (BNA) 1919 (1975).

29 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
30 725.

31 Footnote 51. *Parker v. Levy*, 417 U.S. 733, 94 S.Ct. 2547, 41 L.Ed.2d. 439 (1974).

32 Footnote 52. *Moose Lodge No. 107 v. Irvis*, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972).

33 But see *Eisenstadt v. Baird*, 405 U.S. 438, 92 S.Ct. 1029, 31 L.Ed.2d. 349 (1972) , where the exception to the general rule
34 of standing was applied in a case decided under the equal protection clause of the Fourteenth Amendment.

35 Footnote 53. As to abstention by the federal courts, generally, see 32A Federal Courts §§ 1277 et seq.

36 Footnote 54. *Zwickler v. Koota*, 389 U.S. 241, 88 S.Ct. 391, 19 L.Ed.2d. 444 (1967).

37 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
38 725.

39 Generally, as to the abstention doctrine, see § 122.

11.3.5 Substantive aspects of doctrine

The Supreme Court's departure from traditional rules of standing in the First Amendment area, discussed in the preceding section, has been held by the Court also to have consequences in deciding an overbreadth case on its merits. The Supreme Court has ruled that if a law is found deficient because of overbreadth as applied to others, it may not be applied to the particular litigant either, until and unless a satisfactorily limiting construction is placed on the legislation. 55 In addition, the Supreme Court has stated the following general rules for determining whether a statute is overbroad or not:

1. legislation is unconstitutionally overbroad where it is susceptible of application to conduct protected by the First Amendment 56
2. a challenge of overbreadth is based on the ground that legislation, even if lacking neither clarity nor precision, offends the constitutional principle that a governmental purpose to control or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of freedom protected by the First Amendment 57
3. where conduct and not mere speech is involved, the overbreadth must not only be real, but substantial as well, judged in relation to the challenged statute's plainly legitimate sweep 58
4. the breadth of legislative abridgement of First Amendment rights must be viewed in the light of less drastic or narrower means for achieving the same basic purpose 59
5. where statutes have an overbroad sweep, just as where they are vague, the hazard of loss or substantial impairment of the precious First Amendment rights may be critical, since those persons covered by the statutes are bound to limit their behavior to that which is unquestionably safe. 60

“ Observation: An important factor considered by the Supreme Court in determining the overbreadth of legislation is the Court's balancing of the governmental interests involved against First Amendment rights. 61

Where First Amendment freedoms are at stake, precision of drafting and clarity of purpose of regulating legislation are essential. 62 While the government may regulate the content of constitutionally protected speech in order to promote a compelling interest, it must choose the least restrictive means to further the articulated interest. 63

In public places considered to be public forums, the government's ability to permissibly restrict expressive conduct is very limited. The government may enforce reasonable time, place, and manner regulations as long as the restrictions are content-neutral, are narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication. Additional restrictions, such as an absolute prohibition on a particular type of expression, will be upheld only if narrowly drawn to accomplish a compelling governmental interest. 64 Thus, the consequence of the Court's departure from traditional rules of standing in the First Amendment area is that any enforcement of a statute challenged on the ground of overbreadth is totally forbidden, until and unless a limiting construction or partial invalidation so narrows it as to remove the seeming threat or deterrents to the constitutionally protected expression. 65 Obviously, for this rule to apply, the legislation must be susceptible of a narrowing construction in the first place. 66

The application of the overbreadth doctrine has been held by the Supreme Court to be limited to freedoms guaranteed by the Bill of Rights. 67 On the other hand, there are cases in which legislation occasionally has been held to be overbroad and hence to violate provisions of the Federal Constitution other than the freedoms guaranteed by the Bill of Rights. 68

“ Caution: The overbreadth doctrine does not apply to commercial speech. 69

The Supreme Court has observed that declaring a statute facially unconstitutional because of overbreadth "is, manifestly, strong medicine," and that such a declaration has been employed by the Court sparingly and only as a last resort. 70 In regard to the overbreadth doctrine, a declaration of facial invalidity of legislation has been held inappropriate where: (1) there are a substantial number of situations to which the legislation might be validly applied; 71 (2) the legislation covers a whole range of easily identifiable and constitutionally proscribable conduct; 72 or (3) the legislation is susceptible of a narrowing construction. 73

1 In determining whether legislation which violates the First Amendment on the ground of overbreadth may be saved from
2 invalidity by a narrowing construction, the Supreme Court has made a distinction, based on a general rule, not limited to the
3 overbreadth doctrine, between the scope of its review of federal and of state statutes. This general rule is to the effect that
4 the Supreme Court lacks jurisdiction to authoritatively construe state legislation so as to avoid constitutional issues, but has
5 the power to give a federal statute such authoritative construction. 74 The Court has also ruled that only the state courts
6 can supply the requisite narrowing construction, since the Supreme Court lacks jurisdiction to authoritatively construe state
7 legislation. 75 The Court, on the other hand, has observed that although its interpretation of a state statute is obviously not
8 binding on state authorities, a federal court still must determine what a state statute means before it can judge its facial
9 constitutionality. 76 Where possible, the Court gives federal legislation a narrowing construction, 77 whereas the
10 determination of the issue of overbreadth of state legislation depends upon whether a state court has given the legislation in
11 question a properly narrowing construction. 78 In many cases, an overbreadth challenge to state legislation has been
12 rejected by the Supreme Court on the ground that the state courts had given such legislation a narrowing construction. 79
13 On the other hand, in other cases state legislation has been held invalid on the ground of overbreadth since the state court's
14 construction of such legislation did not properly narrow its scope. 80

Footnotes

Footnote 55. *Plummer v. City of Columbus, Ohio*, 414 U.S. 2, 94 S.Ct. 17, 38 L.Ed.2d. 3, 68 Ohio.Op.2d. 78 (1973);
Gooding v. Wilson, 405 U.S. 518, 92 S.Ct. 1103, 31 L.Ed.2d. 408 (1972).

Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
725 , § 5.

Footnote 56. *Lewis v. City of New Orleans*, 415 U.S. 130, 94 S.Ct. 970, 39 L.Ed.2d. 214 (1974); *Plummer v. City of
Columbus, Ohio*, 414 U.S. 2, 94 S.Ct. 17, 38 L.Ed.2d. 3, 68 Ohio.Op.2d. 78 (1973); *Grayned v. City of Rockford*, 408 U.S.
104, 92 S.Ct. 2294, 33 L.Ed.2d. 222 (1972); *Coates v. City of Cincinnati*, 402 U.S. 611, 91 S.Ct. 1686, 29 L.Ed.2d. 214, 58
Ohio.Op.2d. 481 (1971); *Dandridge v. Williams*, 397 U.S. 471, 90 S.Ct. 1153, 25 L.Ed.2d. 491 (1970), reh'g denied, 398
U.S. 914, 90 S.Ct. 1684, 26 L.Ed.2d. 80 (1970).

Footnote 57. *Cameron v. Johnson*, 390 U.S. 611, 88 S.Ct. 1335, 20 L.Ed.2d. 182 (1968), reh'g denied, 391 U.S. 971, 88
S.Ct. 2029, 20 L.Ed.2d. 887 (1968); *Zwickler v. Koota*, 389 U.S. 241, 88 S.Ct. 391, 19 L.Ed.2d. 444 (1967).

Footnote 58. *Parker v. Levy*, 417 U.S. 733, 94 S.Ct. 2547, 41 L.Ed.2d. 439 (1974); *Broadrick v. Oklahoma*, 413 U.S. 601,
93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973).

A state statute providing for enhancement of a defendant's sentence whenever he intentionally selects his victim based on
the victim's race is not unconstitutionally overbroad because of its possible chilling effect on free speech; the possibility
that the statute might lead a citizen to suppress his unpopular bigoted opinions, out of fear that these opinions might later be
offered against him to enhance his sentence if he later commits an offense covered by the statute, is too speculative to
support an overbreadth claim. *Wisconsin v. Mitchell*, 508 U.S. 476, 113 S.Ct. 2194, 124 L.Ed.2d. 436, 21 Media L. Rep.
(BNA) 1520 (1993).

Law Reviews: Gellman, Hate Speech and a New View of the First Amendment. 24 Cap.U.L.R. 309, 1995.

Schweitzer, Hate Speech on Campus and the First Amendment: Can They Be Reconciled? 27 Conn LR 493, Winter, 1995.

Degan, "Adding the First Amendment to the Fire": Cross Burning and Hate Crime Laws. 26 Creighton LR 1109, June,
1993.

Turner, Regulating Hate Speech and the First Amendment: The Attractions of, and Objections to, an Explicit Harms-Based
Analysis. 29 Ind LR 257, 1995.

Size and Britton, Is There Hate Speech?: R.A.V. and Mitchell in the Context of First Amendment Jurisprudence. 21
Ohio.NU.L.R. 913, 1995.

1 Burnett, Wisconsin v. Mitchell: First Amendment Fast-Food Style. 4 Temp Pol & Civ Rts LR 379, Spring, 1995.

2 Turner, Hate Speech and the First Amendment: The Supreme Court's R.A.V. Decision. 61 Tenn.LR. 197, Fall, 1993.

3 Footnote 59. Keyishian v. Board of Regents of University of State of N.Y., 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d. 629
4 (1967); Shelton v. Tucker, 364 U.S. 479, 81 S.Ct. 247, 5 L.Ed.2d. 231 (1960).

5 Footnote 60. Keyishian v. Board of Regents of University of State of N.Y., 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d. 629
6 (1967); Dombrowski v. Pfister, 380 U.S. 479, 85 S.Ct. 1116, 14 L.Ed.2d. 22 (1965).

7 Footnote 61. Erznoznik v. City of Jacksonville, 422 U.S. 205, 95 S.Ct. 2268, 45 L.Ed.2d. 125, 1 Media L. Rep. (BNA)
8 1508 (1975) (invalidating the challenged ordinance); Grayned v. City of Rockford, 408 U.S. 104, 92 S.Ct. 2294, 33
9 L.Ed.2d. 222 (1972) (upholding the challenged ordinance); Colten v. Kentucky, 407 U.S. 104, 92 S.Ct. 1953, 32 L.Ed.2d.
10 584 (1972) (upholding the challenged statute); Keyishian v. Board of Regents of University of State of N.Y., 385 U.S. 589,
11 87 S.Ct. 675, 17 L.Ed.2d. 629 (1967) (invalidating state statute).

12 Footnote 62. Erznoznik v. City of Jacksonville, 422 U.S. 205, 95 S.Ct. 2268, 45 L.Ed.2d. 125, 1 Media L. Rep. (BNA)
13 1508 (1975).

14 A statutory classification impinging upon First Amendment rights must be narrowly tailored to serve a compelling
15 governmental interest. Austin v. Michigan Chamber of Commerce, 494 U.S. 652, 110 S.Ct. 1391, 108 L.Ed.2d. 652
16 (1990); Larson v. Valente, 456 U.S. 228, 102 S.Ct. 1673, 72 L.Ed.2d. 33 (1982), reh'g denied, 457 U.S. 1111, 102 S.Ct.
17 2916, 73 L.Ed.2d. 1323 (1982).

18 Footnote 63. Sable Communications of California, Inc. v. F.C.C., 492 U.S. 115, 109 S.Ct. 2829, 106 L.Ed.2d. 93, 16 Media
19 L. Rep. (BNA) 1961 (1989); Boos v. Barry, 485 U.S. 312, 108 S.Ct. 1157, 99 L.Ed.2d. 333 (1988); Widmar v. Vincent, 454
20 U.S. 263, 102 S.Ct. 269, 70 L.Ed.2d. 440, 1 Ed.Law.Rep. 13 (1981).

21 The government may impose reasonable restrictions on the time, place, or manner as to the exercise of protected speech,
22 even of speech in a public forum, as long as the restrictions are justified without reference to the content of the regulated
23 speech, serve a significant governmental interest, and leave open ample alternative channels for the communication of
24 information. Ward v. Rock Against Racism, 491 U.S. 781, 109 S.Ct. 2746, 105 L.Ed.2d. 661 (1989), reh'g denied, 492
25 U.S. 937, 110 S.Ct. 23, 106 L.Ed.2d. 636 (1989).

26 Similar statements appear in Regan v. Time, Inc., 468 U.S. 641, 104 S.Ct. 3262, 82 L.Ed.2d. 487 (1984); U.S. v. Grace, 461
27 U.S. 171, 103 S.Ct. 1702, 75 L.Ed.2d. 736 (1983); Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 103
28 S.Ct. 948, 74 L.Ed.2d. 794, 9 Ed.Law.Rep. 23, 112 L.R.R.M. (BNA) 2766 (1983); and Matney v. County of Kenosha, 86
29 F.3d. 692 (7th Cir. 1996) (a regulation which imposes a financial burden on speakers because of the content of their speech
30 must be narrowly tailored to achieve a compelling state interest).

31 While the First Amendment does not guarantee the right to employ every conceivable method of communication at all
32 times and in all places, a restriction on expressive activity may be invalid if the remaining modes of communication are
33 inadequate. Members of City Council of City of Los Angeles v. Taxpayers for Vincent, 466 U.S. 789, 104 S.Ct. 2118, 80
34 L.Ed.2d. 772 (1984).

35 Footnote 64. U.S. v. Grace, 461 U.S. 171, 103 S.Ct. 1702, 75 L.Ed.2d. 736 (1983); Perry Educ. Ass'n v. Perry Local
36 Educators' Ass'n, 460 U.S. 37, 103 S.Ct. 948, 74 L.Ed.2d. 794, 9 Ed.Law.Rep. 23, 112 L.R.R.M. (BNA) 2766 (1983);
37 Schad v. Borough of Mount Ephraim, 452 U.S. 61, 101 S.Ct. 2176, 68 L.Ed.2d. 671, 7 Media L. Rep. (BNA) 1426 (1981);
38 Mahoney v. Babbitt, 105 F.3d. 1452 (D.C. Cir. 1997), reh'g denied, 113 F.3d. 219 (D.C. Cir. 1997).

39 Footnote 65. Broadrick v. Oklahoma, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973).

40 Footnote 66. Broadrick v. Oklahoma, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973).

41 While a demonstrably overbroad statute or ordinance may deter the legitimate exercise of First Amendment rights,
42 nevertheless, when considering a facial challenge it is necessary to proceed with caution and restraint, since invalidation
43 may result in unnecessary interference with a state regulatory program; in accommodating these competing interests a state

1 statute should not be deemed facially invalid unless it is not readily subject to a narrowing construction by the courts.
2 *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 95 S.Ct. 2268, 45 L.Ed.2d. 125, 1 Media L. Rep. (BNA) 1508 (1975).

3 Footnote 67. *Dandridge v. Williams*, 397 U.S. 471, 90 S.Ct. 1153, 25 L.Ed.2d. 491 (1970), reh'g denied, 398 U.S. 914, 90
4 S.Ct. 1684, 26 L.Ed.2d. 80 (1970); *Aptheker v. Secretary of State*, 378 U.S. 500, 84 S.Ct. 1659, 12 L.Ed.2d. 992 (1964).

5 Footnote 68. *Eisenstadt v. Baird*, 405 U.S. 438, 92 S.Ct. 1029, 31 L.Ed.2d. 349 (1972) (involving an anticontraceptive
6 statute); *McGautha v. California*, 402 U.S. 183, 91 S.Ct. 1454, 28 L.Ed.2d. 711, 58 Ohio.Op.2d. 243 (1971) (involving
7 definitions in a murder statute).

8 Footnote 69. *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 102 S.Ct. 1186, 71 L.Ed.2d. 362
9 (1982), reh'g denied, 456 U.S. 950, 102 S.Ct. 2023, 72 L.Ed.2d. 476 (1982).

10 Footnote 70. *Bigelow v. Virginia*, 421 U.S. 809, 95 S.Ct. 2222, 44 L.Ed.2d. 600, 1 Media L. Rep. (BNA) 1919 (1975);
11 *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973).

12 Footnote 71. *Parker v. Levy*, 417 U.S. 733, 94 S.Ct. 2547, 41 L.Ed.2d. 439 (1974).

13 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
14 725.

15 Footnote 72. *Parker v. Levy*, 417 U.S. 733, 94 S.Ct. 2547, 41 L.Ed.2d. 439 (1974); *Broadrick v. Oklahoma*, 413 U.S. 601,
16 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973); *U.S. Civil Service Commission v. National Ass'n of Letter Carriers, AFL-CIO*, 413
17 U.S. 548, 93 S.Ct. 2880, 37 L.Ed.2d. 796 (1973).

18 Footnote 73. *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973).

19 A statute will not be struck down as overbroad when limiting its construction could end the statute's chilling effect on
20 protected expression. *Holton v. State*, 602 P.2d. 1228 (Alaska 1979).

21 Footnote 74. *U.S. v. 12 200-Foot Reels of Super 8mm. Film*, 413 U.S. 123, 93 S.Ct. 2665, 37 L.Ed.2d. 500 (1973); *U.S. v.*
22 *Thirty-Seven (37) Photographs*, 402 U.S. 363, 91 S.Ct. 1400, 28 L.Ed.2d. 822, 1 Media L. Rep. (BNA) 1130 (1971), for
23 dissenting opinion, see, 402 U.S. 363, 91 S.Ct. 1416, 28 L.Ed.2d. 822, 1 Media L. Rep. (BNA) 1130 (1971) and reh'g
24 denied, 403 U.S. 924, 91 S.Ct. 2221, 29 L.Ed.2d. 702 (1971).

25 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
26 725 , § 9[a].

27 Footnote 75. *Lewis v. City of New Orleans*, 415 U.S. 130, 94 S.Ct. 970, 39 L.Ed.2d. 214 (1974); *Gooding v. Wilson*, 405
28 U.S. 518, 92 S.Ct. 1103, 31 L.Ed.2d. 408 (1972).

29 A state law prohibiting the possession of nude photographs of minors does not violate the First Amendment on overbreadth
30 grounds, even though the statute proscribes lewd exhibitions of nudity rather than lewd exhibitions of the genitals, and even
31 though the statute does not specify any required mental state, inasmuch as the state supreme court interpreted and narrowed
32 the statute to require a lewd exhibition or to involve graphic focus on the genitals of a person who is neither a child nor
33 ward of the person being charged, and since another state statute required proof of recklessness. *Osborne v. Ohio*, 495 U.S.
34 103, 110 S.Ct. 1691, 109 L.Ed.2d. 98 (1990), reh'g denied, 496 U.S. 913, 110 S.Ct. 2605, 110 L.Ed.2d. 285 (1990).

35 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
36 725.

37 Footnote 76. *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973).

38 Footnote 77. *Arnett v. Kennedy*, 416 U.S. 134, 94 S.Ct. 1633, 40 L.Ed.2d. 15 (1974), reh'g denied, 417 U.S. 977, 94 S.Ct.
39 3187, 41 L.Ed.2d. 1148 (1974); *U.S. v. Thirty-Seven (37) Photographs*, 402 U.S. 363, 91 S.Ct. 1400, 28 L.Ed.2d. 822, 1
40 Media L. Rep. (BNA) 1130 (1971), for dissenting opinion, see, 402 U.S. 363, 91 S.Ct. 1416, 28 L.Ed.2d. 822, 1 Media L.
41 Rep. (BNA) 1130 (1971) and reh'g denied, 403 U.S. 924, 91 S.Ct. 2221, 29 L.Ed.2d. 702 (1971).

1 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
2 725 , § 9[b].

3 Footnote 78. *Lewis v. City of New Orleans*, 415 U.S. 130, 94 S.Ct. 970, 39 L.Ed.2d. 214 (1974).

4 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
5 725 , § 9[c].

6 Footnote 79. *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973); *Law Students Civil Rights*
7 *Research Council, Inc. v. Wadmond*, 401 U.S. 154, 91 S.Ct. 720, 27 L.Ed.2d. 749 (1971).

8 Footnote 80. *Erznoznik v. City of Jacksonville*, 422 U.S. 205, 95 S.Ct. 2268, 45 L.Ed.2d. 125, 1 Media L. Rep. (BNA)
9 1508 (1975); *Lewis v. City of New Orleans*, 415 U.S. 130, 94 S.Ct. 970, 39 L.Ed.2d. 214 (1974); *Plummer v. City of*
10 *Columbus, Ohio*, 414 U.S. 2, 94 S.Ct. 17, 38 L.Ed.2d. 3, 68 Ohio.Op.2d. 78 (1973); *Gooding v. Wilson*, 405 U.S. 518, 92
11 S.Ct. 1103, 31 L.Ed.2d. 408 (1972); *Cox v. State of Louisiana*, 379 U.S. 536, 85 S.Ct. 466, 13 L.Ed.2d. 487 (1965).

12 **11.3.6 Specific fields of legislation**

13 Decisions on the merits of a challenge of overbreadth of legislation affecting First Amendment rights cover a wide range of
14 subject matter, such as legislation directed to: abusive, profane, or otherwise opprobrious language; 81 breach of the peace;
15 82 cable television; 83 courtroom news coverage; 84 denying access to military posts; 85 disorderly or annoying
16 conduct; 86 disrupting a public employee's performance of official duties; 87 disrupting official proceedings; 88
17 distribution of literature and handbills; 89 licensing and license taxes; 90 loyalty oaths and proof; 91 military laws; 92
18 noise abatement; 93 obscene matters; 94 picketing, demonstrations, and protest marches; 95 prison control and
19 management; 96 public employment, including political activities, 97 employment of subversives, 98 subversive
20 activities; 99 public nudity; 1 and miscellaneous other statutes. 2

21

22 **Footnotes**

23 Footnote 81. *Lewis v. City of New Orleans*, 415 U.S. 130, 94 S.Ct. 970, 39 L.Ed.2d. 214 (1974); *Plummer v. City of*
24 *Columbus, Ohio*, 414 U.S. 2, 94 S.Ct. 17, 38 L.Ed.2d. 3, 68 Ohio.Op.2d. 78 (1973); *Gooding v. Wilson*, 405 U.S. 518, 92
25 S.Ct. 1103, 31 L.Ed.2d. 408 (1972); *Street v. New York*, 394 U.S. 576, 89 S.Ct. 1354, 22 L.Ed.2d. 572 (1969).

26 Generally, as to the Supreme Court's view as to the protection or lack of protection, under the Federal Constitution of the
27 utterance of "fighting words," see § 502.

28 Annotation: Supreme Court's views as to overbreadth of legislation in connection with First Amendment rights, 45 L.Ed.2d.
29 725 , §§ 11 et seq.

30 Supreme Court's view as to the protection or lack of protection, under the Federal Constitution, of the utterance of "fighting
31 words," 39 L.Ed.2d. 925.

32 Footnote 82. *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973); *Brown v. State of La.*, 383 U.S.
33 131, 86 S.Ct. 719, 15 L.Ed.2d. 637 (1966); *Cox v. State of Louisiana*, 379 U.S. 536, 85 S.Ct. 466, 13 L.Ed.2d. 487 (1965);
34 *Edwards v. South Carolina*, 372 U.S. 229, 83 S.Ct. 680, 9 L.Ed.2d. 697 (1963).

35 Footnote 83. *Swarner v. U.S.*, 937 F.2d. 1478 (9th Cir. 1991).

36 Footnote 84. *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 96 S.Ct. 2791, 49 L.Ed.2d. 683, 1 Media L. Rep. (BNA) 1064
37 (1976); *Chicago Council of Lawyers v. Bauer*, 522 F.2d. 242, 1 Media L. Rep. (BNA) 1094 (7th Cir. 1975), cert. denied,
38 427 U.S. 912, 96 S.Ct. 3201, 49 L.Ed.2d. 1204 (1976).

39 A local court rule prohibiting the taking of photographs in a courtroom or its environs was not overbroad as applied to the
40 taking of photographs in a parking lot of a two-story federal building housing a post office on the first floor and court
41 facilities on the second floor. *Mazzetti v. U. S.*, 518 F.2d. 781 (10th Cir. 1975).

1 Footnote 85. *Swarner v. U.S.*, 937 F.2d. 1478 (9th Cir. 1991).

2 Footnote 86. *Coates v. City of Cincinnati*, 402 U.S. 611, 91 S.Ct. 1686, 29 L.Ed.2d. 214, 58 Ohio.Op.2d. 481 (1971);
3 *Squire v. Pace*, 516 F.2d. 240 (4th Cir. 1975), cert. denied, 423 U.S. 840, 96 S.Ct. 68, 46 L.Ed.2d. 58 (1975).

4 On the other hand, in the following cases the legislation prohibiting the disorderly conduct described therein was upheld by
5 the Supreme Court against a challenge of overbreadth: *Grayned v. City of Rockford*, 408 U.S. 104, 92 S.Ct. 2294, 33
6 L.Ed.2d. 222 (1972); *Colten v. Kentucky*, 407 U.S. 104, 92 S.Ct. 1953, 32 L.Ed.2d. 584 (1972).

7 Footnote 87. *U.S. v. Brice*, 926 F.2d. 925 (9th Cir. 1991).

8 Footnote 88. *Melugin v. Hames*, 38 F.3d. 1478 (9th Cir. 1994).

9 Footnote 89. *Talley v. California*, 362 U.S. 60, 80 S.Ct. 536, 4 L.Ed.2d. 559 (1960); *Martin v. City of Struthers, Ohio*, 319
10 U.S. 141, 63 S.Ct. 862, 87 L.Ed. 1313 (1943), for dissenting opinion, see, 319 U.S. 157, 63 S.Ct. 882, 87 L.Ed. 1324
11 (1943).

12 Where a minister of a religious group who was prevented from distributing free religious literature at the Los Angeles
13 International Airport brought suit challenging a resolution of the board of airport commissioners banning all "First
14 Amendment activities" within the "Central Terminal Area" at the airport, the Supreme Court held that the resolution was
15 facially unconstitutional under the First Amendment overbreadth doctrine, regardless of whether the airport was considered
16 a nonpublic forum or not, because no conceivable governmental interest could justify such an absolute prohibition of
17 speech. *Board of Airport Com'rs of City of Los Angeles v. Jews for Jesus, Inc.*, 482 U.S. 569, 107 S.Ct. 2568, 96 L.Ed.2d.
18 500 (1987).

19 Footnote 90. *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 72 S.Ct. 777, 96 L.Ed. 1098, 1 Media L. Rep. (BNA) 1357
20 (1952); *Saia v. People of State of New York*, 334 U.S. 558, 68 S.Ct. 1148, 92 L.Ed. 1574 (1948); *Murdock v. Com. of*
21 *Pennsylvania*, 319 U.S. 105, 63 S.Ct. 870, 87 L.Ed. 1292, 146 A.L.R. 81 (1943), for dissenting opinion, see, 319 U.S. 157,
22 63 S.Ct. 882, 87 L.Ed. 1324 (1943) and for dissenting opinion, see, 319 U.S. 105, 63 S.Ct. 891, 87 L.Ed. 1292 (1943).

23 Footnote 91. *Communist Party of Indiana v. Whitcomb*, 414 U.S. 441, 94 S.Ct. 656, 38 L.Ed.2d. 635 (1974), reh'g denied,
24 415 U.S. 952, 94 S.Ct. 1476, 39 L.Ed.2d. 568 (1974); *Elfbrandt v. Russell*, 384 U.S. 11, 86 S.Ct. 1238, 16 L.Ed.2d. 321
25 (1966).

26 On the other hand, the New York system for screening applicants for admission to the New York Bar was unsuccessfully
27 challenged, primarily on First Amendment vagueness and overbreadth grounds, in *Law Students Civil Rights Research*
28 *Council, Inc. v. Wadmond*, 401 U.S. 154, 91 S.Ct. 720, 27 L.Ed.2d. 749 (1971).

29 The non-Communist affidavit provision of the Labor Management Relations Act (29 U.S.C.A. §159(h)), was upheld in
30 *American Communications Ass'n, C.I.O., v. Douds*, 339 U.S. 382, 70 S.Ct. 674, 94 L.Ed. 925 (1950), reh'g denied, 339
31 U.S. 990, 70 S.Ct. 1017, 94 L.Ed. 1391 (1950) and reh'g denied, 339 U.S. 990, 70 S.Ct. 1017, 94 L.Ed. 1391 (1950).

32 Footnote 92. *Secretary of Navy v. Avrech*, 418 U.S. 676, 94 S.Ct. 3039, 41 L.Ed.2d. 1033 (1974), reh'g denied, 419 U.S.
33 885, 95 S.Ct. 156, 42 L.Ed.2d. 129 (1974); *Parker v. Levy*, 417 U.S. 733, 94 S.Ct. 2547, 41 L.Ed.2d. 439 (1974).

34 Footnote 93. *Reeves v. McConn*, 631 F.2d. 377 (5th Cir. 1980), reh'g denied, 638 F.2d. 762 (5th Cir. 1981) (a municipal
35 ordinance which prohibits operation of any sound amplification equipment with excess of 20 watts of power in the last
36 stage of amplification is unconstitutionally overbroad to the extent that amplification is limited absent any showing that
37 sound amplification in excess of 20 watts is disruptive).

38 Footnote 94. *U.S. v. Orito*, 413 U.S. 139, 93 S.Ct. 2674, 37 L.Ed.2d. 513 (1973).

39 Footnote 95. *Madsen v. Women's Health Center, Inc.*, 512 U.S. 753, 114 S.Ct. 2516, 129 L.Ed.2d. 593 (1994) (by
40 restraining antiabortion protesters from using images observable to the patients inside an abortion clinic, a state court
41 injunction burdened more speech than was necessary to achieve the purpose of limiting threats to clinic patients or their
42 families or to reduce the level of anxiety and hypertension suffered by patients inside the clinic; nothing more than pulling

the curtains was required to avoid seeing placards through the windows of the clinic); *Howard Gault Co. v. Texas Rural Legal Aid, Inc.*, 848 F.2d. 544, 128 L.R.R.M. (BNA) 2890, 109 Lab. Cas. (CCH) ¶ 55908 (5th Cir. 1988).

A District of Columbia provision which prohibited signs or displays critical of foreign governments within 500 feet of their embassies, although not viewpoint-based, was a content-based restriction on political speech in a public forum, which was not narrowly tailored to serve a compelling state interest and thus violated the First Amendment. *Boos v. Barry*, 485 U.S. 312, 108 S.Ct. 1157, 99 L.Ed.2d. 333 (1988).

Activities such as demonstrations, protest marches, and picketing are protected by the First Amendment. *Collins v. Jordan*, 102 F.3d. 406 (9th Cir. 1996).

Annotation: Governmental regulation of nonlabor picketing as violating freedom of speech or press under Federal Constitution's First Amendment—Supreme Court cases, 101 L.Ed.2d. 1052.

Validity, construction, and application of Freedom of Access to Clinic Entrances Act (FACE) (18 U.S.C.S. §248), 134 A.L.R. Fed. 507.

Law Reviews: Elliott, Madsen v. Women's Health Center, Inc.: Heightened Scrutiny for Injunctions Implicating First Amendment Freedoms. 24 Cap.U.L.R. 457, 1995.

Kelly, Silencing the Lambs: Restricting the First Amendment Rights of Abortion Clinic Protestors in Madsen v. Women's Health Center. 68 S.Cal.LR 427, January, 1995.

Footnote 96. *U.S. v. Berrigan*, 482 F.2d. 171, 21 A.L.R. Fed. 105 (3d Cir. 1973).

Footnote 97. *Broadrick v. Oklahoma*, 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d. 830 (1973); *U.S. Civil Service Commission v. National Ass'n of Letter Carriers, AFL-CIO*, 413 U.S. 548, 93 S.Ct. 2880, 37 L.Ed.2d. 796 (1973).

Footnote 98. *Keyishian v. Board of Regents of University of State of N.Y.*, 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d. 629 (1967); *Shelton v. Tucker*, 364 U.S. 479, 81 S.Ct. 247, 5 L.Ed.2d. 231 (1960).

See also *Elfbrandt v. Russell*, 384 U.S. 11, 86 S.Ct. 1238, 16 L.Ed.2d. 321 (1966) , where a state statute requiring state employees to take a loyalty oath was voided by the court, apparently on grounds of overbreadth.

Footnote 99. *Brandenburg v. Ohio*, 395 U.S. 444, 89 S.Ct. 1827, 23 L.Ed.2d. 430, 48 Ohio.Op.2d. 320 (1969); *U.S. v. Robel*, 389 U.S. 258, 88 S.Ct. 419, 19 L.Ed.2d. 508 (1967).

On the other hand, the federal statutes punishing the advocacy of the overthrow of the government (18 U.S.C.A. §2385) and advising or urging of disloyalty by members of the armed forces (18 U.S.C.A. §2387) have been upheld as against claims that they were overbroad. *Dunne v. U. S.*, 138 F.2d. 137 (C.C.A. 8th Cir. 1943), cert. denied, 320 U.S. 790, 64 S.Ct. 205, 88 L.Ed. 476 (1943), reh'g denied, 320 U.S. 814, 64 S.Ct. 260, 88 L.Ed. 492 (1943) and reh'g denied, 320 U.S. 815, 64 S.Ct. 426, 88 L.Ed. 493 (1944).

Law Reviews: Wirenius, The Road to Brandenburg: A Look at the Evolving Understanding of the First Amendment. 43 Drake.LR. 1, 1994.

Footnote 1. *Triplett Grille, Inc. v. City of Akron*, 40 F.3d. 129, 1994 FED.App. 386P (6th Cir. 1994); *Dodger's Bar & Grill, Inc. v. Johnson County Bd. of County Com'rs*, 32 F.3d. 1436 (10th Cir. 1994).

Footnote 2. Challenges based on overbreadth were sustained as to:

—a federal statute (18 U.S.C.A. §1718) punishing persons for writing libelous and defamatory words on the outside of envelopes, or on postcards. *Tollett v. U. S.*, 485 F.2d. 1087 (8th Cir. 1973).

—an ordinance making it unlawful to encumber or obstruct any street with any article or thing whatsoever. *People v. Katz*, 21 N.Y.2d 132, 286 N.Y.S.2d 839, 233 N.E.2d 845 (1967).

On the other hand, challenges based on overbreadth were rejected as to:

–the provisions of the Federal Election Campaign Act of 1971 (18 U.S.C.A. §608(b)(1)) imposing a \$1,000 limitation on contributions by individuals and groups to any single candidate with respect to any election for federal office. *Buckley v. Valeo*, 424 U.S. 1, 96 S.Ct. 612, 46 L.Ed.2d. 659, 76-1 U.S. Tax Cas. (CCH) ¶ 9189 (1976).

–a federal statute concerning imparting false information concerning an alleged attempt to be made to commit air piracy. *U.S. v. Irving*, 509 F.2d. 1325 (5th Cir. 1975), cert. denied, 423 U.S. 931, 96 S.Ct. 281, 46 L.Ed.2d. 259 (1975).

–a statute extending juvenile court jurisdiction over incorrigible children. *Blondheim v. State*, 84 Wash.2d. 874, 529 P.2d. 1096 (1975).

–a statute punishing "terroristic threats" or acts. *Lanthrip v. State*, 235 Ga. 10, 218 S.E.2d. 771 (1975).

11.4 Preventing the enforcement of perjury statements and ALL civil franchises against you in court

All franchises are LOANS rather than GIFTS of money, property, or services. That's what a "privilege" is: a loan of government property WITH conditions. Perjury statements on government forms that you signed are the main method abused by the government to establish franchises and to "selectively enforce" against those who don't want to participate in, subsidize, or permit the enforcement of government franchises against them. It is very important to understand how to prevent these abuses and that is the focus of this section.

Criminal perjury at the federal level is enforced under the authority of 18 U.S.C. §§1001, 1542, and 1621. Criminal perjury is very difficult to prosecute and infrequently prosecuted because like other crimes, they require the government to prove mens rea. Mens rea in the context of criminal perjury requires them to prove that:

1. You KNEW the statement contained a factual falsehood.
2. That falsehood would or did result in a direct, quantifiable injury to a specific person. In other words, the falsehood was "material" to an injury:

MATERIAL. Important; more or less necessary; having influence or effect; going to the merits; having to do with matter, as distinguished from form.

Representation relating to matter which is so substantial and important as to influence party to whom made is "material." McGuire v. Gunn, 133 Kan. 422, 300 P. 654, 656. Any misrepresentation bringing about issuance of policy on reduced premium rate is "material." Brooks Transp. Co. v. Merchants' Mut. Casualty Co., 6 W.W.Harr. 40, 171 A. 207.

[Black's Law Dictionary, Fourth Edition, p. 1128]

MATERIAL EVIDENCE. Such as is relevant and goes to the substantial matters in dispute, or has a legitimate and effective influence or bearing on the decision of the case. Porter v. Valentine, 18 Misc. 213, 41 N.Y.S. 507; Connecticut Fire Ins. Co. of Hartford, Conn., v. George, 52 Okl. 432, 153 P. 116, 119. "Materiality," with reference to evidence does not have the same signification as "relevancy." Pangburn v. State, Tex.Cr.App., 56 S.W. 72, 73.

[Black's Law Dictionary, Fourth Edition, p. 1128]

3. The injured party was physically on territory under the exclusive jurisdiction of the national government, meaning federal territory. All law is prima facie territorial.

In order to establish the above elements of a valid claim of criminal perjury in the context of a government civil statutory franchise, the government must FIRST have provided commercial money, property, or services to the recipient that they were typically NOT eligible for, and the perjury by the recipient was intended to falsely establish that they WERE eligible. Otherwise, there could be no "damages" that could be recovered and the government would have no "standing" to sue. Lack of standing under Federal Rule of Civil Procedure 12(b)(6) is the most frequently cited authority for dismissing such a case.

Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing

(b) How to Present Defenses.

Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:

- (1) lack of subject-matter jurisdiction;
- (2) lack of personal jurisdiction;
- (3) improper venue;
- (4) insufficient process;
- (5) insufficient service of process;
- (6) failure to state a claim upon which relief can be granted; and**
- (7) failure to join a party under Rule 19.

A motion asserting any of these defenses must be made before pleading if a responsive pleading is allowed. If a pleading sets out a claim for relief that does not require a responsive pleading, an opposing party may assert at trial any defense to that claim. No defense or objection is waived by joining it with one or more other defenses or objections in a responsive pleading or in a motion.

[SOURCE: https://www.law.cornell.edu/rules/frcp/rule_12/]

Therefore, in order to PREVENT or DEFEAT criminal perjury under a civil statutory franchise enforcement proceeding, the defendant needs to do use the following:

1. Define all critical terms on every government form when submitted.
 - 1.1. This is already done for those who are compliant members in the following mandatory submissions they sent to the government when joining:
 - 1.1.1. Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001
<http://sedm.org/Forms/FormIndex.htm>
 - 1.1.2. Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>
 - 1.2. If you haven't sent in the above forms, you can use the following primary attachments for individual applications:
 - 1.2.1. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001
<http://sedm.org/Forms/FormIndex.htm>
 - 1.2.2. Tax Form Attachment, Form #04.201
<http://sedm.org/Forms/FormIndex.htm>
2. If the form was already submitted without definitions, mail in an addendum after the fact using the forms mentioned in the previous step 1.
3. In the definition, state that:
 - 3.1. The terms are EXCLUDE all STATUTORY contexts and include ONLY YOUR definitions or, if you didn't define it, the ORDINARY/PRIVATE meaning.
 - 3.2. The application is a request for a RETURN of funds ALREADY paid to the government and loaned temporarily to them WITH CONDITIONS AND COVENANTS ATTACHED. Those CONDITIONS AND COVENANTS are documented in:

Injury Defense Franchise and Agreement, Form #06.027
<http://sedm.org/Forms/FormIndex.htm>
 - 3.3. The government is not returning property that it OWNS, but rather property it is holding as a custodian that is and always WAS owned by the recipient.
 - 3.4. The money, property, or services provided by you were not paid as a "tax" as that term is statutorily defined, but rather a LOAN from you to them.
 - 3.5. Any government form or application containing the alleged perjury statement is rendered FALSE, FRAUDULENT, AND/OR PERJURIOUS BY THE GOVERNMENT RECIPIENT if the attachment or changes to it containing the covenant and/or definitions is either redacted or removed.
 - 3.6. The above approach is an implementation of your First Amendment right to practice your religion. God commands believers to owe nothing to no one and to be a LENDER but not a BORROWER to all "nations". By "nations" He can only mean "governments". See Romans 13:8, Deut. 15:6, and Deut. 28:12.

REMEMBER, as we say in our Path to Freedom, Form #09.015, Section 5.7:

"He who writes the rules OR the definitions ALWAYS WINS!"

1 The above tactic is PRECISELY HOW the government, in fact, ensures that IT wins against the public, and therefore YOU
2 must emulate their behavior. Furthermore, under the concept of equal protection and equal treatment, the government
3 MUST allow you to do so. Otherwise, they have implemented the equivalent of a civil religion in which THEY are the
4 pagan “god” being worshipped. That religion is exhaustively described in Socialism: The New American Civil Religion,
5 Form #05.016.

6 Using the above tactic makes it literally impossible for the government to prosecute any franchise or tax crime against you.
7 It also forces the government to fight against itself and disprove its own enforcement authority. After all, if they want to
8 claim that YOU can’t do it, then indirectly neither can THEY under the concept of equal protection and equal treatment.
9 This is the Sun Tzu approach: Use your enemy’s greatest strength against them! You are using your OWN franchises to
10 fight THEIR franchises, and recruiting them to YOUR franchises by EXACTLY the same method as they are recruiting
11 you! All franchises are LOANS rather than GIFTS or PAYMENTS of property. As long as you never give up ownership
12 of your PRIVATE property and everything you give them remains YOURS loaned with CONDITIONS, then you remain
13 the Merchant, they remain the Buyer, and you can NEVER owe them ANYTHING.

14 “Owe no one anything except to love one another, for he who loves another has fulfilled the law.”
15 [Romans 13:8, Bible, NKJV]

16 “For the Lord your God will bless you just as He promised you; you shall lend to many nations, but you shall
17 not borrow; you shall reign over many nations, but they shall not reign over you.”
18 [Deut. 15:6, Bible, NKJV]

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

22 The above scriptures are COMMANDMENTS direct from God. They are therefore a religious practice protected by the
23 First Amendment. Any attempt to actively interfere with the above religious practice is a violation of the First Amendment
24 AND possibly even a crime.

25 Some in the government might claim that this is an “unfair” tactic, but in fact, if it is UNFAIR, it is EQUALLY unfair for
26 the government to use it! And if they can’t use it, they can’t offer or enforce ANY franchise, including the ENTIRE civil
27 code, against anyone, because that is what it is BASED on! See:

- 28 1. Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
29 <http://sedm.org/Forms/FormIndex.htm>
- 30 2. Government Instituted Slavery Using Franchises, Form #05.030
31 <http://sedm.org/Forms/FormIndex.htm>

32 For further authorities on perjury, see:

33 <u>Sovereignty Forms and Instructions Online</u> , Form #10.004, Cites by Topic: “perjury” http://famguardian.org/TaxFreedom/CitesByTopic/perjury.htm
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33 For a more detailed explanation of this approach, see:

34 <u>Path to Freedom</u> , Form #09.015, Sections 5.4 through 5.7 35 http://sedm.org/Forms/FormIndex.htm
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36 **11.5 Legal Constraints Upon the Meaning and Interpretation of All “Terms” Used by All** 37 **Parties Throughout All Pleadings, Motions, and Orders Filed in This Proceeding**

38 In the interests of justice, and to prevent abusive verbicide using “words of art” by government opponent and the court, the
39 following subsections hereby conclusively establish the rules for construction and interpretation of legal “terms” and
40 definitions, and the meaning of such terms when the *specific* and inclusive definition is NOT provided by the speaker.
41 These presumptions shall apply to ALL FUTURE PLEADINGS throughout this FRAUDULENT action by the
government. The intent and spirit of these prescriptions is motivated by the Founding Fathers themselves and other famous
personalities, who said of this MOST IMPORTANT subject the following:

Federal Jurisdiction

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 05.018, Rev. 10-30-2014

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

10
11 "Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our
12 government of laws with a judicial oligarchy."
13 [Senator Sam Ervin, during Watergate hearing]

14
15 "When words lose their meaning, people will lose their liberty."
16 [Confucius, 500 B.C.]

17
18 "Every nation, consequently, whose affairs betray a want of wisdom and stability, may calculate on every loss
19 which can be sustained from the more systematic policy of their wiser neighbors. But the best instruction on this
20 subject is unhappily conveyed to America by the example of her own situation. She finds that she is held in no
21 respect by her friends; that she is the derision of her enemies; and that she is a prey to every nation which
22 has an interest in speculating on her fluctuating councils and embarrassed affairs.

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

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

36 **11.6 Rules of Statutory Construction and Interpretation**

37 For the purpose of all "terms" used by the government, myself, and the Court, the following rules of statutory construction
38 and interpretation shall apply.

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

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

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

49 "This fact only underscores our duty to refrain from reading a phrase into the statute when Congress has left it
50 out. " [W]here Congress includes particular language in one section of a statute but omits it in another ..., it is
51 generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"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)]

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

*The Schlesinger Case has since been applied many times by the lower federal courts, by the Board of Tax Appeals, and by state courts,⁶⁰ and none of them seem to have been **361 at any loss to understand the basis of the decision, namely, that a statute which imposes a tax upon an assumption of fact which the taxpayer is forbidden to controvert is so arbitrary and unreasonable that it cannot stand under the Fourteenth Amendment.*

[. . .]

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

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

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

26 U.S.C. Sec. 7701(c) INCLUDES AND INCLUDING.

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

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

⁶⁰ See, for example, Hall v. White (D. C.) 48 F.(2d) 1060; Donnan v. Heiner (D. C.) 48 F.(2d) 1058 (the present case); Guinzburg v. Anderson (D. C.) F. (2d) 592; American Security & Trust Co. et al., Executors, 24 B. T. A. 334; State Tax Commission v. Robinson's Executor, 234 Ky. 415, 28 S.W.(2d) 491 (involving a three-year period).

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

3 “*Expressio unius est exclusio alterius*. A maxim of statutory interpretation meaning that **the expression of one**
4 **thing is the exclusion of another**. *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,
5 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons**
6 **or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be**
7 **inferred**. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects
8 of a certain provision, other exceptions or effects are excluded.”
9 [Black’s Law Dictionary, Sixth Edition, p. 581]

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

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

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

20 12.1. “110 The term “state” includes a territory or possession of the United States.”

21 12.2. “121 In addition to the definition found in section 110 earlier, the term “state” includes a state of the Union.”

- 22 13. Statutes that do not specifically identify ALL of the things or classes of things or persons to whom they apply are
23 considered “void for vagueness” because they fail to give “reasonable notice” to the reader of all the behaviors that are
24 prohibited and compel readers to make presumptions or to guess at their meaning.

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

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

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

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

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

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

52 For additional authorities similar to those above, see: *Spreckles Sugar Refining Co. v. McClain*, 192 U.S. 397, 416 (1904);
53 *Smietanka v. First Trust & Savings Bank*, 257 U.S. 602, 606 (1922); *Lucas v. Alexander*, 279 U.S. 573, 577 (1929);

Crooks v. Harrelson, 282 U.S. 55 (1930); *Burnet v. Niagra Falls Brewing Co.*, 282 U.S. 648, 654 (1931); *Miller v. Standard Nut Margarine Co.*, 284 U.S. 498, 508 (1932); *Gregory v. Helvering*, 293 U.S. 465, 469 (1935); *Hassett v. Welch*, 303 U.S. 303, 314 (1938); *U.S. v. Batchelder*, 442 U.S. 114, 123 (1978); *Security Bank of Minnesota v. CIA*, 994 F.2d. 432, 436 (CA8 1993).

16. **Ejusdem Generis Rule:** 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

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

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

"**Ejusdem generis.** 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*, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.

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

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

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

"It is not to be denied that argumentative skill, as was shown at the Bar, could persuasively and not unreasonably reach either of the conflicting constructions. About only one aspect of the problem can one be dogmatic. When Congress has the will it has no difficulty in expressing it - when it has the will, that is, of defining what it desires to make the unit of prosecution and, more particularly, to make each stick in a faggot a single criminal unit. When Congress leaves to the Judiciary the task of imputing to Congress an undeclared will, the ambiguity should be resolved in favor of lenity. And this not out of any sentimental consideration, or for want of sympathy with the purpose of Congress in proscribing evil or antisocial conduct. It may fairly be said to be a presupposition of our law to resolve doubts in the enforcement of a penal code against the imposition of a harsher punishment. This in no wise implies that language used in criminal statutes should not be read with the saving grace of common sense with which other enactments, not cast in technical language, are to be read. Nor does it assume that offenders against the law carefully read the penal [349 U.S. 81, 84] code before they embark on crime. It merely means that if Congress does not fix the punishment for a federal offense clearly and without ambiguity, doubt will be resolved against turning a single transaction into multiple offenses, when we have no more to go on than the present case furnishes."
[*Bell v. United States*, 349 U.S. 81 (1955)]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

11.7 Presumptions about the Meaning of Terms

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

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

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

11.7.1 Meaning of specific terms

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

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

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

1. [Oreilly Factor, April 8, 2015](http://famguardian1.org/Mirror/Famguardian/20150408_1958-The_O'Reilly_Factor-Dealing%20with%20slanderous%20liberals%20biblically-Everett%20Piper.mp4), John Piper of the Oklahoma Wesleyan University
2. [Overcoming the World 2014 Conference: Against the World](https://sedm.org/Media/Ligioneer-OvercomingTheWorld2014-Against%20the%20World-15-24-Language.mp4), Ligonier Ministries. [Click here](#) for original source, minutes 15-24.
3. [Kingdom Bible Studies, Lesson 1: WHO'S WHO?-The Correct Meaning of Names](https://sheldonemrylibrary.famguardian.org/BibleStudyCourses/KBS-1.pdf), Sheldon Emry Memorial Library
4. [Kingdom Bible Studies, Lesson 2: WHO's WHO?-Understanding Word Meanings](https://sheldonemrylibrary.famguardian.org/BibleStudyCourses/KBS-2.pdf), Sheldon Emry Memorial Library
5. [Words are Our Enemies' Weapons, Part 1](http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603a.mp3), Sheldon Emry
6. [Words are Our Enemies' Weapons, Part 2](http://sheldonemrylibrary.famguardian.org/CassetteTapedMessages/1976/7603b.mp3), Sheldon Emry
7. [Roman Catholicism and the Battle Over Words](https://youtu.be/uxmEK1RGJQc), Ligonier Ministries
8. [The Keys to Freedom](https://youtu.be/rYIDRxDU5mw), Bob Hamp

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

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

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

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

11.7.1.1 **Human**

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

11.7.1.2 **"Should", "Shall", "Must", "We Recommend"**

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

11.7.1.3 **Private**

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

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

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

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

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

1
2
3 *"Is it a franchise? **A franchise is said to be a right reserved to the people by the constitution, as the elective***
4 ***franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more***
5 ***individuals, as a public office.** Corporations, or bodies politic are the most usual franchises known to our*
6 *laws. In England they are very numerous, and are defined to be royal privileges in the hands of a subject. An*
7 *information will lie in many cases growing out of these grants, especially where corporations are concerned, as*
8 *by the statute of 9 Anne, ch. 20, and in which the public have an interest. In 1 Strange R. (The King v. Sir*
9 *William Louthier,) it was held that an information of this kind did not lie in the case of private rights, where no*
franchise of the crown has been invaded.

10
11 *If this is so--if in England a privilege existing in a subject, which the king alone could grant, constitutes it a*
12 *franchise--in this country, under our institutions, **a privilege or immunity of a public nature, which could not***
13 ***be exercised without a legislative grant, would also be a franchise.**"*
[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

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

16
17 *"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have*
18 *been carried over from the law of Great Britain, and recur constantly either as such or in equivalent*
19 *expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and*
20 *originally signified a peculiar right or private law conceded to particular persons or places **whereby a certain***
21 ***individual or class of individuals was exempted from the rigor of the common law.** Privilege or immunity*
22 *is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights,*
23 *authorizing him to enjoy some particular advantage or exemption. "*
24 *[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10; SOURCE:*
25 *http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf*
]

26
27 *See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien,*
28 *"Privileges and Immunities of Citizens of the United States," in Columbia University Studies in History,*
Economics, and Public Law, vol. 54, p. 31.

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

34
35 *"No servant [or government or biological person] can serve **two masters**; for either he will hate the one and*
36 *love the other, or else he will be loyal to the one and despise the other. **You cannot serve God and mammon***
37 *[government]."*
[Luke 16:13, Bible, NKJV]

38 **11.7.1.4 Government**

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

46
47 *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*
48 *exercised in behalf of the government or of all citizens who may need the intervention of the officer. [1]*
49 ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level***
50 ***of government, and whatever be their private vocations, are trustees of the people, and accordingly labor***
51 ***under every disability and prohibition imposed by law upon trustees relative to the making of personal***
52 ***financial gain from a discharge of their trusts.** [2] **That is, a public officer occupies a fiduciary relationship***
53 ***to the political entity on whose behalf he or she serves.** [3] **and owes a fiduciary duty to the public.** [4] **It***
54 ***has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private***
***individual.** 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 [PRIVATE] rights is against public policy. [5]"
[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

FOOTNOTES:

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

[2] *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.

[3] *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.

[4] *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).

[5] *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.

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

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

1. Any type of [LEGAL DECEPTION, Form #05.014](#).
2. Every attempt to insulate government workers from responsibility or accountability for their false or misleading statements ([Form #05.014](#) and [Form #12.021 Video 4](#)), forms, or publications ([Form #05.007](#) and [Form #12.023](#)).
3. Every attempt to offer or enforce civil franchise statutes against anyone OTHER than public officers ALREADY in the government. Civil franchises cannot and should not be used to CREATE new public offices, but to add duties to EXISTING public officers who are ALREADY lawfully elected or appointed.. See [Form #05.030](#).
4. Every attempt to commit identity theft by legally kidnapping [CONSTITUTIONAL state domiciled parties](#) onto federal territory or into the "United States" federal corporation as public officers. [Form #05.046](#).
5. Every attempt to offer or enforce any kind of franchise within a CONSTITUTIONAL state. See [Form #05.030](#).
6. Every attempt to entice people to give up an inalienable CONSTITUTIONAL right in exchange for a franchise privilege. See [Form #05.030](#).
7. Every attempt to use the police to enforce civil franchises or civil penalties. Police power can be lawfully used ONLY to enforce the criminal law. Any other use, and especially for revenue collection, is akin to sticking people up at gunpoint. See [Form #12.022](#).
8. Every attempt at CIVIL asset forfeiture to police in the conduct of CRIMINAL enforcement. This merely creates a criminal conflict of interest in police and makes them into CIVIL revenue collectors who seek primarily their own enrichment. See [Form #12.022](#).
9. Every attempt to compel or penalize anyone to declare a specific civil status on a government form that is signed under penalty of perjury. That is criminal witness tampering and the IRS does it all the time.
10. Every attempt to call something voluntary and yet to refuse to offer forms and procedures to unvolunteer. This is criminal FRAUD. Congressmen call income taxes voluntary all the time but the IRS refuses to even recognize or help anyone who is a "nontaxpayer". See [Exhibit #05.051](#).

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

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

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

1. The States cannot offer THEIR taxable franchises within federal territory and the FEDERAL government may not establish taxable franchises within the territorial borders of the states. This limitation was acknowledged by the U.S. Supreme Court in the [License Tax Cases, 72 U.S. 462 \(1866\)](#) and continues to this day but is UNCONSTITUTIONALLY ignored more by fiat and practice than by law.
2. Has the administrative burden of proof IN WRITING to prove to a common law jury of your peers that you CONSENTED in writing to the CIVIL service or offering before they may COMMENCE administrative enforcement of any kind against you. Such administrative enforcement includes, but is not limited to administrative liens, administrative levies, administrative summons, or contacting third parties about you. This ensures that you CANNOT become the unlawful victim of a [USUALLY FALSE PRESUMPTION \(Form #05.017\)](#) about your [CIVIL STATUS \(Form #13.008\)](#) that ultimately leads to [CRIMINAL IDENTITY THEFT \(Form #05.046\)](#). The decision maker on whether you have CONSENTED should NOT be anyone in the AGENCY that administers the service or benefit and should NEVER be ADMINISTRATIVE. It should be JUDICIAL.
3. Judges making decisions about the payment of any CIVIL SERVICE fee may NOT participate in ANY of the programs they are deciding on and may NOT be "taxpayers" under the I.R.C. Subtitle A Income tax. This creates a criminal financial conflict of interest that denies due process to all those who are targeted for enforcement. This sort of corruption was abused to unlawfully expand the income tax and the Social Security program OUTSIDE of their [lawful territorial extent \(Form #05.018\)](#). See [Lucas v. Earl, 281 U.S. 111 \(1930\)](#), [O'Malley v. Woodrough, 307 U.S. 277 \(1939\)](#) and later in [Hatter v. U.S., 532 U.S. 557 \(2001\)](#).
4. EVERY CIVIL service offered by any government MUST be subject to choice and competition, in order to ensure accountability and efficiency in delivering the service. This INCLUDES the minting of substance based currency. The government should NOT have a monopoly on ANY service, including money or even the postal service. All such monopolies are inevitably abused to institute duress and destroy the autonomy and sovereignty and EQUALTY of everyone else.
5. CANNOT "bundle" any service with any other in order to FORCE you to buy MORE services than you want. Bundling removes choice and autonomy and constitutes biblical "usury". For instance, it CANNOT:

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

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

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

[[Matt. 20:25-28](#), Bible, NKJV]

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

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

11.7.1.5 Civil Status

The term "[civil status](#)" describes the process by which human beings become "persons" under civil statutory law. It is what the courts call a "[res](#)" which gives them civil control over you under one of three different systems of civil law. Civil status is VERY important, because it is the source of civil statutory jurisdiction of courts over you and their right to "personal jurisdiction" over you. It also describes how your actions affect "choice of law" and your "status" in any court cases you bring. Human beings who are "sovereign" in fact:

1. Have no "[civil status](#)" under statutory law.
2. Only have a "[civil status](#)" under the constitution and the common law.

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

Are You an “Idiot”?, Sovereignty Education and Defense Ministry (SEDM)
<https://sedm.org/are-you-an-idiot-we-are/>
- 7 7. Understand the distinctions between PUBLIC and PRIVATE and maintain absolute separation between the two in all
8 their interactions with any so-called “government”. They ensure that all of their property remains absolutely owned and
9 exclusively private. Thus, they can control and dictate all uses and everyone who wants to take or control it. See:

Separation Between Public and Private Course, Form #12.025
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
- 10 8. Civilly govern themselves without external interference, except possibly of common law and criminal courts.
- 11 9. Replace the civil statutory protection franchise with private contracts and franchises of their own for everyone they do
12 business with, thus rendering “civil services” on the part of organized governments irrelevant and unnecessary. For a
13 definition of “civil services”, see the definition in our Disclaimer, Section 4.6. In that sense they have FIRED the
14 government from a civil perspective and retain all of their God given inalienable rights. All rights reserved, U.C.C.
15 §1-308.
- 16 10. Are governed mainly by the “civil laws” found in the Holy Bible. This is a protected First Amendment right to practice
17 their religion.

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

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

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

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

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

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

31 "civil status" is further discussed in:

- 32 1. *Civil Status (Important!)*, SEDM-Article under "Litigation->Civil Status (Important!)-SEDM on the SEDM menus
33 <https://sedm.org/litigation-main/civil-status/>
- 34 2. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008
35 <https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
- 36 3. *Proof That There Is a “Straw Man”*, Form #05.042-SEDM
37 <https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>
- 38 4. *Legal Fictions*, Form #09.071-SEDM
39 <https://sedm.org/Forms/09-Procs/LegalFictions.pdf>

40 11.7.1.6 Civil Service

Federal Jurisdiction

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 05.018, Rev. 10-30-2014

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

1. Police.
2. Military.
3. Jails.
4. Criminal court.
5. Common law court.

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

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

11.7.1.7 Common Law

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

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

It is the duty of all CONSTITUTIONAL courts in the JUDICIAL branch to provide remedy for the protection of such rights when violated, even if there is no statute authorizing a remedy. This is a consequence of the oath that all judges IN CONSTITUTIONAL COURTS take to "support and defend the constitution against all enemies, foreign and domestic", whether state or federal. Franchise judges in the LEGISLATIVE or EXECUTIVE branch don't have to take this oath and often ACTIVELY INTERFERE with any attempt by private litigants to invoke or enforce constitutional rights. That sort of behavior would be TREASON in a CONSTITUTIONAL court. Franchise courts act in essence as binding arbitration boards for people in temporary possession, custody, or control of absolutely owned government property which is dispensed with legal strings attached called "franchises". These courts preside by the CONSENT of those who accept the property or "benefit" that the franchise court is charged with managing, such as "licenses", "permits", or government "benefits". Examples of "legislative franchise courts" include:

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

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

Government Instituted Slavery Using Franchises, Form #05.030

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

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

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. "

[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities [within juries] and officials [and CIVIL STATUTES, Form #05.037] and to establish them as legal principles to be applied by the courts [using the COMMON LAW rather than CIVIL STATUTES, Form #05.037]. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote [of a JURY OR an ELECTOR]; they depend on the outcome of no elections."

[West Virginia Bd. of Ed. v. Barnett, 319 U.S. 624, 638 (1943); SOURCE: https://scholar.google.com/scholar_case?case=8030119134463419441]

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

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

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

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

1. An attempt to accomplish the OPPOSITE purpose for why government was created, which was to protect PRIVATE property and PRIVATE rights.
2. An attempt to denigrate, demoralize, oppress, and enslave (Thirteenth Amendment) litigants before them who are litigating against any government for a violation of those rights.
3. An attempt to maliciously abuse legal process to institute peonage and slavery in violation of 18 U.S.C. §1589.
4. A selective REPEAL of a portion of the CONSTITUTIONAL common law.
5. A selective REPEAL of the portion of the Bill of Rights that forms the STANDING of the party to sue in court.
6. A violation of the judicial oath to support and defend the Constitution against all enemies, foreign and domestic.
7. Treason punishable by death under 18 U.S.C. §2381.
8. A violation of the Separation of Powers Doctrine, because by SELECTIVELY REPEALING a portion of the constitution or constitutional common law, they in effect are acting in a "legislative capacity" as a member of the Legislative or Executive Branch, not as judges.⁶¹
9. Destroying ANY and ALL possibility of freedom or liberty itself, according to the man who DESIGNED the three-branch system of Republic Government and Separation of Powers:

⁶¹ See: *Government Conspiracy to Destroy the Separation of Powers*, Form #05.023; <https://sedm.org/Forms/FormIndex.htm>.

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

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

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

11 [. . .]

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

16 [The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;
17 SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm]

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

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

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

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

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

41 The basic rules of the common law are documented in the following exemplary books published near the turn of the
42 Twentieth Century and many others, and thus are WRITTEN. These rules have not been REPEALED, but rather fallen out
43 of use because of censorship by covetous Pharisee lawyers trying to convert ALL property to government property so they
44 could STEAL it and harvest it for their personal benefit⁶²:

- 45 1. Handbook of Common Law Pleading, Benjamin Shipman (48 MB)-
46 http://famguardian.org/Publications/CommonLawPractice/Hand_book_of_Common_law_Pleading.pdf
- 47 2. Handbook of Common Law Pleading, Joseph Koeffler (4.8 MB).
48 http://famguardian.org/Publications/CommonLawPractice/CL_Pleading.pdf
- 49 3. Principles of Common Law Pleading, John McKelvey (3.5 MB)

⁶² See: Who Were the Pharisees and Saducees?, Form #05.047; <https://sedm.org/Forms/FormIndex.htm>.

http://famguardian.org/Publications/CommonLawPractice/Principles_of_Common_law_Pleading.pdf

4. Pleadings and Practice in Actions At Common Law, Martin Burks (90.3 MB)

http://famguardian.org/Publications/CommonLawPractice/Pleading_and_Practice_in_Actions_at_Comm.pdf

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

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

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

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

“We have repeatedly held that the Federal Government may impose appropriate conditions on the use of federal property or privileges [franchises, Form #05.030] and may require that state instrumentalities comply with conditions [obligations, Form #12.040] 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 [Form #05.040] they enjoy from federal programs is surely permissible [meaning CONSTITUTIONAL] 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);
https://scholar.google.com/scholar_case?case=16842193024599209893]

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

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

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

1. Government Franchises Course, Form #12.012
<https://sedm.org/Forms/FormIndex.htm>
2. Government Instituted Slavery Using Franchises, Form #05.030
<https://sedm.org/Forms/FormIndex.htm>

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

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

Socialism: The New American Civil Religion, Form #05.016

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

3. A violation of the Thirteenth Amendment, because there is no way to avoid the rules associated with buying or using ANY TYPE OF PROPERTY.
4. The establishment of socialism, which is government ownership or at least control over ALL property:

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

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

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

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

Rebutted False Arguments about the Common Law, Form #08.025

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

11.7.1.8 Law

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

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

Philosophy of Liberty, SEDM

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

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

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

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

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

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

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

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

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

Roman statesman Cicero defined law as follows:

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

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

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

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

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

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

[. . .]

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

FOOTNOTES:

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

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

[...]

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

"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally signified a peculiar right or private law conceded to particular persons or places **whereby a certain individual or class of individuals was exempted from the rigor of the common law.** Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to enjoy some particular advantage or exemption."
[*The Privileges and Immunities of State Citizenship*, Roger Howell, PhD, 1918, pp. 9-10;
SOURCE:
http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf
]

FOOTNOTES:

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

"What, then, is [civil] legislation? It is an assumption [presumption] by one man, or body of men, of absolute, irresponsible dominion [because of abuse of sovereign immunity and the act of "CONSENT" by calling yourself a "citizen"] over all other men whom they call subject to their power. It is the assumption by one man, or body of men, of a right to subject all other men to their will and their service. It is the assumption by one man, or body of men, of a right to abolish outright all the natural rights, all the natural liberty of all other men; to make all other men their slaves; to arbitrarily dictate to all other men what they may, and may not, do; what they may, and may not, have; what they may, and may not, be. It is, in short, the assumption of a right to banish the principle of human rights, the principle of justice itself, from off the earth, and set up their own personal will [society of men and not law], pleasure, and interest in its place. All this, and nothing less, is involved in the very idea that there can be any such thing as human [CIVIL] legislation that is obligatory upon those upon whom it is imposed [and ESPECIALLY those who never expressly consented in writing]."
[*Natural Law*, Chapter 1, Section IV, Lysander Spooner;
SOURCE: <http://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NaturalLaw.htm>]

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

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of Article 1, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence for using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed

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

"These are words of weighty import. They involve consequences of the most momentous character. 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 be the 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.

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

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

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

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

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

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

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

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

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

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

b. 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.

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

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

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

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

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

11.7.1.9 Copyright

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

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

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

11.7.1.10 Franchise

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

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/Socialist 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 Am.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, 87 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, 4th Edition, pp. 786-787]

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

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

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

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

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

[...]

Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress [PUBLIC RIGHTS] and other [PRIVATE] 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" or "public right" in this case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has

created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.
[*Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858 (1983)]

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

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

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

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

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

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

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

"How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by equity alone. But how can one person impose an obligation upon another? By giving property to the latter on the terms of his assuming an obligation in respect to it. At law there are only two means by which the object of the donor could be at all accomplished, consistently with the entire ownership of the property passing to the donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of the donee to a condition subsequent. The first of these the law does not permit; the second is entirely inadequate. Equity, however, can secure most of the objects of the donor, and yet avoid the mischiefs of real obligations by imposing upon the donee (and upon all persons to whom the property shall afterwards come without value or with notice) a personal obligation with respect to the property; and accordingly this is what equity does. It is in this way that all trusts are created, and all equitable charges made (i.e., equitable hypothecations or liens created) by testators in their wills. In this way, also, most trusts are created by acts inter vivos, except in those cases in which the trustee incurs a legal as well as an equitable obligation. In short, as property is the subject of every equitable obligation, so the owner of property is the only person whose act or acts can be the means of creating an obligation in respect to that property. Moreover, the owner of property can create an obligation in respect to it in only two ways: first, by incurring the obligation himself, in which case he commonly also incurs a legal obligation; secondly, by imposing the obligation upon some third person; and this he does in the way just explained."
[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 543]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 Coulter, J., in Northern Liberties v. St. John's Church, 13 Pa.St. 104 says, very forcibly, 'I think the common
48 mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the
49 government for the purposes of carrying on the government in all its machinery and operations—that they
50 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)]

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

"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)]

"... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time."
[United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980)]

For further details on government franchises, see:

1. [Sovereignty Forms and Instructions Online](#), Form #10.004, Cites by Topic: "franchise"
<http://famguardian.org/TaxFreedom/CitesByTopic/franchise.htm>
2. [Government Franchises Course](#), Form #12.012
Slides: <https://sedm.org/LibertyU/GovFranchises.pdf>
Video: <http://youtu.be/vnDcauqlbTQ>
3. [Government Instituted Slavery Using Franchises](#), Form #05.030
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

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

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

11.7.1.11 **Frivolous**

The word "**frivolous**" as used by the government or on other websites in referring to this website shall mean "correct" and "truthful". Any attempts to call anything on this website incorrect or untruthful must be accompanied by authoritative,

court-admissible evidence to support such a conclusion or shall be presumed by the reader to be untrustworthy and untruthful. All such evidence MUST derive EXCLUSIVELY from the consensual civil domicile of the defendant pursuant to [Federal Rule of Civil Procedure 17\(b\)](#). Parties subject to this agreement stipulate that any violation of this rule is a malicious prosecution and obstruction of justice in violation of [18 U.S.C. §1589\(a\)\(3\)](#). [Click here for details on domicile \(https://sedm.org/Forms/05-MemLaw/Domicile.pdf\)](#).

11.7.1.12 **Federal Income Tax**

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

11.7.1.13 **Tax**

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

*"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." [\[Loan Association v. Topeka, 20 Wall. 655 \(1874\)\]](#)

"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 \(1936\)\]](#)

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

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

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

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

11.7.1.14 Protection

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

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

11.7.1.15 Fact

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

11.7.1.16 Statutory

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

11.7.1.17 Statutory Citizen

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

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

[[Tuaua v. U.S.A., 951 F.Supp.2d. 88 \(2013\)](#)]

Note the following in the above:

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

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

Civil Status (Important!), SEDM
<https://sedm.org/litigation-main/civil-status/>

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

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

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

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

16

17 **11.7.1.18 Constitutional**

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

21 **11.7.1.19 Law Practice**

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

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

31 **11.7.1.20 Sovereign**

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

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

other WITH their EXPRESS and NOT IMPLIED consent. Since our Constitutional rights are unalienable per the Declaration of Independence, then we can't become unequal in relation to any government, INCLUDING through our consent.

3. Not superior in any way to any human being within the jurisdiction of the courts of any country.

4. Possessing the EQUAL right to acquire rights over others by the same mechanisms as the government uses. For instance, if the government encourages the filing of FALSE information returns that essentially "elect" people into public office without their consent, then we have an EQUAL right to elect any and every government or officer within government into our PERSONAL service as our PERSONAL officer without THEIR consent. See:

Correcting Erroneous Information Returns, Form #04.001

<http://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf>

5. Subject to the criminal laws of the jurisdiction they are physically situated in, just like everyone else. This provision excludes "quasi-criminal provisions" within civil franchises, such as tax crimes.

6. The origin of all authority delegated to the government per the Declaration of Independence.

7. Reserving all rights and delegating NONE to any and every government or Government Actor. U.C.C. 1-308 and its predecessor, U.C.C. 1-207.

8. Not consenting to any and every civil franchise offered by any government.

9. Possessing the same sovereign immunity as any government. Hence, like the government, any Government Actor asserting a liability or obligation has the burden of proving on the record of any court proceeding EXPRESS WRITTEN consent to be sued before the obligation becomes enforceable.

10. Claiming no civil or franchise status under any statutory franchise, including but not limited to "citizen", "resident", "driver" (under the vehicle code), "spouse" (under the family code), "taxpayer" (under the tax code). Any attempt to associate a statutory status and the public rights it represents against a non-consenting party is THEFT and SLAVERY and INJUSTICE.

11. Acting as a fiduciary, agent, and trustee on behalf of God 24 hours a day, seven days a week as an ambassador of a legislatively foreign jurisdiction and as a public officer of "Heaven, Inc.", a private foreign corporation. God is the ONLY "sovereign" and the source of all sovereignty. We must be acting as His agent and fiduciary before we can exercise any sovereignty at all. Any attempt by so-called "government" to interfere with our ability to act as His fiduciaries is a direct interference with our right to contract and the free exercise of religion. See:

Delegation of Authority Order from God to Christians, Form #13.007

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

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

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

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

13. Protected from the civil statutory law by the First Amendment requirement for separation of church and state because we Christians are the church and our physical body is the "temple" of the church. See: [1 Cor. 6:19](#).

14. Responsible for all the injuries they cause to every other person under equity and common law ONLY, and not under civil statutory law.

11.7.1.21 Anarchy

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

1. Are superior in any way to the people they govern UNDER THE LAW.

2. Are not directly accountable to the people or the law. They prohibit the PEOPLE from criminally prosecuting their own crimes, reserving the right to prosecute to their own fellow criminals. Who polices the police? THE CRIMINALS.

3. Enact laws that exempt themselves. This is a violation of the Constitutional requirement for equal protection and equal treatment and constitutes an unconstitutional Title of Nobility in violation of Article 1, Section 9, Clause 8 of the United States Constitution.

4. Only enforce the law against others and NOT themselves, as a way to protect their own criminal activities by persecuting dissidents. This is called "selective enforcement". In the legal field it is also called "professional courtesy". Never kill the goose that lays the STOLEN golden eggs.

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

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

[United States v. Lee, 106 U.S. 196, 1 S.Ct. 240 (1882)]

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

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

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

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

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

2. The establishment of an unconstitutional Title of Nobility in violation of [Article 1, Section 9, Clause 8 of the United States Constitution](#).

For court admissible proof that your CIVIL government is the MAIN and most damaging type of anarchist in modern society, both from a legal perspective and a theological perspective, see:

Your Irresponsible, Lawless, and Anarchist Beast Government, Form #05.054
<https://sedm.org/Forms/05-MemLaw/YourIrresponsibleLawlessGov.pdf>

11.7.1.22 Political

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

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

11.7.1.23 Non-citizen national

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

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

11.7.1.24 State national

The term "state national" means those who are:

1. Born in a Constitutional but not Statutory "State" as described in the Fourteenth Amendment or the original constitution.
2. Standing on land protected by the Constitution and/or the organic law and therefore possessing natural and Constitutional and PRIVATE rights as documented in:

Enumeration of Inalienable Rights, Form #10.002
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>

3. Not claiming any government statutory privilege, immunity, exemption, "benefit", domicile, or civil statutory protection in the context of a specific interaction and reserving all rights per U.C.C. §1.308.
4. Owing allegiance to THE PEOPLE as individuals and sovereigns occupying the land within the state, and not to the government that serves them under the constitution as the delegation of authority order. "State" in a political

sense always refers to PEOPLE occupying land and never to GOVERNMENTS or government corporations. In biblical terms, that allegiance is called "love" and it is commanded by God in Matt. 22:34-40. God NEVER commands Christians to love governments or civil rulers and often tells people to DISOBEY them when they violate the Bible as their delegation of authority order (Form #13.007).

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

1. STATUTORY "person" under [26 U.S.C. §6671](#)(b) and [§7343](#).
2. Statutory "national and citizen of the United States** at birth" as defined in [8 U.S.C. §1401](#). This is a territorial citizen rather than a state citizen.
3. "citizen of the United States**[federal zone]" under [26 U.S.C. §911](#), 26 U.S.C. §3121(e), or [26 C.F.R. §1.1-1](#)(c).
4. "National but not citizen of the United States** at birth" under [8 U.S.C. §1408](#). This is a person born in a federal possession RATHER than a state of the Union.
5. "U.S.[**] non-citizen national" under [8 U.S.C. §1452](#). This is a person born in a federal possession RATHER than a state of the Union.
6. STATUTORY "U.S. person" as defined in [26 U.S.C. §7701](#)(a)(30), which is a human being born and domiciled on federal territory not within the exclusive jurisdiction of any Constitutional state.

The term is a SUBSET of the term "American National" as used by the Department of State in [8 U.S.C. §1502](#) because it:

1. Excludes citizens or nationals within territories or possessions or those born abroad.
2. Includes ONLY those born or naturalized within a constitutional state of the Union.

We make this distinction because we don't want to be in a position of "purposefully availing oneself" of commerce within the exclusive jurisdiction of the national government and thereby make ourselves a target of "selective or UNJUST enforcement". This is also consistent with the SEDM opening page, which says:

"Our goal is to inspire, empower, motivate, and educate mainly those born or naturalized in the [USA \(and NOT "U.S."\)](#) and who are Members in how to love, honor, obey, glorify, and lift up our Sovereign Lord above every man, king, ruler, government, and [Earthly law](#) at a personal and very practical level and in every area of our lives. This is the essence of our religious worship and the essence, according to the Bible, of how we love our God."
[SEDM Website Opening Page; <http://sedm.org>]

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

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

State

As a noun, a people permanently occupying a fixed territory bound together by common 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 states. The section of territory occupied by one of the United States. The people of a state, in their collective capacity, considered as the party wronged by a criminal deed; the public; as in the title of a case, "The State v. A. B." The circumstances or condition of a being or thing at a given time.
[The Free Dictionary, Farlex; SOURCE: <https://legal-dictionary.thefreedictionary.com/state/>]

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

11.7.1.25 “Non-Person” or “Non-Resident Non-Person”

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

1. Not domiciled on federal territory and not representing a corporate or governmental office that is so domiciled under [Federal Rule of Civil Procedure 17](#). See [Form #05.002](#) for details.
2. Not engaged in a public office within any government. This includes the civil office of “person”, “individual”, “citizen”, or “resident”. See [Form #05.037](#) and [Form #05.042](#) for court-admissible proof that statutory “persons”, “individuals”, “citizens”, and “residents” are public offices.
3. Not “purposefully or consensually availing themselves” of commerce with any government. Therefore, they do not waive sovereign immunity under the [Foreign Sovereign Immunities Act \(FSIA\), 28 U.S.C. Chapter 97](#).
4. Obligations and Rights in relation to Governments:
 - 4.1. Waives any and all privileges and immunities of any civil status and all rights or “entitlements” to receive “benefits” or “civil services” from any government. It is a maxim of law that [REAL de jure governments \(Form #05.043\)](#) MUST give you the right to not receive or be eligible to receive “benefits” of any kind. See Form #05.040 for a description of the SCAM of abusing “benefits” to destroy sovereignty. The reason is because they MUST guarantee your right to be self-governing and self-supporting:

Invito beneficium non datur.

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

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

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

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/>

- 4.2. Because they are not in receipt of or eligible to receive property or benefits from the government, they owe no CIVIL STATUTORY obligations to that government or any STATUTORY “citizen” or STATUTORY “resident”, as “obligations” are described in [California Civil Code Section 1428](#). This means they are not party to any contracts or compacts and have injured NO ONE as injury is defined NOT by statute, but by the common law. See [Form #12.040](#) for further details on the definition of “obligations”.
- 4.3. Because they owe no statutory civil obligations, the definition of “justice” REQUIRES that they MUST be left alone by the government. See [Form #05.050](#) for a description of “justice”.
5. For the purposes of citizenship on government forms:
 - 5.1. STATUTORY “citizen” and “resident” are PUBLIC OFFICES and fictions of law within the national government and not human beings. Whenever [CIVIL STATUTORY obligations \(Form #12.040\)](#) attach to a [civil status \(Form #13.008\)](#) such as “citizen”, “resident”, or “person”, then the civil or legal status has to be voluntary or else unconstitutional involuntary servitude is the result in violation of the Thirteenth Amendment. President Obama even admitted that “citizen” is a public office in his Farewell Address. See [SEDM Exhibit #01.018](#) for proof. You have a RIGHT to not be an officer of the government WITHOUT even PAY! They even make you PAY for the privilege with income taxation, because the tax is imposed upon STATUTORY “citizen” and “resident” in [26 C.F.R. §1.1-1\(a\)](#). Who else can institute SLAVERY like that and why can’t you do that to THEM if we are all REALLY equal (Form #05.033) as the Constitution requires?
 - 5.2. Does NOT identify as a STATUTORY “citizen” ([8 U.S.C. §1401](#) and [26 C.F.R. §1.1-1\(c\)](#)), “resident” (alien under [26 U.S.C. §7701\(b\)\(1\)\(A\)](#)), “U.S. citizen” (not defined in any statute), “U.S. resident” (not defined in any statute), or “U.S. person” ([26 U.S.C. §7701\(a\)\(30\)](#)).
 - 5.3. Identifies themselves as a “national” per [8 U.S.C. §1101\(a\)\(21\)](#) and per common law by virtue of birth or naturalization within the CONSTITUTIONAL “United States***”.
 - 5.4. Is NOT an “alien individual” in [26 C.F.R. §1.1441-1\(c\)\(3\)\(i\)](#) because a “national” under [8 U.S.C. §1101\(a\)\(21\)](#) or “U.S. national” under [22 C.F.R. §51.1](#) owing allegiance to a state of the Union and not the national or federal government. Thus, they are not subject to the presence test under [26 U.S.C. §7701\(b\)](#) and may not lawfully be kidnapped into exclusive national government jurisdiction as a privileged alien “resident” or have a privileged

“residence” ([26 C.F.R. §1.871-2\(b\)](#)) within the EITHER the statutory geographical “United States” in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) or “United States*” the COUNTRY in [26 C.F.R. §301.7701\(b\)-1\(c\)\(2\)](#).

5.5. Is legislatively but not constitutionally “foreign” and “alien” to the national government by virtue of not having a [domicile](#) (for nationals under [8 U.S.C. §1101\(a\)\(21\)](#)) or “residence” (for “alien individuals” under [26 C.F.R. §1.871-2\(b\)](#)) within the exclusive legislative jurisdiction of the national government. The words “foreign” and “alien” by themselves are NOT defined within the Internal Revenue Code. This is MALICIOUSLY deliberate so as to DECEIVE the American public in states of the Union into FALSELY declaring a [domicile](#) or [residence](#) within the exclusive jurisdiction of the national government. By using “and subject to ITS jurisdiction” after the word “citizen” in [26 C.F.R. §1.1-1\(c\)](#), the average American in states of the Union is deceived using equivocation into VOLUNTEERING for a civil STATUTORY office under the Secretary of the Treasury called “citizen” and “resident” subject to exclusive national government jurisdiction. The “citizen” in this regulation is NOT the POLITICAL citizen mentioned in the Fourteenth Amendment to the Constitution, but a STATUTORY citizen legislatively created and owned by Congress and thus a PRIVILEGE. Those in states of the Union who have neither a [domicile](#) nor [residence](#) within the exclusive jurisdiction of the national government and are not “subject to ITS jurisdiction” and who [FALSELY CLAIM on a government form \(Form #12.023\)](#) such as a W-9 that they are STATUTORY “U.S. persons” have in practical effect VOLUNTEERED to become privileged STATUTORY “taxpayers” and uncompensated officers of the national government EVERYWHERE IN THE WORLD who are on duty 24 hours a day, 7 days a week per [26 C.F.R. §1.1-1\(a\)](#)! The corrupt, covetous government WANTS this process of volunteering to be invisible in order to VICTIMIZE the Americans into becoming surety to pay off an endless mountain of public debt that there is NO LIMIT on. That’s criminal peonage in violation of [18 U.S.C. §1581](#) if you knew you could unvolunteer and aren’t allowed to. It’s also criminal human trafficking. You can’t UNVOLUNTEER and leave the system until you know HOW you volunteered in the first place. See “[Hot Issues: Invisible Consent](#)” for details on how your consent was procured INVISIBLY. That process of volunteering to pay income tax that state nationals don’t owe is exhaustively described in: [How State Nationals Volunteer to Pay Income Tax](#), Form #08.024; <https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>.

6. Earnings originate from outside:

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

6.2. 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.

7. 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:

7.1. [26 C.F.R. §31.3401\(a\)\(6\)-1\(b\)](#) in the case of income tax.

7.2. [26 C.F.R. §31.3121\(b\)-3\(c\)\(1\)](#) in the case of Social Security.

8. Expressly EXCLUDED rather than EXEMPTED from income tax reporting under:

8.1. [26 C.F.R. §1.1441-1\(b\)\(5\)\(i\)](#).

8.2. [26 C.F.R. §1.1441-1\(e\)\(1\)\(ii\)\(A\)\(1\)](#).

8.3. [26 C.F.R. §1.6041-4\(a\)\(1\)](#).

9. 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.

10. Because they are EXCLUDED rather than EXEMPTED from income tax reporting and therefore withholding, they have no “taxable income”.

10.1. Only reportable income is taxable.

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

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

11. Continue to be a “national of the United States*” ([Form #05.006](#)) and not lose their CONSTITUTIONAL citizenship while filing form 1040NR. See [26 U.S.C. §873\(b\)\(3\)](#). They do NOT need to “expatriate” their nationality to file as a

"nonresident alien" and will not satisfy the conditions in [26 U.S.C. §877](#) (expatriation to avoid tax). Expatriation is loss of NATIONALITY, and NOT loss of STATUTORY "citizen" status under [8 U.S.C. §1401](#).

12. If they submit the [SEDM Form W-8SUB, Form #04.231](#) to control withholding and revoke their Form W-4, then they:
 - 12.1. Can submit [SSA Form 7008](#) to correct your SSA earnings to zero them out. See [SEDM Form #06.042](#).
 - 12.2. Can use [IRS Form 843](#) to request a full refund or abatement of all FICA and Medicare taxes withheld if the employer or business associate continues to file W-2 forms or withhold against your wishes. See [SEDM Form #06.044](#).
13. Are eligible to replace the SSN with a TEMPORARY Individual Taxpayer Identification Number (ITIN) that expires AUTOMATICALLY every year and is therefore NOT permanent and changes. If you previously applied for an SSN and were ineligible to participate, you can terminate the SSN and replace it with the ITIN. If you can't prove you were ineligible for Social Security, then they will not allow you to replace the SSN with an ITIN. See:
 - 13.1. [Form W-7](#) for the application.
<https://www.irs.gov/forms-pubs/about-form-w-7>
 - 13.2. [Understanding Your IRS Individual Taxpayer Identification Number, Publication 1915](#)
<https://www.irs.gov/pub/irs-pdf/p1915.pdf>
 - 13.3. [Why You Aren't Eligible for Social Security, Form #06.001](#) for proof that no one within the exclusive jurisdiction of a constitutional state of the Union is eligible for Social Security.
<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>
14. Must file the paper version of IRS Form 1040NR, because there are no electronic online providers that automate the preparation of the form or allow you to attach the forms necessary to submit a complete and accurate return that correctly reflects your status. This is in part because the IRS doesn't want to make it easy or convenient to leave their slave plantation.
15. Is a SUBSET of "[nonresident aliens](#)" who are not required to have or to use Social Security Numbers (SSNs) or Taxpayer Identification Numbers (TINs) in connection with tax withholding or reporting. They are expressly excluded from this requirement by:
 - 15.1. [31 C.F.R. §1020.410\(b\)\(3\)\(x\)](#) .
<https://www.law.cornell.edu/cfr/text/31/1020.410>
 - 15.2. [26 C.F.R. §301.6109-1\(b\)\(2\)](#) .
<https://www.law.cornell.edu/cfr/text/26/301.6109-11>
 - 15.3. [W-8BEN Inst. p. 1,2,4,5 \(Cat 25576H\)](#).
<https://www.irs.gov/pub/irs-pdf/iw8ben.pdf>
 - 15.4. [Instructions for the Requesters of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY, p. 1,2,6 \(Cat 26698G\)](#).
<https://www.irs.gov/pub/irs-pdf/iw8.pdf>
 - 15.5. [Pub 515 Inst. p. 7 \(Cat. No 16029L\)](#).
<https://www.irs.gov/pub/irs-pdf/p515.pdf>More on SSNs and TINs at:
[About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#)
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>
[About SSNs and TINs on Government Forms and Correspondence, Form #04.104](#)
<https://sedm.org/Forms/04-Tax/1-Procedure/AboutSSNs/AboutSSNs.htm>

They are "non-persons" BY VIRTUE of not benefitting from any civil statutory privilege and therefore being "PRIVATE". By "privilege", we mean ANY of the things described in [5 U.S.C. 553\(a\)\(2\)](#):

[5 U.S. Code § 553 - Rule making](#)

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

[. . .]

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

The above items all have in common that they are PROPERTY coming under [Article 4, Section 3, Clause 2](#) of the Constitution that is loaned or possessed or granted temporarily to a human being with legal strings attached. Thus, Congress has direct legislative jurisdiction not only over the property itself, but over all those who USE, BENEFIT FROM, or HAVE such property physically in their custody or within their temporary control. We remind the reader that Congress enjoys

control over their own property NO MATTER WHERE it physically is, including states of the Union, and that it is the MAIN source of their legislative jurisdiction within the exclusive jurisdiction of Constitutional states of the Union!:

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.

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

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

"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; Sheldmadine 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]

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

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

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

"The State in such cases exercises no greater right than an individual may exercise over the use of his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement.

The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it."

[[Munn v. Illinois, 94 U.S. 113 \(1876\)](#)]

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

Curses of Disobedience [to God's Laws]

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

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

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

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

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

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

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

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

"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or special treatment. All such pursuits of government services or property require individual and lawful consent to a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or

property should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or her behalf. All [just rights](#) spring from responsibilities/obligations under the [laws of a higher power](#). If that higher power is God, you can be [truly and objectively free](#). If it is government, you are [guaranteed to be a slave](#) because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. [If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over.](#) There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no [real/PRIVATE rights](#), but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read [1 Sam. 8:10-22](#). For the reason God answered Samuel by telling him to allow the people to have a king, read [Deut. 28:43-51](#), which is God's curse upon those who allow a king above them. [Click Here \(https://fanguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm\)](#) for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph." [SEDM Website Opening Page; <http://sedm.org/>]

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

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

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

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

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

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

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

FOOTNOTES:

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

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

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

11.7.1.26 "Advice" or "legal advice"

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

11.7.1.27 Socialism

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

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

1. Government Franchises and licensing. See:

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

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

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

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

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

4. Income and excise taxation. See:

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

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

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

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

Government Identity Theft, Form #05.046

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

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

Avoiding Traps in Government Forms Course, Form #12.023

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

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

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

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

Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "socialism"

<https://famguardian.org/TaxFreedom/CitesByTopic/Socialism.htm>

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

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

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

11.7.1.28 "Grant" or "loan"

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

1. The grantor or lender is the "Merchant" under [U.C.C. §2-104](#)(1).
2. The recipient or borrower of the property conveyed is the "Buyer" under [U.C.C. §2-103](#)(1)(a).
3. The property loaned can include land, physical/chattel property, rights, or privileges.
4. The legal relation or "privity" created between the grantor and the borrower or recipient is referred to as a "franchise". All franchises are contracts or agreements of one kind or another. Franchises are defined as "a privilege [meaning "property"] in the HANDS of a subject". Receipt of the property by the Buyer, in fact is what MAKES them the "subject"
5. The regulation of the property is done through the civil statutory code, which assigns both rights and obligations to the Merchant (grantor) and the Buyer.
6. Upon voluntary acceptance of the property by the Buyer, a civil status is assigned to both the BUYER and the MERCHANT fixing the relations between them under the privity. Such civil statuses might include "citizen", "resident", "person" (under the civil statutory franchise code), "taxpayer" (under the income tax code), "driver" (under the vehicle code), etc.
7. The CIVIL STATUTORY STATUS assigned to the MERCHANT and the BUYER after the property is accepted constitutes a type of "membership". A "citizen", for instance, is a BUYER of government civil statutory protection franchise services, and also a "MEMBER" of a club called "GOVERNMENT" (a corporation) that delivers said services.
8. Both CIVIL STATUTORY RIGHTS (PRIVILEGES) and OBLIGATIONS attach to the civil status assigned to the parties and these RIGHTS and OBLIGATIONS are the method of controlling and managing the property until it is "RETURNED" or SURRENDERED by the Buyer to the GRANTOR. The civil statutory OBLIGATIONS assigned to the civil status of the BUYER become corresponding RIGHTS on the part of the MERCHANT/GRANTOR and vice versa.
9. If the property, benefit, or privilege was never voluntarily accepted, then the OBLIGATIONS that attach to it cannot be enforced against the BUYER by the MERCHANT in court. Under the common law, you have a RIGHT to refuse to accept property, "benefits", etc. in every scenario, even after you applied for them.
10. In pursuing and accepting the property of the Merchant, the Buyer surrenders ABSOLUTE ownership of a part of his or her otherwise private property and is therefore subject to regulation of him or her self by the Merchant. If the Merchant is a government, then they or their activities in which the granted property are used become and "infected with a public interest" and are subject to civil statutory regulation.

The above process, in fact, has been admitted by the U.S. Supreme Court and the California Supreme Court as the "very essence" of CIVIL 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. HN4 "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 has found expression in the maxim sic utere tuo ut alienum non loedas. From this source come the HNS 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 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 carmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers," 9 id. 224, sect. 2."

"From this it is apparent that, down to the time of the adoption of the [Fourteenth Amendment](#), it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law. Under some circumstances they may, but not under all. The amendment does not change the law in this particular: it simply prevents the States from doing that which will operate as such a deprivation."

"This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what without its operative effect. Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private property is "affected with a public interest, it ceases to be *juris privati* only." This was said by Lord Chief Justice Hale more than two hundred years ago, in his treatise *De Portibus Maris*, 1 Harg. Law Tracts, 78, and has been accepted without objection as an essential element in the law of property ever since. Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, 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."
[\[Munn v. Illinois, 94 U.S. 113 \(1876\)\]](#)

" It will be found that from the earliest periods of our history the State laws regulated the privilege of the elective franchise within their respective limits, and that these laws were exactly such as local interests, peculiar conditions, or supposed policy dictated, and that it was never asserted that the exclusion of any class of inhabitants from the privilege of voting amounted to an interference with the privileges of the excluded class as citizens. As was well said by Judge Mills, of the Court of Appeals of Kentucky: "The mistake on the subject arises from not attending to a sensible distinction between political and civil rights. The latter constitute the citizen, while the former are not necessary ingredients. A State may deny all her political rights to an individual, and yet he may be a citizen. The rights of office and suffrage are political purely, and are denied by some or all the States to part of their population, who are still citizens. A citizen, then, is one who owes the Government allegiance, service, and money by way of taxation, and to whom the Government, in turn, grants and guarantees liberty of person and of conscience, the right of acquiring and possessing [PUBLIC, not PRIVATE] property [WHY?, because the CONSTITUTION protects PRIVATE property ONLY, and CIVIL STATUTES protect PUBLIC PROPERTY. You have to SURRENDER some portion of the protections of the CONSTITUTION in order to acquire, use, or "benefit" from PUBLIC property], of marriage and the social relations, of suit and defense, and security of person, estate, and reputation. These, with some others which might be enumerated, being guaranteed and secured by Government, constitute a citizen. To aliens we extend these privileges by courtesy; to others we secure them--to male as well as female--to the infant as well as the person of hoary hairs." (1 Litt. R. 342.)"
[\[Van Valkenburg v. Brown, 43 Cal. 43 \(1872\)\]](#)

In the context of GOVERNMENT grants of property:

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

""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]

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

*"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 [e.g. LICENSE using a Social Security Number] 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)]

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

Curses of Disobedience [to God's Laws]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. *Hot Issues: Laws of Property*, SEDM
<https://sedm.org/laws-of-property/>

2. *Authorities on Rights as Property*, SEDM Blog
<https://sedm.org/authorities-on-rights-as-property/>
3. *Path to Freedom*, Form #09.015, Sections 5.3 through 5.8
<https://sedm.org/Forms/FormIndex.htm>
4. *Separation Between Public and Private Course*, Form #12.025
<https://sedm.org/Forms/FormIndex.htm>
5. *Private Right or Public Right? Course*, Form #12.044
<https://sedm.org/Forms/FormIndex.htm>
6. *Lawfully Avoiding Government Obligations Course*, Form #12.040
<https://sedm.org/Forms/FormIndex.htm>
7. *Proof of Claim: Your Main Defense Against Government Greed and Corruption*, Form #09.073
<https://sedm.org/Forms/FormIndex.htm>
8. *Federal Enforcement Authority Within States of the Union*, Form #05.032
<https://sedm.org/Forms/FormIndex.htm>
9. *Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union*, Form #05.052
<https://sedm.org/Forms/FormIndex.htm>
10. *Administrative State: Tactics and Defenses Course*, Form #12.041
<https://sedm.org/Forms/FormIndex.htm>

11.7.1.29 **Benefit**

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

1. Is not dispensed by an administrative agency of any state or federal government, but by a private individual.
2. Does not require the recipient to be an officer, agent, employee, or "personnel" within any government.
3. Is not called a "tax" or collected by the Internal Revenue Service, but is clearly identified as "private business activity beyond the core purposes of government".
4. Does not confer upon the grantor any form of sovereign, official, or judicial immunity.
5. Is legally enforceable in OTHER than a franchise court or administrative agency. That is, may be heard in equity within a true, Article III constitutional court and NOT a legislative franchise court.
6. True constitutional courts are provided in which to litigate disputes arising under the benefit and those with said disputes are not required to exhaust administrative remedies with an executive branch agency BEFORE they may litigate. These constitutional courts are required to produce evidence that they are constitutional courts with OTHER than strictly legislative franchise powers when challenged by the recipients of said benefits.
7. The specific value of the consideration can be quantified at any time.
8. Monies paid in by the recipient to subsidize the program are entirely refundable if the benefits they pay for have not been received or employed either partially or in full.
9. Has all contributions paid in refunded if they die and never collect any benefits.
10. Participation in the program is not also attached to any other government program. For instance, being a recipient of "social insurance" does not also make the recipient liable for unrelated or other federal taxes.
11. The term "benefit" must be defined in the franchise agreement that dispenses it, and its definition may not be left to the subjective whims of any judge or jury.
12. If the "benefit" is financial, then it is paid in lawful money rather than Federal Reserve Notes, which are non-interest bearing promissory notes that are not lawful money and are backed by nothing.
13. The franchise must expressly state that participation is voluntary and that no one can be prosecuted or punished for failure to participate.
14. The identifying numbers, if any, that administer the program may not be used for identification and may not be shared with or used by any nongovernmental entity other than the recipient him or her self.
15. May not be heard by any judge, jurist, or prosecutor who is a recipient or beneficiary of the same benefit, because this would cause a conflict of interest in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455, 18 U.S.C. §597, and 18 U.S.C. §201.
16. During any litigation involving the "benefit", both the grantor and the grantee share equal obligation to prove that equally valuable consideration was provided to the other party. Note that Federal Reserve Notes do not constitute lawful money or therefore consideration.

17. Does NOT include a return of monies UNLAWFULLY withheld against a non-taxpayer. It is not a commercial "benefit" or "purposeful availment" to have property STOLEN by a corrupted government returned to me.

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

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

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

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

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

1. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: "benefit" -legal authorities on "benefit" <https://famguardian.org/TaxFreedom/CitesByTopic/Benefit.htm>
2. *Sovereignty and Freedom Points and Authorities*, Litigation Tool #10.018, Section 4.10: "Benefits": ALLEGED but not ACTUAL public rights/property that CANNOT form lawful "consideration" in forming a lawful contract or civil statutory obligation <https://sedm.org/Litigation/10-PracticeGuides/PointsAuth.pdf>
3. [5 U.S.C. §553\(a\)\(2\)](https://www.law.cornell.edu/uscode/text/5/553)-Subjects those in receipt of "benefits" to DIRECT LEGISLATIVE CONTROL of congress. Watch out! <https://www.law.cornell.edu/uscode/text/5/553>
4. *Government Instituted Slavery Using Franchises*, Form #05.030-Government "benefits" are illegally abused to establish unconstitutional franchises in the constitutional states of the Union <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
5. *The Government "Benefits" Scam*, Form #05.040 (Member Subscriptions) <https://sedm.org/product/the-government-benefits-scam-form-05-040/>
6. *Why the Government is the Only Real Beneficiary of All Government Franchises*, Form #05.051 (Member Subscriptions) <https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>
7. *Proof: How to Prove in Court that a So-Called Tax is REALLY an Illegal Extortion*** (Member Subscriptions) <https://sedm.org/proof-how-to-prove-in-court-that-a-so-called-tax-is-really-an-illegal-extortion/>
8. *U.S. Constitution*, Article 4, Section 3, Clause 2- Gives Congress the authority to DIRECTLY and legislatively control all those in receipt of "benefits", which are government property on loan to the recipient with legal strings attached. <https://law.justia.com/constitution/us/article-4/>
9. *Why the Income Tax is a Privilege Tax Upon Government Property*, Form #04.404 (Member Subscriptions)-income taxation is administered as a "benefit". The OFFICE of "taxpayer", "person", "individual", "citizen", and "resident" are legislatively created and granted property and all those who use or invoke these statuses are in receipt of a "benefit". If you doubt this, visit ID.ME and try to sign up for an account with the IRS. They are identified as a "benefit", <https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

11.7.1.30 Weaponization of Government

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

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

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

1. The result is:

1.1. An INVOLUNTARY conversion of PRIVATE property, PRIVATE rights, and PRIVATE civil status into PUBLIC property, PUBLIC rights, and PUBLIC civil statutory status respectively.

1.2. A destruction of the legal separation between PUBLIC and PRIVATE. See:

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

1.3. A government that has superior or supernatural powers in relation to the people it was created to SERVE from below rather than RULE from above.

1.4. The creation of a ALLEGED but not ACTUAL consensual connection between a fictional office (the "franchisee") in the government and an otherwise PRIVATE human OUTSIDE the government.

1.5. A destruction of equality of treatment and protection between the GOVERNORS and the GOVERNED. See:

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

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

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

2. Such activities:

2.1. Work a purpose OPPOSITE of that of establishing government in the first place, which is EXCLUSIVELY the protection of PRIVATE property and PRIVATE rights.

2.2. Violate the Bill of Rights of the constitution of the government doing so.

2.3. Violate the oath of office of those working in the government who conspire to engage in such activities.

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

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

3. The method of instituting this weaponization of government usually consists of illegal "bundling" of a WANTED service with an UNWANTED service, privilege or franchise. This makes it IMPOSSIBLE to avoid the UNWANTED service, privilege, or franchise, because:

3.1. The government has a monopoly on the WANTED aspect of the product or service.

3.2. Private industry is usually legally prohibited from offering the WANTED service. In some cases, the offering of the service is a criminal offense, in order to ENSURE and protect this criminal mafia racketeering.

4. The techniques described herein fit in the following CRIMINAL categories:

4.1. Extortion. 18 U.S.C. §872. They are coercing you into a public office and franchise so you become a usually ONGOING sponsor of their criminal activities.

4.2. Offer to procure appointive public office. 18 U.S.C. §210. Offering you the UNWANTED portion of the service, which is usually a public office, constitutes a criminal offer to procure the public office with the bribe of "benefits" that you technically aren't eligible for.

- 4.3. Bribery of public officials and witnesses. [18 U.S.C. §201](#). The monies paid to the government under the coerced public office or fiction occupied by the victim of this extortion constitute bribes to a public official to treat you AS IF you are a real de jure public officer and to pay you "benefits" that only public officers can collect.
- 4.4. Conflict of interest. [18 U.S.C. §208](#). A criminal financial conflict of interest is created in the people offering the WANTED service to market and compel the UNWANTED service to increase their revenues.
- 4.5. Peonage and slavery. [18 U.S.C. §1581](#) and Thirteenth Amendment. The civil statutory obligations that attach to the compelled office that the VICTIM involuntarily occupies constitute PEONAGE.
- 4.6. Impersonating a public officer. [18 U.S.C. §912](#). Government can only regulate its own officers. Those officers must, in turn, be lawfully elected, appointed, or hired and they NEVER are. Following proper appointment, election, or hiring protocol would, after all, inform you that you are a volunteer, and they can NEVER admit that they need your consent to regulate you.

5. Those in government engaging in such activities protect themselves from criminal consequences by:

- 5.1. Abusing "equivocation" of key terms to make PUBLIC and PRIVATE indistinguishable.
- 5.2. Playing stupid.
- 5.3. Ensuring that people administering the program are NOT legally responsible or accountable for anything they say, write, or publish. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

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

Proof That There Is a "Straw Man", Form #05.042

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

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

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

1. Passports. Most people use this document mainly for INTERSTATE travel and ID to conduct commerce, neither of which can be or should be "privileged" or regulated. Foreign travel use requests the PRIVILEGE of protection abroad is only secondary and should be optional. The Department of State should offer TWO passports, one for INTRASTATE use and one for FOREIGN use, so that you have a "NONPRIVILEGED" version of the document that you can obtain WITHOUT the need to collect an SSN or TIN. Forcing applicants to provide an SSN or TIN to receive ANY kind of

passport essentially bundles a DE FACTO public office with otherwise PRIVATE travel. That office is called "STATUTORY citizen" under [8 U.S.C. §1401](#), 26 C.F.R. §1.1-1(c), etc. See:

Getting a USA Passport as a "State National", Form #10.013

<https://sedm.org/product/getting-a-usa-passport-as-a-state-national-form-10-013/>

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

Unlicensed Practice of Law, Form #05.029

<https://sedm.org/product/unlicensed-practice-of-law-form-05-029/>

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

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

"U.S. Person" Position, Form #05.052

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

6. Money Service Businesses (MSBs) such as Western Union. They require you to provide an SSN in order to obtain a reloadable gift card and claim that "the law" mandates this.

6.1. Their basis for doing so is usually "anti-money laundering" statutes (not "laws", but "statutes") that DO NOT apply to the average American. See:

The Money Laundering Enforcement Scam, Form #05.044

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

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

About IRS Form W-8BEN, Form #04.202

<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>

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

Federal and State Tax Withholding Options for Private Employers, Form #09.001

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

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

1. *The Money Scam*, Form #05.041

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

2. *Why It is Illegal for You to Enforce Money Laundering Statutes In My Specific Case*, Form #06.046

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

3. *Money Laundering Enforcement Scam*, Form #05.044

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

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

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

What is "Justice"?, Form #05.050

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

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

Separation Between Public and Private Course, Form #12.025

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

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

De Facto Government Scam, Form #05.043

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

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

Administrative State: Tactics and Defenses Course, Form #12.041

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

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

11.7.1.31 Natural law

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

1. ALL property is absolutely owned.
2. The protection of private property is not regarded by anyone in government as “making law” ([Litigation Tool #01.009](#)), but rather a fulfillment of the main purpose of establishing government and the oath that all public officers take when accepting office. The CIVIL statutes DO NOT protect PRIVATE property, but PUBLIC property that became public by donating PRIVATE property to a public use, a public purpose, and/or a public office. In that sense, the current civil government ONLY PROTECTS ITSELF and its own PUBLIC property, and NEVER YOU or ANY HUMAN BEING at least from a CIVIL perspective! See:

Why the Government is the Only Real Beneficiary of All Government Franchises, Form #05.051**
<https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>
3. [Civil statutes \(Form #05.037\)](#) are not called “law”, but civil service franchise contracts.
4. Only voting and jury service are privileges that can be CIVILLY regulated by default. Any other thing that is a voluntary privilege must be expressly signed up for and PAID for in writing on the annual tax return filed at the beginning of each year and only lasts for one year.
5. Government ID’s are NOT used to change your civil status to a “resident” or “domiciliary”. You remain PRIVATE when using government ID. See:

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

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

For a system of government that implements the above and builds upon existing organic and statutory law, and which requires the least possible changes to the current system to implement, see:

Self Government Federation: Articles of Confederation, Form #13.002
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/SGFArtOfConfed.pdf>

11.7.2 Meaning of Geographical and political terms

This section describes the meaning of various geographical and political terms used throughout this proceeding.

Table 4: Summary of meaning of various terms and the contexts in which they are used

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
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Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"state"	Foreign country	Union state or foreign country	Union state or foreign country	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
"State"	Union state	Federal state	Federal state	Union state	Union state	Union state
"in this State" or "in the State" ⁶³	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"State" ⁶⁴ (State Revenue and taxation code only)	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively ⁶⁵	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively
"United States"	states of the Union collectively	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

What the above table clearly shows is that the word "State" in the context of federal statutes and regulations means (not includes!) federal States only under [Title 48 of the U.S. Code](#)⁶⁶, and these areas do not include any of the 50 Union States. This is true in *most cases and especially in the Internal Revenue Code*. In the context of the above, a "Union State" means one of the 50 Union states of the United States* (the country, not the federal United States**), which are sovereign and foreign with respect to federal legislative jurisdiction.

I will interpret each and every use of any one of the words of art or geographical terms defined above and used in any pleading filed in this matter as having the default meanings provided if no specific statutory definition is provided by the government opponent or the court.

All geographical terms appearing in Table 1 describe six different and unique contexts in which legal "terms" can be used, and each implies a DIFFERENT meaning. Government opponent and the court are demanded to describe which context they intend for each use of a geographical term in order to prevent any ambiguity. For instance, if they use the term "United States", they MUST follow the term with a parenthesis and the context such as "United States (Federal constitution)". The contexts are:

1. Federal constitution
2. Federal statutes
3. Federal regulations
4. State constitution
5. State statutes
6. State regulations

⁶³ See California Revenue and Taxation Code, Section 6017

⁶⁴ See California Revenue and Taxation Code, Section 17018

⁶⁵ See, for instance, U.S. Constitution Article IV, Section 2.

⁶⁶ See <https://www.law.cornell.edu/uscode/text/48>

1 If the context is “Federal statutes”, the specific statutory definition from the I.R.C. MUST be specified after that phrase to
2 prevent any ambiguity. For instance:

3 “United States (Federal statutes, 26 U.S.C. §7701(a)(9) and (a)(10)).

4 If the context is “Federal regulations”, the specific regulation to which is referred to or assume must be provided if there is
5 one. For instance:

6 “United States (Federal regulations, 26 C.F.R. §31.3121(e)-1)”.
7

8 Every unique use of a geographical term may ONLY have ONE context. If multiple contexts are implicated, then a new
9 sentence and a new statement relevant to that context only must be made. For instance:

- 10 1. “Defendant is a citizen of the United States (Federal constitution).”
11 2. “Defendant is NOT a citizen of the United States (Federal statutes or 8 U.S.C. §1401).”

12 If a geographical term is used and the context is not specified by the speaker and the speaker is talking about jurisdiction, it
13 shall imply the statutory context only.

14 I welcome a rebuttal on the record of anything appearing in the above pamphlet within 30 days, including an answer to all
15 the admissions at the end. If no rebuttal is provided, government opponent admits it all pursuant to Federal Rule of Civil
16 Procedure 8(b)(6). Silence is an admission, because injustice and prejudicial presumptions about the status of the litigants
17 will result if the government opponent does not speak on the record about this MOST PIVOTAL subject. Government
18 opponent is using this proceeding to enforce “club dues” called taxes, and Defendant simply seeks to establish that he/she
19 chooses not to join the club and cannot be compelled to join without violating the First Amendment prohibition against
20 compelled association.

21 “The Supreme Court, though rarely called upon to examine this aspect of the right to freedom of association,
22 has nevertheless established certain basic rules which will cover many situations involving forced or
23 prohibited associations. Thus, where a sufficiently compelling state interest, outside the political spectrum, can
24 be accomplished only by requiring individuals to associate together for the common good, then such forced
25 association is constitutional. ⁶⁷ But the Supreme Court has made it clear that compelling an individual
26 to become a member of an organization with political aspects [such as a “citizen”], or compelling an individual
27 to become a member of an organization which financially supports [through payment of club membership
28 dues called “taxes”], in more than an insignificant way, political personages or goals which the individual
29 does not wish to support, is an infringement of the individual's constitutional right to freedom of association.
30 ⁶⁸ The First Amendment prevents the government, except in the most compelling circumstances, from wielding
31 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. ⁶⁹ Thus,

⁶⁷ 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.

⁶⁸ 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).

⁶⁹ 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.

1 First Amendment principles prohibit a state from compelling any individual to associate with a political party,
2 as a condition of retaining public employment.⁷⁰ The First Amendment protects nonpolicymaking public
3 employees from discrimination based on their political beliefs or affiliation.⁷¹ But the First Amendment
4 protects the right of political party members to advocate that a specific person be elected or appointed to a
5 particular office and that a specific person be hired to perform a governmental function.⁷² In the First
6 Amendment context, the political patronage exception to the First Amendment protection for public employees
7 is to be construed broadly, so as presumptively to encompass positions placed by legislature outside of "merit"
8 civil service. Positions specifically named in relevant federal, state, county, or municipal laws to which
9 discretionary authority with respect to enforcement of that law or carrying out of some other policy of political
10 concern is granted, such as a secretary of state given statutory authority over various state corporation law
11 practices, fall within the political patronage exception to First Amendment protection of public employees.⁷³
12 However, a supposed interest in ensuring effective government and efficient government employees, political
13 affiliation or loyalty, or high salaries paid to the employees in question should not be counted as indicative of
14 positions that require a particular party affiliation.⁷⁴
15 [American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations (1999)]

16 If the "Federal constitution" and the "Federal statutes" meanings of a geographical term are said by the speaker to be
17 equivalent, some authority MUST be provided. The reason is that this is VERY seldom the case. For instance:

- 18 1. The term "United States" in the context of the Federal constitution implies ONLY the states of the Union and excludes
19 federal territory... WHEREAS
20 2. The term "United States" in the statutory sense includes only federal territory and excludes states of the Union.

21 Example proofs for the above consists of the following:

22 "The earliest case is that of *Hepburn v. Ellzey*, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under
23 that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies
24 between citizens of different states, a citizen of the District of Columbia could not maintain an action in the
25 circuit court of the United States. It was argued that the word 'state,' in that connection, was used simply to
26 denote a distinct political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word
27 'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is
28 a state in the sense of that instrument. **The result of that examination is a conviction**
29 **that the members of the American confederacy only are the states**
30 **contemplated in the Constitution, . . . and excludes from the term the**
31 **signification attached to it by writers on the law of nations.'** This case
32 **was followed in *Barney v. Baltimore*, 6 Wall. 280, 18 L.Ed. 825, and**
33 **quite recently in *Hooe v. Jamieson*, 166 U.S. 395, 41 L.Ed. 1049, 17**

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.

⁷⁰ *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).

⁷¹ *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).

⁷² *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).

⁷³ *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.

⁷⁴ *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.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)]

"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, **if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States within the meaning of the Constitution.**" [*O'Donoghue v. United States*, [289 U.S. 516](#), 53 S.Ct. 740 (1933)]

Notice that last quote "not part of the United States within THE meaning of the Constitution", which implies that there is ONLY ONE meaning and that meaning does not include the "territory" of the United States, which is the community property of the states mentioned in ONLY ONE place in the constitution, which is Article 1, Section 8, Clause 17 and nowhere else.

The most likely words to be subjected to "deliberate and malicious and self-serving verbiage" and deceit by the government opponent and the Court are "United States", "State", and "trade or business". The rules of statutory construction indicated in section 11.6 shall be VERY STRICTLY applied to these terms:

1. Since the terms are statutorily defined, the statutory definition shall SUPERSEDE the common meaning or the constitutional meaning of the term.
2. Only that which is expressly specified SOMEWHERE within the statutes cited as authority may be "included" within the meaning.
3. That which is NOT expressly specified shall be presumed to be purposefully excluded by implication:

"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)]

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

11.7.3 Citizenship and nationality

If the speaker is talking about the citizenship:

1. Any reference to the citizenship of a litigant MUST specify one and only one definition of “United States” identified in the preceding section and follow the term “United States” with the asterisk symbology shown therein. For instance, the following would define a person who is a citizen of a state of the Union who has a domicile within that state on other than federal territory within:

“citizen of the United States*** (Federal Constitution)”

2. If one of the six contexts for a geographical term is not specified when describing citizenship or if the term “United States” is not followed by the correct number of asterisks to identify WHICH “United States” is intended from within section 11.7.3, then the context shall imply the “Federal constitution” and exclude the “Federal statutes” and imply THREE asterisks.
3. If the context is the “Federal Constitution”, the following citizenship status shall be imputed to the person described.
 - 3.1. Constitutional citizen within the meaning of the Fourteenth Amendment.
 - 3.2. Not a statutory citizen pursuant to 8 U.S.C. §1401 or 26 C.F.R. §1.1-1(c) or 26 U.S.C. §911.
 - 3.3. “national” pursuant to 8 U.S.C. §1101(a)(21).
 - 3.4. NOT a “national but not citizen of the United States[**] at birth” pursuant to 8 U.S.C. §1408.
4. If the term “United States” is used in describing citizenship, it shall imply the “Federal Constitution” and exclude the “Federal Statutes” contexts.
5. The only method for imputing a citizenship status within the “Federal Statutes” context is to invoke one of the following terms, and to specify WHICH SINGLE definition of “United States” is implied within the list of three definitions defined by the U.S. Supreme Court in *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945).
 - 5.1. “statutory citizen of the United States pursuant to 8 U.S.C. §1401”.
 - 5.2. “citizen pursuant to 26 C.F.R. §1.1-1(c)”.

The implication of all the above is that the person being described by default:

1. Is not domiciled or resident on federal territory of the “United States***” and is therefore protected by the United States Constitution.
2. Is not domiciled or resident within any United States judicial district.
3. Is not domiciled or resident within any internal revenue district described in Treasury Order 150-02. The only remaining internal revenue district is the District of Columbia.
4. May not lawfully have his or her or its legal identity kidnapped and transported to the District of Columbia involuntarily pursuant to 26 U.S.C. §7701(a)(39) or 26 U.S.C. §7408(d).
5. Is a “stateless person” within the meaning of 28 U.S.C. §1332 because not domiciled in the “States” described in 28 U.S.C. §1332(e). See [Newman-Green v. Alfonso Larrain, 490 U.S. 826 \(1989\)](#) for the meaning of the term “stateless person”.
6. Is a nonresident to the exclusive jurisdiction of the United States government described in Article 1, Section 8, Clause 17 of the United States Constitution.
7. Is a statutory “non-resident non-person” for the purposes of federal taxation and is NOT a “nonresident alien individual”. All “individuals” are aliens and public offices and creations of Congress within the I.R.C. The only time an “individual” includes STATUTORY “U.S.** citizens” is when they are domiciled on federal territory and temporarily abroad under 26 U.S.C. §911(d). When “citizens” are in this condition, they interface to the I.R.C. as “resident aliens” under a tax treaty with the foreign country that they are in.
8. Is protected by the separation of legislative powers between the states and the federal government:

*“The people of the United States, by their Constitution, have affirmed a division of internal governmental powers between the federal government and the governments of the several states-committing to the first its powers by express grant and necessary implication; to the latter, or [301 U.S. 548, 611] to the people, by reservation, ‘the powers not delegated to the United States by the Constitution, nor prohibited by it to the States.’ The Constitution thus affirms the complete supremacy and independence of the state within the field of its powers. *Carter v. Carter Coal Co.*, 298 U.S. 238, 295, 56 S.Ct. 855, 865. The federal government has no more authority to invade that field than the state has to invade the exclusive field of national governmental powers; for, in the oft-repeated words of this court in *Texas v. White*, 7 Wall. 700, 725, ‘the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National government.’ The necessity of preserving each from every form of illegitimate intrusion or interference on the part of the other is so imperative as to require this court, when its judicial power is properly invoked, to view with a careful and discriminating eye any legislation challenged as constituting such an intrusion or interference. See *South Carolina v. United States*, 199 U.S. 437, 448, 26 S.Ct. 110, 4 Ann.Cas. 737.”*
[Steward Machine Co. v. Davis, 301 U.S. 548 (1937)]

"We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S. Const., Art. I, § 8. As James Madison wrote, "[t]he 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 Federalist* No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally mandated division of authority "was adopted by the Framers to ensure protection of our fundamental liberties."** *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). **"Just as the separation and independence of the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front."** *Ibid.* " [U.S. v. Lopez, 514 U.S. 549 (1995)]

9. Is protected by the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 because an instrumentality of a foreign state, meaning a state of the Union, as a jurist, voter, or domiciliary.

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

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

If you want to know why the above rules are established for citizenship, please refer to:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>

11.8 Meaning of "United States" based on CONTEXT used⁷⁵

11.8.1 Three geographical definitions of "United States"

Most of us are completely unaware that the term "United States" has several distinct and separate legal meanings and contexts and that it is up to us to know and understand these differences, to use them appropriately, and to clarify exactly which one we mean whenever we sign any government or financial form (including voter registration, tax documents, etc.). If we do not, we could unknowingly, unwillingly and involuntarily be creating false presumptions that cause us to surrender our Constitutional rights and our sovereignty. The fact is, most of us have unwittingly been doing just that for most, if not all, of our lives. Much of this misunderstanding and legal ignorance has been deliberately "manufactured" by our corrupted government in the public school system. It is a fact that our public dis-servants want docile sheep who are easy to govern, not "high maintenance" "sovereigns capable of critical and independent thinking and who demand their rights. We have become so casual in our use of the term "United States" that it is no longer understood, even within the legal profession, that there are actually three different legal meanings to the term. In fact, the legal profession has contributed to this confusion over this term by removing its definitions from all legal dictionaries currently in print that we have looked at. See Great IRS Hoax, Form #11.302, Section 6.13.1 for details on this scam.

Most of us have grown up thinking the term "United States" indicates and includes all 50 states of the Union. This is true in the context of the U.S. Constitution but it is not true in all contexts. As you will see, this is the third meaning assigned to the term "United States" by the United States Supreme Court. But, usually when we (Joe six pack) use the term United States we actually think we are saying the united States, as we are generally thinking of the several states or the union of States. As you will learn in this section, the meaning of the term depends entirely on the context and when we are filling out federal forms or speaking with the federal government, this is a very costly false presumption.

⁷⁵ Source: Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006, Section 3; <https://sedm.org/Forms/FormIndex.htm>.

First, it should be noted that the term United States is a noun. In fact, it is the proper name and title “We the people...” gave to the corporate entity (non-living thing) of the federal (central) government created by the Constitution. This in turn describes where the “United States” federal corporation referenced in 28 U.S.C. §3002(15)(A) was to be housed as the Seat of the Government - In the District of Columbia, not to exceed a ten mile square.

*Constitution
Article 1, Section 8, Clause 17*

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

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

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

The U.S. Supreme Court helped to clarify which of the three definitions above is the one used in the U.S. Constitution, when it held the following. Note they are implying the THIRD definition above and not the other two:

"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)]

The U.S. Supreme Court further clarified that the Constitution implies the third definition above, which is the United States*** when they held the following. Notice that they say "not part of the United States within the meaning of the Constitution" and that the word "the" implies only ONE rather than multiple GEOGRAPHIC meanings:

"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States within the meaning of the Constitution."

[O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

And finally, the U.S. Supreme Court has also held that the Constitution does not and cannot determine or limit the authority of Congress over federal territory and that the ONLY portion of the Constitution that does in fact expressly refer to federal territory and therefore the statutory "United States" is Article 1, Section 8, Clause 17. Notice they ruled that Puerto Rico is NOT part of the "United States" within the meaning of the Constitution, just like they ruled in O'Donoghue above that territory was no part of the "United States":

In passing upon the questions involved in this and kindred cases, we ought not to overlook the fact that, while the Constitution was intended to establish a permanent form of government for the states which should elect to take advantage of its conditions, and continue for an indefinite future, the vast possibilities of that future could never have entered the minds of its framers. The states had but recently emerged from a war with one of the most powerful nations of Europe, were disheartened by the failure of the confederacy, and were doubtful as to the feasibility of a stronger union. Their territory was confined to a narrow strip of land on the Atlantic coast from Canada to Florida, with a somewhat indefinite claim to territory beyond the Alleghenies, where their sovereignty was disputed by tribes of hostile Indians supported, as was popularly believed, by the British, who had never formally delivered possession [182 U.S. 244, 285] under the treaty of peace. The vast territory beyond the Mississippi, which formerly had been claimed by France, since 1762 had belonged to Spain, still a powerful nation and the owner of a great part of the Western Hemisphere. Under these circumstances it is little wonder that the question of annexing these territories was not made a subject of debate. The difficulties of bringing about a union of the states were so great, the objections to it seemed so formidable, that the whole thought of the convention centered upon surmounting these obstacles. The question of territories was dismissed with a single clause, apparently applicable only to the territories then existing, giving Congress the power to govern and dispose of them.

Had the acquisition of other territories been contemplated as a possibility, could it have been foreseen that, within little more than one hundred years, we were destined to acquire, not only the whole vast region between the Atlantic and Pacific Oceans, but the Russian possessions in America and distant islands in the Pacific, it is incredible that no provision should have been made for them, and the question whether the Constitution should or should not extend to them have been definitely settled. If it be once conceded that we are at liberty to acquire foreign territory, a presumption arises that our power with respect to such territories is the same power which other nations have been accustomed to exercise with respect to territories acquired by them. If, in limiting the power which Congress was to exercise within the United States[***], it was also intended to limit it with regard to such territories as the people of the United States[***] should thereafter acquire, such limitations should have been expressed. Instead of that, we find the Constitution speaking only to states, except in the territorial clause, which is absolute in its terms, and suggestive of no limitations upon the power of Congress in dealing with them. The states could only delegate to Congress such powers as they themselves possessed, and as they had no power to acquire new territory they had none to delegate in that connection. The logical inference from this is that if Congress had power to acquire new territory, which is conceded, that power was not hampered by the constitutional provisions. If, upon the other hand, we assume [182 U.S. 244, 286] that the territorial clause of the Constitution was not intended to be restricted to such territory as the United States then possessed, there is nothing in the Constitution to indicate that the power of Congress in dealing with them was intended to be restricted by any of the other provisions.

[. . .]

If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation, and modes of thought, the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible; and the question at once arises whether large concessions ought not to be made for a time, that ultimately our own theories may be carried out, and the blessings of a free government under the Constitution extended to them. We decline to hold that there is anything in the Constitution to forbid such action.

We are therefore of opinion that the island of Porto Rico is a territory appurtenant and belonging to the United States, but not a part of the United States[*] within the revenue clauses of the Constitution;** that the Foraker act is constitutional, so far as it imposes duties upon imports from such island, and that the plaintiff cannot recover back the duties exacted in this case. [*Downes v. Bidwell*, 182 U.S. 244 (1901)]

11.8.2 The two political jurisdictions/nations within the United States*

Another important distinction needs to be made. Definition 1 above refers to the country “United States*”, but this country is not a “nation”, in the sense of international law. This very important point was made clear by the U.S. Supreme Court in 1794 in the case of *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793) , when it said:

This is a case of uncommon magnitude. One of the parties to it is a State; certainly respectable, claiming to be sovereign. The question to be determined is, whether this State, so respectable, and whose claim soars so high, is amenable to the jurisdiction of the Supreme Court of the United States? This question, important in itself, will depend on others, more important still; and, may, perhaps, be ultimately resolved into one, no less radical than this 'do the people of the United States form a Nation?'

A cause so conspicuous and interesting, should be carefully and accurately viewed from every possible point of sight. I shall examine it; 1st. By the principles of general jurisprudence. 2nd. By the laws and practice of particular States and Kingdoms. **From the law of nations little or no illustration of this subject can be expected. By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION.** It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument. [*Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793)]

An earlier edition of Black’s Law Dictionary further clarifies the distinction between a “nation” and a “society” by clarifying the differences between a **national** government and a **federal** government, and keep in mind that the American government is called “federal government”:

“NATIONAL GOVERNMENT. The government of a whole nation, as distinguished from that of a local or territorial division of the nation, and also as distinguished from that of a league or confederation.

“A national government is a government of the people of a single state or nation, united as a community by what is termed the “social compact,” and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact.” *Piqua Branch Bank v. Knoup*, 6 Ohio.St. 393.”
[*Black’s Law Dictionary*, Revised Fourth Edition, 1968, p. 1176]

“FEDERAL GOVERNMENT. The system of government administered in a state formed by the union or confederation of **several independent or quasi independent states**; also the composite state so formed.

*In strict usage, there is a distinction between a confederation and a federal government. **The former term denotes a league or permanent alliance between several states, each of which is fully sovereign and independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the component states are the units, with respect to the confederation, and the central government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the central power is erected into a true state or nation, possessing sovereignty both external and internal,-while***

the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all, in their collective capacity, as citizens of the nation. The distinction is expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaat;" the former denoting a league or confederation of states, and the latter a federal government, or state formed by means of a league or confederation."
[Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]

So the "United States*" the country is a "society" and a "sovereignty" but not a "nation" under the law of nations, by the Supreme Court's own admission. Because the Supreme Court has ruled on this matter, it is now incumbent upon each of us to always remember it and to apply it in all of our dealings with the Federal Government. If not, we lose our individual Sovereignty by default and the Federal Government assumes jurisdiction over us. So, while a sovereign American will want to be the third type of Citizen, which is a "Citizen of the United States***" and on occasion a "citizen of the United States*", he would never want to be the second, which is a "citizen of the United States***". A human being who is a "citizen" of the second is called a *statutory* "U.S. citizen" under [8 U.S.C. §1401](#), and he is treated in law as occupying a place not protected by the Bill of Rights, which is the first ten amendments of the United States Constitution. Below is how the U.S. Supreme Court, in a dissenting opinion, described this "other" United States, which we call the "federal zone":

"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.."

[. . .]

"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.."

[. . .]

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), Justice Harlan, Dissenting]

11.8.3 "United States" as a corporation and a Legal Person

The second definition of "United States*" above is also a federal corporation. This corporation was formed in 1871. It is described in [28 U.S.C. §3002](#)(15)(A):

[TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > Sec. 3002.](#)
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.

The U.S. Supreme Court, in fact, has admitted that all governments are corporations when it held:

"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 [the Constitution is the corporate charter]. 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, [36 U.S.C. 420](#) (1837)]

If we are acting as a federal "public official" or contractor, then we are representing the "United States** federal corporation". That corporation is a statutory "U.S. citizen" under [8 U.S.C. §1101\(a\)\(22\)\(A\)](#) which is completely subject to all federal law.

"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)]

[Federal Rule of Civil Procedure 17](#)(b) says that when we are representing that corporation as "officers" or "employees", we therefore become statutory "U.S. citizens" completely subject to federal territorial law:

[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.

[[Federal Rule of Civil Procedure 17\(b\)](#)]

Yet on every government (any level) document we sign (e.g. Social Security, Marriage License, Voter Registration, Driver License, BATF 4473, etc.) they either require you to be a "citizen of the United States" or they ask "are you a resident of Illinois?". They are in effect asking you to assume or presume the second definition, the "United States**", when you fill out the form, but they don't want to tell you this because then you would realize they are asking you to commit perjury on a government form under penalty of perjury. They in effect are asking you if you wish to act in the official capacity of a public employee or officer of the federal corporation. The form you are filling out therefore is serving the dual capacity of a federal job application and an application for "benefits". The reason this must be so, is that they are not allowed to pay PUBLIC "benefits" to PRIVATE humans and can only lawfully pay them to public statutory "employees", public officers, and contractors. Any other approach makes the government into a thief. See the article below for details on this scam:

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

If you accept the false and self-serving presumption of your public dis-servants, or you answer "Yes" to the question of whether you are a "citizen of the United States" or a "U.S. citizen" on a federal or state form, usually under penalty of perjury, then you have committed perjury under penalty of perjury and also voluntarily placed yourself under their exclusive/plenary legislative jurisdiction as a public official/"employee" and are therefore unlawfully subject to Federal & State Codes and Regulations (Statutes). The Social Security Number they ask for on the form, in fact, is prima facie evidence that you are a federal statutory employee, in fact. Look at the evidence for yourself, paying particular attention to sections 6.1, 6.2 and 6.6:

[Resignation of Compelled Social Security Trustee](#), Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

Most statutes passed by government are, in effect, PRIVATE law only for government. They are private law or contract law that act as the equivalent of a government employment agreement.

"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 who are not engaged in a "trade or business" and thus have no income tax liability are incentivized into all kinds of crazy behaviors in pursuit of reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle A of the Internal Revenue Code, which would "appear" to regulate the private conduct of all individuals in states of the Union, in fact only applies to "public officials" in the official conduct of their duties while present in the District of Columbia, which [4 U.S.C. §72](#) makes the "seat of government". The Internal Revenue Code (I.R.C.) therefore essentially amounts to a part of the job responsibility and the "employment contract" of "public officials". This was also confirmed by the House of Representatives, who said that only those who take an oath of "public office" are subject to the requirements of the personal income tax. See:

<http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

We the People, as the Sovereigns, cannot lawfully become the proper subject to exclusive federal jurisdiction unless and until we surrender our sovereignty by signing a government employment agreement that can take many different forms: I.R.S. Form W-4 and 1040, SSA Form SS-5, etc.

[California Civil Code](#)
DIVISION 3. OBLIGATIONS
PART 2. CONTRACTS
TITLE 1. NATURE OF A CONTRACT
CHAPTER 3. CONSENT

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

[SOURCE:
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590>]

The I.R.S. Form W-4 is what both we and the government refer to as a federal "election" form and you are the only voter. They are asking you if you want to elect yourself into "public office", and if you say "yes", then you got the job and a cage is reserved for you on the federal plantation:

"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, [425 U.S. 238, 247](#) (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees (public officers) can. O'Connor v. Ortega, [480 U.S. 709, 723](#) (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees (public officers) can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] [392 U.S. 273, 277](#)-278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees (public officers) can be fired for that reason. Connick v. Myers, [461 U.S. 138, 147](#) (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, [330 U.S. 75, 101](#) (1947); Civil Service Comm'n v. Letter Carriers, [413 U.S. 548, 556](#) (1973); Broadrick v. Oklahoma, [413 U.S. 601, 616](#)-617 (1973)."
[Rutan v. Republican Party of Illinois, [497 U.S. 62](#) (1990)]

By making you into a DE FACTO "public official" or statutory "employee", they are intentionally destroying the separation of powers that is the main purpose of the Constitution and which was put there to protect your rights.

"To the contrary, **the Constitution divides authority between federal and state governments for the protection of individuals. State sovereignty is not just an end in itself: "Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power."** *Coleman v. Thompson*, **501 U.S. 722, 759 (1991)** (BLACKMUN, J., dissenting). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." *Gregory v. [505 U.S. 144, 182] Ashcroft*, **501 U.S., at 458**. See *The Federalist* No. 51, p. 323. (C. Rossiter ed. 1961)."
[*New York v. United States*, **505 U.S. 144** (1992)]

They are causing you to voluntarily waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), **28 U.S.C. §1601-1611**. **28 U.S.C. §1605**(a)(2) of the act says that those who conduct "commerce" within the legislative jurisdiction of the "United States" (federal zone), whether as public official or federal benefit recipient, surrender their sovereign immunity.

TITLE 28 > PART IV > CHAPTER 97 > § 1605
§ 1605. General exceptions to the jurisdictional immunity of a foreign state

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial [employment or federal benefit] activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

They are also destroying the separation of powers by fooling you into declaring yourself to be a *statutory* "U.S.** citizen" under **8 U.S.C. §1401**. **28 U.S.C. §1603(b)(3)** and **28 U.S.C. §1332(e)** specifically exclude such statutory "U.S. citizens" from being foreign sovereigns who can file under statutory diversity of citizenship. This is also confirmed by the Department of State Website:

"Section 1603(b) defines an "agency or instrumentality" of a foreign state as an entity

(1) which is a separate legal person, corporate or otherwise, and

(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and

(3) which is neither a citizen of the a state of the United States as defined in Sec. 1332(e) nor created under the laws of any third country."

[Department of State Website, http://travel.state.gov/law/info/judicial/judicial_693.html]

In effect, they kidnapped your legal identity and made you into a "resident alien federal employee" working in the "king's castle", what Mark Twain called "the District of Criminals", and changed your status from "foreign" to "domestic" by creating false presumptions about citizenship and using the Social Security Number, IRS Form W-4, and SSA Form SS-5 to make you into a "subject citizen" and a "public employee" with no constitutional rights.

The nature of most federal law as private/contract law is carefully explained below:

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

As you will soon read, the government uses various ways to mislead and trick us into their private/contract laws (outside our Constitutional protections) and make you into the equivalent of their "employee", and thereby commits a great fraud on the American People. It is the purpose of this document to expose the most important aspect of that willful deception, which is the citizenship trap.

11.8.4 Why the STATUTORY Geographical "United States" does not include states of the Union

A common point of confusion is the comparison between STATUTORY and CONSTITUTIONAL contexts for the "United States". Below is a question posed by a reader about this confusion:

Your extensive citizenship materials say that the term "United States" described in 8 U.S.C. §1101(a)(38) , (a)(36) , and 8 C.F.R. §215.1(f) includes only DC, Puerto Rico, Guam, USVI, and CNMI and excludes all Constitutional Union states. In fact, a significant portion of what your materials say hinges on the interpretation that the term "United States" per 8 U.S.C. §1101(a)(38) includes only DC, Puerto Rico, Guam, USVI, and CNMI and excludes all Constitutional Union states. Therefore, it is important that your readers are confident that this is the correct interpretation of 8 U.S.C. §1101(a)(38). The problem that most of your readers are going to have is that the text for 8 U.S.C. §1101(a)(38) say the "United States" means continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

Please explain to me how the term "United States" described in 8 U.S.C. §1101(a)(38), (a)(36) , and 8 C.F.R. §215.1(f) can exclude all Constitution Union states when 8 U.S.C. §1101(a)(38) explicitly lists list Alaska and Hawaii as part of "United States". Alaska and Hawaii were the last two Constitutional states to join the Union and they became Constitutional Union states on August 21, 1959 and January 3, 1959 respectfully. The only possible explanation that I can think of is that the Statutes at Large that 8 U.S.C. §1101(a)(38) is a codification of never got updated after Alaska and Hawaii joined the Union. Do you agree? How can one provide legal proof of this? This proof needs to go into your materials since this is such a key and pivotal issue to understanding your correct political and civil status. It appears that the wording used in 8 U.S.C. §1101(a)(38) is designed to obfuscate and confuse most people into thinking that it is describing United States* when in fact is it describing only a portion of United States**. If this section of code is out of date, why has Congress never updated it to remove Alaska and Hawaii from the definition of "United States" ?

The definitions that lead to this question are as follows:

8 U.S.C. §1101(a)(38)

The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

8 U.S.C. §1101(a)(36)

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

8 C.F.R. §215.1(f)

The term continental United States means the District of Columbia and the several States, except Alaska and Hawaii.

In response to this question, we offer the following explanation:

1. The U.S. Supreme Court has held that a "national and citizen of the United States at birth" in 8 U.S.C. §1401 does NOT include state citizens under the Fourteenth Amendment. See *Rogers v. Bellei*, 401 U.S. 815 (1971). Hence, the "United States" they are referring to in 8 U.S.C. §1401 CANNOT include constitutional states of the Union.
2. 40 U.S.C. §§3111 and 3112 say that federal jurisdiction does not exist within a state except on land ceded to the national government. Hence, no matter what the geographical definitions are, they do not include anything other than federal territory.
3. It is a legal impossibility to have more than one domicile and if you are domiciled in a state of the Union, then you are domiciled OUTSIDE of federal territory and federal civil jurisdiction. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
<http://sedm.org/Forms/FormIndex.htm>
4. All statutory terms are limited to territory over which Congress has EXCLUSIVE GENERAL (RATHER than subject matter) jurisdiction. All of the statuses indicted in the statutes (including those in 8 U.S.C. §§1401 and 1408) STOP at the border to federal territory and do not apply within states of the Union. One cannot have a status in a place that they are not civilly domiciled, and especially a status that they do NOT consent to and to which rights and obligations attach. Otherwise, the Declaration of Independence is violated because they are subjected to obligations that they didn't consent to and are a slave. This is proven in:

5. As the U.S. Supreme Court held, all law is prima facie territorial and confined to the territory of the specific state. The states of the Union are NOT "territory" as legally defined.

*Volume 86, Corpus Juris Secundum Legal Encyclopedia
Territories
§1. Definitions, Nature, and Distinctions*

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

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

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

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

Therefore, all of the civil statuses found in Title 8 of the U.S. Code do not extend into or relate to anyone civilly domiciled in a constitutional state, regardless of what the definition of "United States" is and whether it is GEOGRAPHICAL or GOVERNMENT sense.

*"It is a well established principle of law that all federal regulation applies only within the territorial jurisdiction of the United States unless a contrary intent appears."
[Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]*

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

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

6. The U.S. Supreme Court has held that Congress enjoys no legislative jurisdiction within a constitutional state. Hence, those in constitutional states can have no civil "status" under the laws of Congress. There are a few RARE exceptions to this, and all of them relate to CONSTITUTIONAL remedies. For instance 42 U.S.C. §1983 implements provisions of the Fourteenth Amendment, so "person" in that statute can also include state nationals. See Litigation Tool #08.008 for details on this exception.

*"The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many; **but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. *United States v. Butler*, supra."
[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]*

"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)]

7. The U.S. Supreme Court has held that Congress can only tax or regulate that which it creates. Since it didn't create humans, then all civil statuses under Title 8 MUST be artificial PUBLIC offices.

"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)]

8. Just like in the Internal Revenue Code, the term "United States" within Title 8 of the U.S. Code is ONLY defined in its GEOGRAPHICAL sense but the GEOGRAPHICAL sense is not the only sense. The OTHER sense is the GOVERNMENT as a legal person.
9. There is no way provided in statutes to distinguish the GEOGRAPHICAL use and the GOVERNMENT use in all the cases we have identified. This leaves the reader guessing and also gives judges unwarranted and unconstitutional discretion to apply either context. This confusion is deliberate to facilitate equivocation and mask and protect the massive criminal identity theft ongoing everyday in federal courtrooms across the country. See:

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

10. The Great IRS Hoax, Form #11.302, Section 5.2.12 talks about the meaning and history of United States in the Internal Revenue Code. It proves that "United States" includes only the federal zone and not the Constitutional states or land under the exclusive jurisdiction of said states.

Great IRS Hoax, Form #11.302, Section 5.2.12
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

11. The term "United States" as used in 8 U.S.C. §1401 within "national and citizen of the United States** at birth" does not expressly invoke the GEOGRAPHIC sense and hence, must be presumed to be the GOVERNMENT sense, where "citizen" is a public officer in the government.
12. Members of the legal profession have tried to argue with the above by saying that Congress DOES have SUBJECT MATTER jurisdiction within states of the Union as listed in Article 1, Section 8 of the Constitution. However:
- 12.1. The geographical definition of "United States" found in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d) EXCLUDES states of the Union.

"**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)]

12.2. The U.S. Supreme Court has never identified income taxation under 26 U.S.C. Subtitles A and C as an Article 1, Section 8 power related to subject matter jurisdiction. We have also NEVER found any evidence that it is a constitutional power other than the Sixteenth Amendment.

12.3. The Sixteenth Amendment did not grant Congress ANY new taxing power that it didn't already have over any new subject or person:

"..by the previous ruling it was settled that the provisions of the Sixteenth Amendment conferred no new power of taxation but simply prohibited the previous complete and plenary power of income taxation possessed by Congress from the beginning from being taken out of the category of indirect taxation to which it inherently belonged and being placed in the category of direct taxation subject to apportionment by a consideration of the sources from which the income was derived, that is by testing the tax not by what it was -- a tax on income, but by a mistaken theory deduced from the origin or source of the income taxed. "
[Stanton v. Baltic Mining Co., 240 U.S. 103 (1916)]

The whole point of Title 8 is confuse state citizens with territorial citizens and to thereby usurp jurisdiction over them and commit criminal identity theft. The tools for usurping that jurisdiction are described in:

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

A citizen of the District of Columbia is certainly within the meaning of 8 U.S.C. §1401. All you do by trying to confuse THAT citizen with a state citizen is engage in the Stockholm Syndrome and facilitate identity theft of otherwise sovereign state nationals by thieves in the District of Criminals. If you believe that an 8 U.S.C. §1401 "national and citizen of the United States" includes state citizens, then you have the burden of describing WHERE those domiciled in federal territory are described in Title 8, because the U.S. Supreme Court held that these two types of citizens are NOT the same. Where is your proof?

"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens. Whether this proposition was sound or not had never been judicially decided."
[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei [an 8 U.S.C. §1401 STATUTORY citizen]. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States * * * are citizens of the United States * * *,' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others. [. . .]

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a

dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[...]

Since the Court this Term has already downgraded citizens receiving public welfare, *Wyman v. James*, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, *Labine v. Vincent*, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in *James and Labine*, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute. [*Rogers v. Bellei*, 401 U.S. 815 (1971)]

In summary, all of the above items cannot simultaneously be true and at the same time, the geographical "United States" including states of the Union within any act of Congress. The truth cannot conflict with itself or it is a LIE. Any attempt to rebut the evidence and resulting conclusions of fact and law within this section must therefore deal with ALL of the issues addressed and not cherry pick the ones that are easy to explain.

Our conclusion is that the United States**, the area over which the EXCLUSIVE sovereignty of the United States government extends, is divided into two areas in which one can establish their domicile:

1. American Samoa and
2. "United States" as described in 8 U.S.C. §1101(a)(38), (a)(36) , and 8 C.F.R. §215.1(f).

This is very clear after looking at 8 U.S.C. §1401 and 8 U.S.C. §1408. The term "United States" described in 8 U.S.C. §1101(a)(38), (a)(36), and 8 C.F.R. §215.1(f) is not the inhabited area of United States** as previously mentioned in Appendix A of this document, but rather it is one of the two areas within United States** that one can establish a domicile in. The inhabited areas of the United States** would be "United States" per 8 U.S.C. §1101(a)(38) AND American Samoa. Those born in "United States" per 8 U.S.C. §1101(a)(38) are "citizens of the "United States**", where "United States" is described in 8 U.S.C. §1101(a)(38), and "nationals of United States**" per 8 U.S.C. §1101(a)(22) . Those born in American Samoa are "non-citizens of the "United States**", where "United States" is described in 8 U.S.C. §1101(a)(38). United States** = "United States", where "United States" is described in 8 U.S.C. §1101(a)(38), American Samoa, and all of the uninhabited territories of the U.S., including the federal enclaves within the exterior borders of the Constitutional Union states.

For further supporting evidence about the subject of this section, see:

[Tax Deposition Questions](http://sedm.org/Forms/FormIndex-SinglePg.htm), Form #03.016, Section 14: Citizenship
<http://sedm.org/Forms/FormIndex-SinglePg.htm>

11.8.5 Why the CONSTITUTIONAL Geographical "United States" does NOT include federal territory

The case of *Valmonte v. I.N.S.*, 136 F.3d. 914 (C.A.2, 1998) very clearly determines that the CONSTITUTIONAL "United States", when used in a GEOGRAPHICAL context, means states of the Union and EXCLUDES federal territories. Below is the text of that holding:

The principal issue in this petition is the territorial scope of the term "the United States" in the Citizenship Clause of the Fourteenth Amendment. U.S. Const. amend. XIV, § 1 ("All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." (emphasis added)). Petitioner, who was born in the Philippines in 1934 during its status as a United States territory, argues she was "born ... in the United States" and is therefore a United States citizen.⁷⁶

Petitioner's argument is relatively novel, having been addressed previously only in the Ninth Circuit. See Rabang v. INS, 35 F.3d 1449, 1452 (9th Cir.1994) ("No court has addressed whether persons born in a United States territory are born 'in the United States,' within the meaning of the Fourteenth Amendment."), cert. denied sub nom. Sanidad v. INS, 515 U.S. 1130, 115 S.Ct. 2554, 132 L.Ed.2d. 809 (1995). In a split decision, the Ninth Circuit held that "birth in the Philippines during the territorial period does not constitute birth 'in

⁷⁶ Although this argument was not raised before the immigration judge or on appeal to the BIA, it may be raised for the first time in this petition. See INA, supra, § 106(a)(5), 8 U.S.C. §1105a(a)(5).

1 the United States' under the Citizenship Clause of the Fourteenth Amendment, and thus does not give rise to
2 United States citizenship." Rabang, 35 F.3d at 1452. We agree.⁷⁷

3 Despite the novelty of petitioner's argument, the Supreme Court in the Insular Cases⁷⁸ provides authoritative
4 guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment. The Insular
5 Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from
6 Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the
7 United States. The Court considered the territorial scope of the term "the United States" in the Constitution
8 and held that this term as used in the uniformity clause of the Constitution was territorially limited to the
9 states of the Union. U.S. Const. art. I, § 8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the
10 United States." (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088
11 (1901) ("[I]t can nowhere be inferred that the territories were considered a part of the United States. The
12 Constitution was created by the people of the United States, as a union of States, to be governed solely by
13 representatives of the States; ... In short, the Constitution deals with States, their people, and their
14 representatives."); Rabang, 35 F.3d at 1452. Puerto Rico was merely a territory "appurtenant and belonging
15 to the United States, but not a part of the United States within the revenue clauses of the Constitution."
16 Downes, 182 U.S. at 287, 21 S.Ct. at 787.

17 The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and
18 Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the
19 United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The
20 Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the
21 jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend
22 XIV, § 1 (emphasis added). The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may
23 be places within the jurisdiction of the United States that are not] part of the Union" to which the
24 Thirteenth Amendment would apply. Downes, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the
25 Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United
26 States'] jurisdiction,' " but is limited to persons born or naturalized in the states of the Union. Downes, 182
27 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("[I]n dealing with foreign
28 sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and
29 includes all territories subject to the jurisdiction of the Federal government, wherever located.").⁷⁹

30 Following the decisions in the Insular Cases, the Supreme Court confirmed that the Philippines, during its
31 status as a United States territory, was not a part of the United States. See Hooven & Allison Co. v. Evatt, 324
32 U.S. 652, 678, 65 S.Ct. 870, 883, 89 L.Ed. 1252 (1945) ("As we have seen, [the Philippines] are not a part of
33 the United States in the sense that they are subject to and enjoy the benefits or protection of the Constitution,
34 as do the states which are united by and under it."); see id. at 673-74, 65 S.Ct. at 881 (Philippines "are
35 territories belonging to, but not a part of, the Union of states under the Constitution," and therefore imports
36 "brought from the Philippines into the United States ... are brought from territory, which is not a part of the
37 United States, into the territory of the United States.").

38 Accordingly, the Supreme Court has observed, without deciding, that persons born in the Philippines prior to
39 its independence in 1946 are not [CONSTITUTIONAL] citizens of the United States. See Barber v. Gonzales,
40 347 U.S. 637, 639 n. 1, 74 S.Ct. 822, 823 n. 1, 98 L.Ed. 1009 (1954) (stating that although the inhabitants of the
41 Philippines during the territorial period were "nationals" of the United States, they were not "United States
42 citizens"); Rabang v. Boyd, 353 U.S. 427, 432 n. 12, 77 S.Ct. 985, 988 n. 12, 1 L.Ed.2d. 956 (1957) ("The
43 inhabitants of the Islands acquired by the United States during the late war with Spain, not being citizens of
44 the United States, do not possess right of free entry into the United States." (emphasis added) (citation and
45 internal quotation marks omitted)).

⁷⁷ For the purpose of deciding this petition, we address only the territorial scope of the phrase "the United States" in the Citizenship Clause. We do not consider the distinct issue of whether citizenship is a "fundamental right" that extends by its own force to the inhabitants of the Philippines under the doctrine of territorial incorporation. *Dorr v. United States*, 195 U.S. 138, 146, 24 S.Ct. 808, 812, 49 L.Ed. 128 (1904) ("Doubtless Congress, in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments." (citation and internal quotation marks omitted)); Rabang, 35 F.3d at 1453 n. 8 ("We note that the territorial scope of the phrase 'the United States' is a distinct inquiry from whether a constitutional provision should extend to a territory." (citing *Downes v. Bidwell*, 182 U.S. 244, 249, 21 S.Ct. 770, 772, 45 L.Ed. 1088 (1901))). The phrase "the United States" is an express territorial limitation on the scope of the Citizenship Clause. Because we determine that the phrase "the United States" did not include the Philippines during its status as a United States territory, we need not determine the application of the Citizenship Clause to the Philippines under the doctrine of territorial incorporation. Cf. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 291 n. 11, 110 S.Ct. 1056, 1074 n. 11, 108 L.Ed.2d 222 (1990) (Brennan, J., dissenting) (arguing that the Fourth Amendment may be applied extraterritorially, in part, because it does not contain an "express territorial limitation[]").

⁷⁸ *De Lima v. Bidwell*, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); *Dooley v. United States*, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); *Armstrong v. United States*, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and *Downes v. Bidwell*, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

⁷⁹ Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See *Downes*, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

Petitioner, notwithstanding this line of Supreme Court authority since the *Insular Cases*, argues that the Fourteenth Amendment codified English common law principles that birth within the territory or dominion of a sovereign confers citizenship. Because the United States exercised complete sovereignty over the Philippines during its territorial period, petitioner asserts that she is therefore a citizen by virtue of her birth within the territory and dominion of the United States. **Petitioner argues that the term "the United States" in the Fourteenth Amendment should be interpreted to mean "within the dominion or territory of the United States."** *Rabang*, 35 F.3d at 1459 (Pregerson, J., dissenting); see *United States v. Wong Kim Ark*, 169 U.S. 649, 693, 18 S.Ct. 456, 473-74, 42 L.Ed. 890 (1898) (relying on the English common law and holding that the Fourteenth Amendment "affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country" (emphasis added)); *Inglis v. Sailors' Snug Harbour*, 28 U.S. (3 Pet.) 99, 155, 7 L.Ed. 617 (1830) (Story, J., concurring and dissenting) (citizenship is conferred by "birth locally within the dominions of the sovereign; and ... birth within the protection and obedience ... of the sovereign").

We decline petitioner's invitation to construe *Wong Kim Ark* and *Inglis* so expansively. Neither case is reliable authority for the citizenship principle petitioner would have us adopt. The issue in *Wong Kim Ark* was whether a child born to alien parents in the United States was a citizen under the Fourteenth Amendment. That the child was born in San Francisco was undisputed and "it [was therefore] unnecessary to define 'territory' rigorously or decide whether 'territory' in its broader sense (i.e. outlying land subject to the jurisdiction of this country) meant 'in the United States' under the Citizenship Clause." *Rabang*, 35 F.3d at 1454.⁸⁰ Similarly, in *Inglis*, a pre-Fourteenth Amendment decision, the Court considered whether a person, born in the colonies prior to the Declaration of Independence, whose parents remained loyal to England and left the colonies after independence, was a United States citizen for the purpose of inheriting property in the United States. Because the person's birth within the colonies was undisputed, it was unnecessary in that case to consider the territorial scope of common law citizenship.

The question of the Fourteenth Amendment's territorial scope was not before the Court in Wong Kim Ark or Inglis and we will not construe the Court's statements in either case as establishing the citizenship principle that a person born in the outlying territories of the United States is a United States citizen under the Fourteenth Amendment. See *Rabang*, 35 F.3d at 1454. "[G]eneral expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision." *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 399, 5 L.Ed. 257 (1821) (Marshall, C.J.).

In sum, persons born in the Philippines during its status as a United States territory were not "born ... in the United States" under the Fourteenth Amendment. *Rabang*, 35 F.3d at 1453 (Fourteenth Amendment has an "express territorial limitation which prevents its extension to every place over which the government exercises its sovereignty."). Petitioner is therefore not a United States citizen by virtue of her birth in the Philippines during its territorial period.

Petitioner makes several additional arguments that we address and dispose of quickly. First, contrary to petitioner's argument, **Congress' classification of the inhabitants of the Philippines as "nationals" during the Philippines' territorial period did not violate the Thirteenth Amendment.** The Thirteenth Amendment "proscribe[s] conditions of 'enforced compulsory service of one to another.'" *Jobson v. Henne*, 355 F.2d. 129, 131 (2d Cir.1966) (quoting *Hodges v. United States*, 203 U.S. 1, 16, 27 S.Ct. 6, 8, 51 L.Ed. 65 (1906)).

Furthermore, contrary to petitioner's argument, Congress had the authority to classify her as a "national" and then reclassify her as an alien to whom the United States immigration laws would apply. Congress' authority to determine petitioner's political and immigration status was derived from three sources. Under the Constitution, Congress has authority to "make all needful Rules and Regulations respecting the Territory ... belonging to the United States," see U.S. Const. art. IV, § 3, cl. 2, and "[t]o establish an uniform Rule of Naturalization," id. art. I, § 8, cl.4. The Treaty of Paris provided that "the civil rights and political status of the native inhabitants ... shall be determined by Congress." Treaty of Paris, supra, art. IX, 30 Stat. at 1759. This authority was confirmed in Downes where the Supreme Court stated that the "power to acquire territory by treaty implies not only the power to govern such territory, but to prescribe upon what terms the United States will receive its inhabitants, and what their status shall be." *Downes*, 182 U.S. at 279, 21 S.Ct. at 784; see *Rabang v. Boyd*, 353 U.S. 427, 432, 77 S.Ct. 985, 988, 1 L.Ed.2d. 956 (1957) (rejecting argument that Congress did not have authority to alter the immigration status of persons born in the Philippines).

Congress' reclassification of Philippine "nationals" to alien status under the Philippine Independence Act was not tantamount to a "collective denaturalization" as petitioner contends. See *Afroyim v. Rusk*, 387 U.S. 253, 257, 87 S.Ct. 1660, 1662, 18 L.Ed.2d. 757 (1967) (holding that Congress has no authority to revoke

⁸⁰ This point is well illustrated by the Court's ambiguous pronouncements on the territorial scope of common law citizenship. See *Rabang*, 35 F.3d at 1454; compare *Wong Kim Ark*, 169 U.S. at 658, 18 S.Ct. at 460 (under the English common law, "every child born in England of alien parents was a natural-born subject" (emphasis added)), and *id.* at 661, 18 S.Ct. at 462 ("Persons who are born in a country are generally deemed citizens and subjects of that country." (citation and internal quotation marks omitted; emphasis added)), with *id.* at 667, 18 S.Ct. at 464 (citizenship is conferred by "birth within the dominion").

1 United States citizenship). Philippine "nationals" of the United States were not naturalized United States
2 citizens. See Manlangit v. INS, 488 F.2d. 1073, 1074 (4th Cir.1973) (holding that Afroyim addressed the rights
3 of a naturalized American citizen and therefore does not stand as a bar to Congress' authority to revoke the
4 non-citizen, "national" status of the Philippine inhabitants).
5 [Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

6 **11.8.6 Meaning of “United States” in various contexts within the U.S. Code**

7 **11.8.6.1 Tabular summary**

8 Next, we must conclusively determine which “United States” is implicated in various key sections of the U.S. Code and
9 supporting regulations. Below is a tabular list that describes its meaning in various contexts, the reason why we believe
10 that meaning applies, and the authorities that prove it.

1 **Table 6: Meaning of "United States" in various contexts**

#	Code section	Term	Meaning	Authorities	Reason
1	8 U.S.C. §1101(a)(38)	Geographical "United States" defined	United States**	8 U.S.C. §1101(a)(36) defines "State" to EXCLUDE constitutional states.	
2	8 U.S.C. §1101(a)(38)	"continental United States"	United States**		
3	8 U.S.C. §1101(a)(22)	"national of the United States" defined	United States*		Allegiance is not territorial, but political.
4	8 U.S.C. §1101(a)(22)(A)	"citizen of the United States" referenced	United States**		Uses the same phrase as 8 U.S.C. §1421 and therefore must be the same.
5	8 U.S.C. §1101(a)(22)(B)	"a person who, though not a citizen of the United States, owes permanent allegiance to the United States"	United States*	Marquez-Almanzar v. INS, 418 F.3d. 210 (2005) Oliver v. INS, 517 F.2d. 426, 427 (2d Cir.1975)	Allegiance is not territorial, but political.
6	8 U.S.C. §1401	"national and citizen of the United States at birth" defined	United States**	Rogers v. Bellei, 401 U.S. 815 (1971)	"citizen" in this section is a revocable privilege. Rights cannot be revoked but privileges can.
7	8 U.S.C. §1408	"non-citizen national of the United States at birth" defined	United States**	Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)	
8	8 U.S.C. §1421	"citizens of the United States" referenced	United States***	Eche v. Holder, 694 F.3d. 1026 (2012)	Naturalization is available ONLY in states of the Union or the "United States". Not available in unincorporated territories. Territorial citizens have to travel to constitutional states to be naturalized and become state nationals.
9	8 U.S.C. §1452(a)	"United States citizenship"	United States**	Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982 Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683	
10	8 U.S.C. §1452(b)	"non-citizen national" referenced	United States**	Black's Law Dictionary, Sixth Edition, p. 517 ("ejusdem generis") Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696	
11	8 C.F.R. §215.1(e)	"United States" defined for "aliens" ONLY	United States*		Section refers to departing aliens, which Congress has jurisdiction over throughout the country. U.S. Const. Art. 1, Section 8, Clause 4
12	Fourteenth Amendment	"citizen of the United States"	United States***	Downes v. Bidwell, 182 U.S. 244 (1901) O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)	Geographical "United States" in the contexts means states of the Union and excludes federal territory. See <i>Why the Fourteenth Amendment is Not a Threat to Your Freedom</i> , Form #08.015
13	26 C.F.R. §1.1-1(c)	"citizen"	United States**	8 U.S.C. §1401	26 C.F.R. §1.1-1(c) says "subject to IT'S jurisdiction" rather than "subject to THE jurisdiction". It also references 8 U.S.C. §1401.
14	26 U.S.C. §7701(a)(30)	"citizen" in the context of Title 26	United States**	26 C.F.R. §1.1-1(c) 26 U.S.C. §7701(a)(9) and (a)(10)	"United States" for the purposes of 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d) do not include constitutional states. Therefore this citizen is domiciled on federal territory not within a constitutional state.

11.8.6.2 Supporting evidence

Below is a list of the content of some of the above authorities showing the meaning of each status:

1. Geographical “United States**”, 8 U.S.C. §1101(a)(38).

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. [Aliens and Nationality]
Sec. 1101. - Definitions

(a)(36): State [Aliens and Nationality]

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

2. “continental United States**”, 8 U.S.C. §1101(a)(38).

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. [Aliens and Nationality]
Sec. 1101. - Definitions

(a)(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

3. “citizen of the United States**”, 8 U.S.C. §1101(a)(22)(A).

“Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited to the “United States[**].” This limitation “prevents its extension to every place over which the government exercises its sovereignty.” Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration law to the CNMI prior to the CNRA’s transition date.

The district court correctly granted summary judgment on the merits to the government Defendants. Eche and Lo may, of course, submit new applications for naturalization once they have satisfied the statutory requirements.”
[Eche v. Holder, 694 F.3d. 1026]

4. “a person who, though not a citizen of the United States, owes permanent allegiance to the United States”, 8 U.S.C. §1101(a)(22)(B).

We have previously indicated that Marquez-Almanzar’s construction of § 1101(a)(22)(B) is erroneous, but have not addressed the issue at length. In *Oliver v. INS*, 517 F.2d. 426, 427 (2d Cir.1975) (per curiam), the petitioner, as a defense to deportation, argued that she qualified as a U.S. [*] national under § 1101(a)(22) (B) because she had resided exclusively in the United States for twenty years, and thus “owe[d] allegiance” to the United States[*]. Without extensively analyzing the statute, we found that the petitioner could not be “a ‘national’ as that term is understood in our law.” *Id.* We pointed out that the petitioner still owed allegiance to Canada (her country of birth and citizenship) because she had not taken the U.S. naturalization oath, to “renounce and abjure absolutely and entirely all allegiance and fidelity to any [foreign state of] ... which the petitioner was before a subject or citizen.” *Id.* at 428 (quoting INA §337(a)(2), 8 U.S.C. §1448(a)(2)). In making this observation, we did not suggest that the petitioner in *Oliver* could have qualified as a U.S. [*] national by affirmatively renouncing her allegiance to Canada or otherwise swearing “permanent allegiance” to the United States. In fact, in the following sentence we said that Title III, Chapter 1 of the INA9 “indicates that, with a few exceptions not here pertinent, one can satisfy [8 U.S.C. §1101(a)(22)(B)] only at birth; thereafter the road lies through naturalization, which leads to becoming a citizen and not merely a ‘national.’”¹⁰ *Id.* at 428.

Our conclusion in *Oliver*, which we now reaffirm, is consistent with the clear meaning of 8 U.S.C. §1101(a)(22)(B), read in the context of the general statutory scheme. The provision is a subsection of 8 U.S.C. §1101(a). Section 1101(a) defines various terms as they are used in our immigration and nationality laws, U.S.Code tit. 8, ch. 12, codified at 8 U.S.C. §§1101-1537. The subsection’s placement indicates that it was designed to describe the attributes of a person who has already been deemed a non-citizen national elsewhere in Chapter 12 of the U.S.Code, rather than to establish a means by which one may obtain that status. For example, 8 U.S.C. §1408, the only statute in Chapter 12 expressly conferring “non-citizen national” status on anyone, describes four categories of persons who are “nationals, but not citizens, of the United States[**] at

1 birth." All of these categories concern persons who were either born in an "outlying possession" of the United
2 States[**], see 8 U.S.C. §1408(1), or "found" in an "outlying possession" at a young age, see id. § 1408(3), or
3 who are the children of non-citizen nationals, see id. §§ 1408(2) & (4).¹¹ Thus, § 1408 establishes a category
4 of persons who qualify as non-citizen nationals; those who qualify, in turn, are described by § 1101(a)(22)(B)
5 as owing "permanent allegiance" to the United States[**]. In this context the term "permanent allegiance"
6 merely describes the nature of the relationship between non-citizen nationals and the United States, a
7 relationship that has already been created by another statutory provision. See *Barber v. Gonzales*, 347 U.S.
8 637, 639, 74 S.Ct. 822, 98 L.Ed. 1009 (1954) ("It is conceded that respondent was born a national of the United
9 States; that as such he owed permanent allegiance to the United States...."); cf. *Philippines Independence Act of*
10 *1934*, § 2(a)(1), Pub.L. No. 73-127, 48 Stat. 456 (requiring the Philippines to establish a constitution providing
11 that "pending the final and complete withdrawal of the sovereignty of the United States[,] ... [a]ll citizens of the
12 Philippine Islands shall owe allegiance to the United States").

13 **Other parts of Chapter 12 indicate, as well, that §1101(a)(22) (B) describes, rather**
14 **than confers, U.S. [*] nationality. The provision immediately following § 1101(a)(22)**
15 **defines "naturalization" as "the conferring of nationality of a state upon a person**
16 **after birth, by any means whatsoever." 8 U.S.C. §1101(a)(23).** If *Marquez-Almanzar* were
17 correct, therefore, one would expect to find "naturalization by a demonstration of permanent allegiance" in that
18 part of the U.S.Code entitled "Nationality Through Naturalization," see INA tit. 8, ch. 12, subch. III, pt. II,
19 codified at 8 U.S.C. §§1421-58. Yet nowhere in this elaborate set of naturalization requirements (which
20 contemplate the filing by the petitioner, and adjudication by the Attorney General, of an application for
21 naturalization, see, e.g., 8 U.S.C. §§1427, 1429), did Congress even remotely indicate that a demonstration of
22 "permanent allegiance" alone would allow, much less require, the Attorney General to confer U.S. national
23 status on an individual.

24 **Finally, the interpretation of the statute underlying our decision in *Oliver* comports**
25 **with the historical meaning of the term "national" as it is used in Chapter 12. The**
26 **term (which as §§ 1101(a)(22)(B)American War, namely the Philippines, Guam, and**
27 **Puerto Rico in the early twentieth century, who were not granted U.S. [***] citizenship,**
28 **yet were deemed to owe "permanent allegiance" to the United States[***] and**
29 **recognized as members of the national community in a way that distinguished them**
30 **from aliens.** See 7 Charles Gordon et al., *Immigration Law and Procedure*, §91.01[3] (2005); see also
31 *Rabang v. Boyd*, 353 U.S. 427, 429-30, 77 S.Ct. 985, 1 L.Ed.2d. 956 (1957) ("The Filipinos, as nationals,
32 owed an obligation of permanent allegiance to this country. . . . In the [Philippine Independence Act of
33 1934], the Congress granted full and complete independence to [the Philippines], and necessarily severed the
34 obligation of permanent allegiance owed by Filipinos who were nationals of the United States.'). The term
35 "non-citizen national" developed within a specific historical context and denotes a particular legal status.
36 **The phrase "owes permanent allegiance" in § 1101(a)(22)(B) is thus a term of art that**
37 **denotes a legal status for which individuals have never been able to qualify by**
38 **demonstrating permanent allegiance, as that phrase is colloquially understood.**¹²
39 [Marquez-Almanzar v. INS, 418 F.3d. 210 (2005)]

40 5. "national and citizen of the United States** at birth", 8 U.S.C. §1401. See Form #05.006, Section 5.1.

41 **The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to**
42 **Bellei.** The Court first notes that *Afroyim* was essentially a case construing the Citizenship Clause of the
43 Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the
44 United States[***] are citizens of the United States[***],' the Court reasons that the protections against
45 involuntary expatriation declared in *Afroyim* do not protect all American citizens, but only those 'born or
46 naturalized in the United States.' *Afroyim*, the argument runs, was naturalized in this country so he was
47 protected by the Citizenship Clause, but *Bellei*, since he acquired his American citizenship at birth in Italy as a
48 foreignborn child of an American citizen, was neither born nor naturalized in the United States[***] and,
49 hence, falls outside the scope of the Fourteenth Amendment guarantees declared in *Afroyim*. One could hardly
50 call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about.

51 **While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-**
52 **Amendment-first-sentence citizen.'** Therefore, the majority reasons, the congressional revocation of his
53 citizenship is not barred by the Constitution. **I cannot accept the Court's conclusion that the Fourteenth**
54 **Amendment protects the citizenship of some Americans and not others.**

55 [. . .]

56 **The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional**
57 **action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.'**
58 **The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own**
59 **view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American**

citizen, and despite the holding in *Afroym* that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[. . .]

Since the Court this Term has already downgraded citizens receiving public welfare, *Wyman v. James*, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, *Labine v. Vincent*, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in *James* and *Labine*, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute. [*Rogers v. Bellei*, 401 U.S. 815 (1971)]

6. "non-citizen national of the United States** at birth", 8 U.S.C. §1408.

Having jurisdiction, the Court turns to defendants' motion to dismiss under Rule 12(b)(6) for failure to state a claim. Plaintiffs' claims all hinge upon one legal assertion:

the Citizenship Clause guarantees the citizenship of people born in American Samoa. Defendants argue that this assertion must be rejected in light of the Constitution's plain language, rulings from the Supreme Court and other federal courts, longstanding historical practice, and pragmatic considerations. See generally Defs.' Mem.; Gov't's Reply in Supp. of Their Mot. to Dismiss ("Defs.' Reply") [Dkt. # 20]; Amicus Br. Unfortunately for the plaintiffs, I agree. The Citizenship Clause does not guarantee birthright citizenship to American Samoans. As such, for the following reasons, I must dismiss the remainder of plaintiffs' claims.

The Citizenship Clause of the Fourteenth Amendment provides that "[a]ll persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States***] and of the State wherein they reside." U.S. Const. amend. XIV, section 1. Both parties seem to agree that American Samoa is "subject to the jurisdiction" of the United States, and other courts have concluded as much. See Pls.' Opp'n at 2; Defs.' Mem. at 14 (citing *Rabang* as noting that the territories are "subject to the jurisdiction" of the United States). But to be covered by the Citizenship Clause, a person must be born or naturalized "in the United States and subject to the jurisdiction thereof." Thus, the key question becomes whether *American Samoa qualifies as a part of the "United States" as that is used within the Citizenship Clause.*⁸

The Supreme Court famously addressed the extent to which the Constitution applies in territories in a series of cases known as the *Insular Cases*.⁹ In these cases, the Supreme Court contrasted "incorporated" territories those lands expressly made part of the United States by an act of Congress with "unincorporated territories" that had not yet become part of the United States and were not on a path toward statehood. See, e.g., *Downes*, 182 U.S. at 312; *Dorr v. United States*, 195 U.S. 138, 143 (1904); see also *United States v. Verdugo-Urquidez*, 494 U.S. 259, 268 (1990); *Eche v. Holder*, 694 F.3d. 1026, 1031 (9th Cir. 2012) (citing *Boumediene v. Bush*, 553 U.S. 723, 757-58 (2008)).¹⁰ In an unincorporated territory, the Insular Cases held that only certain "fundamental" constitutional rights are extended to its inhabitants. *Dorr*, 195 U.S. 148-49; *Balzac v. Porto Rico*, 258 U.S. 298, 312 (1922); see also *Verdugo-Urquidez*, 494 U.S. at 268. While none of the Insular Cases directly addressed the Citizenship Clause, they suggested that citizenship was not a "fundamental" right that applied to unincorporated territories.¹¹

For example, in the *Insular Case* of *Downes v. Bidwell*, the Court addressed, via multiple opinions, whether the Revenue Clause of the Constitution applied in the unincorporated territory of Puerto Rico. In an opinion for the majority, Justice Brown intimated in dicta that citizenship was not guaranteed to unincorporated territories. See *Downes*, 182 U.S. at 282 (suggesting that citizenship and suffrage are not "natural rights enforced in the Constitution" but rather rights that are "unnecessary to the proper protection of individuals."). He added that "it is doubtful if Congress would ever assent to the annexation of territory upon the condition that its inhabitants, however foreign they may be to our habits, traditions, and modes of life, shall become at once citizens of the United States." *Id.* at 279-80. He also contrasted the Citizenship Clause with the language of the Thirteenth Amendment, which prohibits slavery "within the United States***], or in any place subject to their jurisdiction." *Id.* at 251 (emphasis added). He stated:

[T]he 14th Amendment, upon the subject of citizenship, declares only that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside." Here there is a limitation to persons born or naturalized in the United States, which is not extended to persons born in any place "subject to their jurisdiction."

Id. (emphasis added). In a concurrence, Justice White echoed this sentiment, arguing that the practice of acquiring territories "could not be practically exercised if the result would be to endow the inhabitants with citizenship of the United States." *Id.* at 306.

Plaintiffs rightly note that Downes did not possess a singular majority opinion and addressed the right to citizenship only in dicta. Pls.' Opp'n at 25-27. But in the century since Downes and the Insular Cases were decided, no federal court has recognized birthright citizenship as a guarantee in unincorporated territories. To the contrary, the Supreme Court has continued to suggest that citizenship is not guaranteed to people born in unincorporated territories. For example, in a case addressing the legal status of an individual born in the Philippines while it was a territory, the Court noted without objection or concern that "persons born in the Philippines during [its territorial period] were American nationals" and "until 1946, [could not] become United States citizens. Barber v. Gonzales, 347 U.S. 637, 639 n.1 (1954). Again, in Miller v. Albright, 523 U.S. 420, 467 n.2 (1998), Justice Ginsberg noted in her dissent that "the only remaining noncitizen nationals are residents of American Samoa and Swains Island" and failed to note anything objectionable about their noncitizen national status. More recently, in Boumediene v. Bush, the Court reexamined the Insular Cases in holding that the Constitution's Suspension Clause applies in Guantanamo Bay, Cuba. 553 U.S. 723, 757-59 (2008). The Court noted that the Insular Cases "devised . . . a doctrine that allowed [the Court] to use its power sparingly and where it would most be needed. This century-old doctrine informs our analysis in the present matter." Id. at 759.

[. . .]

Indeed, other federal courts have adhered to the precedents of the Insular Cases in similar cases involving unincorporated territories. For example, the Second, Third, Fifth, and Ninth Circuits have held that the term "United States" in the Citizenship Clause did not include the Philippines during its time as an unincorporated territory. See generally Nolos v. Holder, 611 F.3d. 279 (5th Cir. 2010); Valmonte v. I.N.S., 136 F.3d. 914 (2d Cir. 1998); Lacap v. I.N.S., 138 F.3d. 518 (3d Cir. 1998); Rabang, 35 F.3d. 1449. These courts relied extensively upon Downes to assist with their interpretation of the Citizenship Clause. See Nolos, 611 F.3d. at 282-84; Valmonte, 136 F.3d. at 918-21; Rabang, 35 F.3d. at 1452-53. Indeed, one of my own distinguished colleagues in an earlier decision cited these precedents to reaffirm that the Citizenship Clause did not include the Philippines during its territorial period. See Licudine v. Winter, 603 F.Supp.2d. 129, 132-34 (D.D.C. 2009) (Robinson, J.).

[. . .]

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

[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]

7. "citizen of the United States***" for the purposes of naturalization, 8 U.S.C. §1421.

Eche and Lo rely on this observation, but our decision in Rodiek did not turn on any constitutional issue. Moreover, because Hawaii was an incorporated territory, our observation about the Naturalization Clause must be read in that context. The CNMI [Commonwealth of the Northern Mariana Islands] is not an incorporated territory. While the Covenant is silent as to whether the CNMI is an unincorporated territory, and while we have observed that it may be some third category, the difference is not material here because the Constitution has "no greater" force in the CNMI "than in an unincorporated territory." Comm. of Northern Mariana Islands v. Atalig, 723 F.2d. 682, 691 n. 28 (9th Cir.1984); see Waboll v. Villacrusis, 958 F.2d. 1450, 1459 n. 18 (9th Cir.1990). The Covenant extends certain clauses of the United States Constitution to the CNMI, but the Naturalization Clause is not among them. See Covenant §501, 90 Stat. at 267. The Covenant provides that the other clauses of the Constitution "do not apply of their own force," even though they may apply with the mutual consent of both governments. Id

The Naturalization Clause does not apply of its own force and the governments have not consented to its applicability. The Naturalization Clause has a geographic limitation: it applies "throughout the United States[***]". The federal courts have repeatedly construed similar and even identical language in other clauses to include states and incorporated territories, but not unincorporated territories. In Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901), one of the Insular Cases, the Supreme Court held

that the Revenue Clause's identical explicit geographic limitation, "throughout the United States[***]," did not include the unincorporated territory of Puerto Rico, which for purposes of that Clause was "not part of the United States[***]." Id. at 287, 21 S.Ct. 770. The Court reached this sensible result because unincorporated territories are not on a path to statehood. See *Boumediene v. Bush*, 553 U.S. 723, 757–58, 128 S.Ct. 2229, 171 L.Ed.2d 41 (2008) (citing *Downes*, 182 U.S. at 293, 21 S.Ct. 770). In *Rabang v. I.N.S.*, 35 F.3d. 1449 (9th Cir.1994), this court held that the Fourteenth Amendment's limitation of birthright citizenship to those "born ... in the United States" did not extend citizenship to those born in the Philippines during the period when it was an unincorporated territory. U.S. Const., 14th Amend., cl. 1; see *Rabang*, 35 F.3d. at 1451. Every court to have construed that clause's geographic limitation has agreed. See *Valmonte v. I.N.S.*, 136 F.3d. 914, 920–21 (2d Cir.1998); *Lacap v. I.N.S.*, 138 F.3d. 518, 519 (3d Cir.1998); *Licudine v. Winter*, 603 F.Supp.2d. 129, 134 (D.D.C.2009).

Like the constitutional clauses at issue in *Rabang* and *Downes*, the Naturalization Clause is expressly limited to the "United States." This limitation "prevents its extension to every place over which the government exercises its sovereignty." *Rabang*, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration law to the CNMI prior to the CNRA's transition date.

The district court correctly granted summary judgment on the merits to the government Defendants. Eche and Lo may, of course, submit new applications for naturalization once they have satisfied the statutory requirements.
[*Eche v. Holder*, 694 F.3d. 1026]

8. "United States** citizenship", 8 U.S.C. §1452(a). The "domicile" used in connection with federal statutes can only mean federal territory not within any state because of the separation of powers. Therefore "United States" can only mean "United States***".

"Domicile and citizen are synonymous in federal courts. *Earley v. Hershey Transit Co.*, D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, *Standard Stoker Co. v. Lower*, D.C.Md., 46 F.2d. 678, 683."
[*Black's Law Dictionary*, Fourth Edition, p. 311]

The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." *Jeffcott v. Donovan*, C.C.Ariz., 135 F.2d. 213, 214; and from "domicile," *Wheeler v. Burgess*, 263 Ky. 693, 93 S.W.2d. 351, 354; *First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co.*, D.C.S.C., 59 F.2d. 350, 351. The words "citizen" and "citizenship," however, usually include the idea of domicile, *Delaware, L. & W.R. Co. v. Petrowsky*, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous, *Jonesboro Trust Co. v. Nutt*, 118 Ark. 368, 176 S.W. 322, 324; *Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co.*, D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. *Messick v. Southern Pa. Bus Co.*, D.C.Pa., 59 F.Supp. 799, 800.
[*Black's Law Dictionary*, Fourth Edition, p. 310]

"Citizenship and domicile are substantially synonymous. Residency and inhabitation are too often confused with the terms and have not the same significance. Citizenship implies more than residence. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. *Harding v. Standard Oil Co. et al.* (C.C.), 182 F. 421; *Baldwin v. Franks*, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; *Scott v. Sandford*, 19 How. 393, 476, 15 L.Ed. 691."
[*Baker v. Keck*, 13 F.Supp. 486 (1936)]

"The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is substantially synonymous with the term 'domicile'. *Delaware, L. & W.R. Co. v. Petrowsky*, 2 Cir., 250 F. 554, 557."
[*Earley v. Hershey Transit Co.*, 55 F.Supp. 981, D.C.PA. (1944)]

9. "non-citizen national" or "U.S.** non-citizen national", 8 U.S.C. §1452(b). Uses the same "United States***" as that found in 8 U.S.C. §1452(a). Otherwise, the ejusdem generis rule is violated.

"*Ejusdem generis*. 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*, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.

Under "ejusdem generis" canon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general

class as those enumerated. *Campbell v. Board of Dental Examiners*, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696."
[Black's Law Dictionary, Sixth Edition, p. 517]

10. "United States**", 8 C.F.R. §215.1(e). Definition is not identified as geographical, and therefore is political. "subject to THE jurisdiction" is political per .

8 C.F.R. §215.1 Definitions.
Title 8 - Aliens and Nationality

(e) The term United States[*] means the several States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States[*].

"This section contemplates two sources of citizenship, and two sources only, birth and naturalization. The persons declared to be citizens are 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired."
[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

11. "citizen of the United States***", Fourteenth Amendment.

"It is impossible to construe the words 'subject to the jurisdiction thereof,' in the opening sentence, as less comprehensive than the words 'within its jurisdiction,' in the concluding sentence of the same section; or to hold that persons 'within the jurisdiction' of one of the states of the Union are not 'subject to the jurisdiction of the United States[***]."
[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898), emphasis added]

"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States[***] within the meaning [meaning only ONE meaning] of the Constitution."
[O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[*], were not citizens [within the Constitution]."
[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

12. Statutory "citizen" (of the United States**), 26 C.F.R. §1.1-1(c).

26 C.F.R. §1.1-1 Income tax on individuals

(c) Who is a citizen.

Every person born or naturalized in the [federal] United States[**] and subject to ITS jurisdiction is a citizen. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. §14011459). "

13. Statutory "citizen" in the context of "U.S.** person", 26 U.S.C. §7701(a)(30).

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.
Sec. 7701. - Definitions

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

(30) United States person

The term "United States^[**] person" means -

(A) a citizen or resident of the United States^[**],

(B) a domestic partnership,

(C) a domestic corporation,

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

(E) any trust if -

(i) a court within the United States^[**] is able to exercise primary supervision over the administration of the trust, and

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

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

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

(9) United States

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

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

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

(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.

11.8.6.3 Position on conflicting stare decisis from federal courts

We agree with the court authorities above because:

1. The term "citizen" as used in federal court means DOMICILE, not nationality. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557." Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944).
2. Federal Rule of Civil Procedure 17(b) limits the applicability of federal civil law to those domiciled on federal territory and no place else. You can only be domiciled in ONE place at a time, and therefore ONLY be a STATUTORY "citizen" in EITHER the state or the national government but not both.
3. Those domiciled in a state of the Union:
 - 3.1. Are NOT domiciled within the exclusive jurisdiction of Congress and hence are not subject to federal civil law.
 - 3.2. Cannot have a civil statutory STATUS under the laws of Congress to which any obligations attach, especially including "citizen" without such a federal domicile.
4. "citizen" as used in 8 U.S.C. §1101(a)(22)(A) cannot SIMULTANEOUSLY be a STATUTORY/CIVIL status AND a CONSTITUTIONAL/POLITICAL status. It MUST be ONE or the other in the context of this statute. This is so because:
 - 4.1. "United States^{***}" in the constitution is limited to states of the Union.
 - 4.2. "United States^{***}" in federal statutes is limited to federal territory and excludes states of the Union for every title OTHER than Title 8. See 26 U.S.C. §7701(a)(9) and (a)(10).

The federal courts are OBLIGATED to recognize, allow, and provide a STATUS under Title 8 for those who STARTED OUT as STATUTORY "citizens of the United States^{***}", including those under 8 U.S.C. §1401 ("nationals and citizens of

the United States**), and who decided to abandon ALL privileges, benefits, and immunities to restore their sovereignty as CONSTITUTIONAL but not STATUTORY “citizens”. This absolute right is supported by the following maxims of law:

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

Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

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.o...viersMaxims.htm>]

In addition to the above maxims of law on “benefits”, it is an unconstitutional deprivation to turn CONSTITUTIONAL rights into STATUTORY privileges under what the U.S. Supreme Court calls the “Unconstitutional Conditions Doctrine”.

"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)]

An attempt to label someone with a civil status under federal statutory law against their will would certainly fall within in the Unconstitutional Conditions Doctrine. See:

Government Instituted Slavery Using Franchises, Form #05.030, Section 28.2
<http://sedm.org/Forms/FormIndex.htm>

Furthermore, if the Declaration of Independence says that Constitutional rights are Unalienable, then they are INCAPABLE of being sold, given away, or transferred even WITH the consent of the PRIVATE owner.

*"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]

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

Some people argue that the Declaration of Independence cited above is not “LAW” and they are wrong. The very first enactment of Congress on p. 1 of volume 1 of the Statutes At Large incorporated the Declaration of Independence as the laws of this country.

The only place that UNALIENABLE CONSTITUTIONAL rights can be given away, is where they don't exist, which is among those domiciled AND present on federal territory, where everything is a STATUTORY PRIVILEGE and PUBLIC right and there are no PRIVATE rights except by Congressional grant/privilege.

*"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."*

11.8.6.4 Challenge to those who disagree

Those who would argue with the conclusions of section 11.8.5 (such a federal judge) are challenged to answer the following questions WITHOUT contradicting either themselves OR the law. We guarantee they can't do it. However, our answers to the following questions are the only way to avoid conflict. Those answers appear in the next section, in fact. Anything that conflicts with itself or the law simply cannot be true.

1. If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don't consent to ANYTHING, then aren't the criminal laws the ONLY thing that can be enforced against nonconsenting parties, since they don't require our consent to enforce?
2. Certainly, if we DO NOT want "protection" or "benefits, privileges, and immunities" of being a STATUTORY/CIVIL citizen domiciled on federal territory, then there ought to be a way to abandon it and the obligation to pay for it, at least temporarily, right?
3. If the word "permanent" in the phrase "permanent allegiance" is in fact conditioned on our consent and is therefore technically NOT "permanent", as revealed in 8 U.S.C. §1101(a)(31), can't we revoke it either temporarily or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don't?

8 U.S.C. §1101 Definitions [for the purposes of citizenship]

(a) As used in this chapter—

(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States**] or of the individual, in accordance with law.

4. If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory status of "citizen" carry any federal obligations whatsoever for those domiciled within a constitutional state and outside of federal territory?
5. If domicile is what imparts the "force of law" to civil statutes per Federal Rule of Civil Procedure 17 and we don't have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress, INCLUDING that of "citizen"?
6. Isn't a "non-resident non-person" just someone who refuses to be a customer of specific services offered by government using the civil statutory law? Why can't I choose to be a non-resident for specific franchises or interactions because I don't consent to procure the product or service.⁸¹
7. If the "citizen of the United States** at birth" under 8 U.S.C. §1401 involves TWO components, being "national" and "citizen", can't we just abandon the "citizen" part for specific transactions by withdrawing consent and allegiance for those transactions or relationships? Wouldn't we do that by simply changing our domicile to be outside of federal territory, since civil status is tied to domicile?

citizen. One who, under the Constitution and laws of the United States[***], or of a particular state, is a member of the political community, owing allegiance and being entitled to the enjoyment of full civil

⁸¹ Earlier versions of the following regulation prove this:

26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.
[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

[STATUTORY] rights. All persons born or naturalized in the United States[***], and subject to the jurisdiction thereof, are citizens of the United States[***] and of the state wherein they reside. U.S. Const., 14th Amend. See Citizenship.

"Citizens" are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their general welfare and the protection of their individual as well as collective rights. *Herriott v. City of Seattle*, 81 Wash.2d. 48, 500 P.2d. 101, 109.
[Black's Law Dictionary, Sixth Edition, p. 244]

8. How can the government claim we have an obligation to pay for protection we don't want if it is a maxim of the common law that we may REFUSE to accept 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."

Potest quis renunciare pro se, et suis, juri quod pro se introductum est.
A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.

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>]

9. If I'm not allowed to abandon the civil protection of Caesar and the obligation to pay for it and I am FORCED to obey Caesar's "social compact" and franchise called the CIVIL law and am FORCED to be privileged and a civil "subject", isn't there:
- 9.1. An unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of "citizen" if we do not consent to the status?
- 9.2. Involuntary servitude?
10. What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a "benefit".
11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent to be subject to. See *Alden v. Maine*, 527 U.S. 706 (1999).
- 11.1. Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at least HUMAN BEING have the SAME sovereign immunity? If the government is one of delegated powers, how did they get it without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?
- 11.2. Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and suffer a waiver of sovereign immunity in state court when it tries to commercially invade a constitutional state against the consent of a specific inhabitant who is protected by the Constitution?
- 11.3. Isn't a STATUTORY "citizen" just a CUSTOMER of government services?
- 11.4. Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services, franchises, or titles of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own PRIVATE property and what you consent to buy and pay for?
- 11.5. Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at once if I don't consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against "citizens" by government? That's how the current system works. Government REFUSES to recognize those such as state nationals who are unprivileged and terrorizes them and STEALS from them because they refuse to waive sovereign immunity and accept the disabilities of being a STATUTORY "citizen".
- 11.6. What business OTHER than government as a corporation can lawfully force you and punish you for refusing to be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION instead of statutory law.
12. If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for EVERY individual interaction with the government? Why can't I, for instance be all the following at the same time?:
- 12.1. A POLITICAL but not STATUTORY/CIVIL "citizen of the United States" under Title 8?

- 12.2. A “nonresident” for every other Title of the U.S. Code because I don’t want the “benefits” or protections of the other titles?
- 12.3. A “nonresident non-person” for every act of Congress.
- 12.4. No domicile on federal territory or within the STATUTORY United States and therefore immune from federal civil law under Federal Rule of Civil Procedure 17(b) .
- 12.5. A PRIVATE “person” only under the common law with a domicile on private land protected by the constitution but OUTSIDE “the State”, which is a federal corporation? Only those who are public officers have a domicile within the STATUTORY “State” and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their domicile shifts to OUTSIDE that STATUTORY “State”.
13. Is the “citizen” in Title 8 of the U.S. Code the same “citizen” that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of “citizen of the United States” under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same “citizen” as the one in Title 8?
14. If the Bible says that Christians can’t consent to anything Caesar does or have contracts with him (Exodus 23:32-33, Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar’s laws such as STATUTORY “citizen”? The Bible says I can’t have a king above me.

“Owe no one anything [including ALLEGIANCE], except to love one another; for he who loves his neighbor has fulfilled the law.”
[Romans 13:8, Bible, NKJV]

15. If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim ownership or the right to extract “rent” called “income tax” upon what belongs to God? Isn’t Caesar therefore simply renting out STOLEN property and laundering money if he charges “taxes” on the use of that which belongs to God?

“For you were bought [by Christ] at a price [His blood]; therefore glorify God in your body and in your spirit, which are God’s [property].”
[1 Cor. 6:20, Bible, NKJV]

Readers wishing to read a detailed debate covering the meaning of the above terms in each context should refer to the following. You will need a free forum account and must be logged into the forums before clicking on the below links, or you will get an error.

1. SEDM Member Forums:
<http://sedm.org/forums/topic/clarification-of-correct-interpretation-of-united-states-per-8-usc-1101a38/>
2. Family Guardian Forums:
<http://famguardian.org/forums/topic/state-citizen-falsely-argues-that-he-is-not-a-fourteenth-amendment-citizen/>

Lastly, please do not try to challenge the content of this section WITHOUT first reading the above debates IN THEIR entirety. We and the Sovereignty Education and Defense Ministry (SEDM) HATE having to waste our time repeating ourselves.

11.8.6.5 Our answers to the Challenge

It would be unreasonable for us to ask anything of our readers that we ourselves wouldn’t be equally obligated to do. Below are our answers to the challenge in the previous section. They are entirely consistent with ALL the organic law, the rulings of the U.S. Supreme Court, and the Bible. We allege that they are also the ONLY way to answer the challenge without contradicting yourself and thereby proving you are a LIAR, a THIEF, a terrorist, and an identity thief engaged in human trafficking of people’s legal identity to what Mark Twain called “the District of Criminals”.

1. QUESTION: If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don’t consent to ANYTHING, then aren’t the criminal laws the ONLY thing that can be enforced against nonconsenting parties, since they don’t require our consent to enforce?
OUR ANSWER: Yes.
2. QUESTION: Certainly, if we DO NOT want “protection” or “benefits, privileges, and immunities” of being a STATUTORY/CIVIL citizen domiciled on federal territory, then there ought to be a way to abandon it and the obligation to pay for it, at least temporarily, right?
OUR ANSWER: Yes. Absolutely. One can be protected by the COMMON law WITHOUT being a “person” under the CIVIL law. If one has a right to NOT contract and NOT associate, then that right BEGINS with the right to not

procure ANY civil statutory status under what the U.S. Supreme Court calls “the social compact”. All compacts are contracts. Yet that doesn’t make such a person “lawless” because they are still subject to the COMMON law, which hasn’t been repealed.

3. **QUESTION:** If the word “permanent” in the phrase “permanent allegiance” is in fact conditioned on our consent and is therefore technically NOT “permanent”, as revealed in 8 U.S.C. §1101(a)(31), can’t we revoke it either temporarily or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don’t? **OUR ANSWER:** Yes. All that is required is to notice the government that you don’t consent. Everything beyond that point becomes a tort under the common law.

4. **QUESTION:** If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory status of “citizen” carry any federal obligations whatsoever for those domiciled within a constitutional state and outside of federal territory?

OUR ANSWER: They don’t. Federal civil and criminal law has no bearing upon anyone OTHER than public officers within a constitutional state. Those officers, in turn, come under federal civil law by virtue of the domicile of the OFFICE they represent and their CONSENT to occupy said office under 4 U.S.C. §72 and Federal Rule of Civil Procedure 17. Otherwise, rule 17 forbids quoting federal civil law against a state citizen domiciled OUTSIDE of federal territory.

5. **QUESTION:** If domicile is what imparts the “force of law” to civil statutes per Federal Rule of Civil Procedure 17 and we don’t have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress, INCLUDING that of “citizen” or “resident”?

OUR ANSWER: You CAN’T. The only reason people believe otherwise is because of propaganda and untrustworthy publications of the government designed to destroy the separation of powers that is the foundation of the Constitution.⁸²

6. **QUESTION:** Isn’t a “nonresident non-person” just someone who refuses to be a customer of specific services offered by government using the civil statutory code/franchise? Why can’t I choose to be a nonresident for specific franchises or interactions because I don’t consent to procure the product or service.⁸³

OUR ANSWER: Yes. You can opt out of specific franchise by changing your status under each franchise. They all must act independently or the Unconstitutional Conditions Doctrine is violated.⁸⁴

7. **QUESTION:** If the “national and citizen of the United States** at birth” under 8 U.S.C. §1401 involves TWO components, being “national” and “citizen”, why can’t we just abandon the “citizen” part for specific transactions by withdrawing consent and allegiance for those transactions or relationships? Wouldn’t we do that by simply changing our domicile to be outside of federal territory, since civil status is tied to domicile?

OUR ANSWER: Yes. You own yourself and your property. That right of ownership includes the right to exclude all others, including governments, from using or benefitting from the use of your property. See:

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

8. **QUESTION:** How can the government claim we have an obligation to pay for protection we don’t want if it is a maxim of the common law that we may REFUSE to accept a “benefit”?

⁸² See *Government Conspiracy to Destroy the Separation of Powers*, Form #05.023; <http://sedm.org/Forms/FormIndex.htm>.

⁸³ Earlier versions of the following regulation prove this:

26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.

*A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. **A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.***
[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

⁸⁴ For details on the Unconstitutional Conditions Doctrine of the U.S. Supreme Court, see: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 28.2; <http://sedm.org/Forms/FormIndex.htm>.

OUR ANSWER: They don't have the authority to demand that we buy or pay for anything that we don't want. It's a crime to claim otherwise in violation of:

8.1. The Fifth Amendment takings clause.

8.2. Extortion, 18 U.S.C. §872.

8.3. Mailing threatening communications, if they try to collect it, 18 U.S.C. §876.

8.4. Racketeering, 18 U.S.C. Chapter 95.

9. QUESTION: If I'm not allowed to abandon the civil protection of Caesar and the obligation to pay for it and I am FORCED to obey Caesar's "social compact" and franchise called the CIVIL law and am FORCED to be privileged and a civil "subject", isn't there:

OUR ANSWER:

9.1. An unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of "citizen" if we do not consent to the status?

OUR ANSWER: Yes.

9.2. Involuntary servitude?

OUR ANSWER: Yes.

10. QUESTION: What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a "benefit".

OUR ANSWER: YOU the sovereign are the "customer". The customer is always right. A government of delegated powers can have not more powers or sovereignty than the INDIVIDUAL PRIVATE HUMANS who make it up and whom it "serves".

11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent to be subject to. See *Alden v. Maine*, [527 U.S. 706](#) (1999).

11.1. QUESTION: Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at least HUMAN BEING have the SAME sovereign immunity? If the government is one of delegated powers, how did they get it without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?

OUR ANSWER: Yes. Humans also have sovereign immunity. Only their own consent and actions can undermine or remove that sovereignty. It's insane and schizophrenic to conclude that a government of delegated powers can have any more sovereignty than the humans who made it up or delegated that power. Likewise, it's a violation of maxims of law to conclude that the COLLECTIVE can have any more rights than a SINGLE HUMAN.⁸⁵

11.2. QUESTION: Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and suffer a waiver of sovereign immunity in state court when it tries to commercially invade a constitutional state against the consent of a specific inhabitant who is protected by the Constitution?

OUR ANSWER: They are. To suggest that they can pass any law that they themselves are not ALSO subject to in the context of those protected by the constitution amounts to an unconstitutional Title of Nobility to the "United States" federal corporation as a legal person.

11.3. QUESTION: Isn't a STATUTORY "citizen" just a CUSTOMER of government services?

OUR ANSWER: Yes. The "services" derived by this customer are called "privileges and immunities". Those who aren't "customers" are: 1. "non-resident non-persons"; 2. Not "subjects". 3. Immune from the civil statutory law under Federal Rule of Civil Procedure 17; 4. Protected only by the common law under principles of equity and the constitution alone.

11.4. QUESTION: Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services, franchises, or titles of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own PRIVATE property and what you consent to buy and pay for?

OUR ANSWER: Yes. The main purpose of any government is to protect your EXCLUSIVE ownership over your PRIVATE property and the right to deprive ANYONE and EVERYONE from using or benefitting from the use of your PRIVATE property. If they won't do that, then there IS not government, but just a big corporation employer in which the citizen/government relationship has been replaced by the EMPLOYER/EMPLOYEE relationship. That's the essence of what "ownership" is legally defined as: The RIGHT to exclude others. If you can exclude everyone BUT the government, and they can exclude you without your consent, then THEY are the real owner and you are just a public officer employee acting as a custodian over what is REALLY government

⁸⁵ "Derativa potestas non potest esse major primitiva. The power which is derived cannot be greater than that from which it is derived." [Bouvier's Maxims of Law, 1856; SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

property. Hence, the government is SOCIALIST, because socialism is based on GOVERNMENT ownership and/or control of ALL property or NO private property at all.

11.5. QUESTION: Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at once if I don't consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against "citizens" by government? That's how the current system works. Government REFUSES to recognize those such as state nationals who are unprivileged and terrorizes them and STEALS from them because they refuse to waive sovereign immunity and accept the disabilities of being a STATUTORY "citizen".

OUR ANSWER: Yes, absolutely. Under such a malicious enforcement mechanism, uncoerced consent is literally and rationally IMPOSSIBLE.

11.6. QUESTION: What business OTHER than government as a corporation can lawfully force you and punish you for refusing to be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION instead of statutory law.

OUR ANSWER: No other business can do that or should be able to do that, and hence, the government has "supernatural" and "superior powers" and has established not only a Title of Nobility, but a RELIGION in which "taxes" become unconstitutional tithes to a state-sponsored religion, civil rulers are "gods" with supernatural powers, you are the compelled "worshipper", and "court" is the church building.⁸⁶

12. QUESTION: If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for EVERY individual interaction with the government? Why can't I, for instance be all the following at the same time?:

OUR ANSWER:

12.1. QUESTION: A POLITICAL but not STATUTORY/CIVIL "citizen of the United States" under Title 8?

OUR ANSWER: You can.

12.2. QUESTION: A "nonresident" for every other Title of the U.S. Code because I don't want the "benefits" or protections of the other titles?

OUR ANSWER: You can. Under the Uniform Commercial Code, YOU can be a Merchant in relation to every government franchise selling YOUR private property to the government, and specifying terms that SUPERSEDED or replace the government's author. If they can offer franchises, you can defend yourself with ANTI-FRANCHISES under the concept of equal protection.

12.3. QUESTION: A "nonresident non-person" for every act of Congress.

OUR ANSWER: Yes. Domicile outside of federal territory makes one a nonresident and transient foreign under federal civil law, unless already a public officer lawfully serving in an elected or appointed position WITHIN a constitutional state.

12.4. QUESTION: No domicile on federal territory or within the STATUTORY United States and therefore immune from federal civil law under Federal Rule of Civil Procedure 17(b) .

OUR ANSWER: Yes. Absolutely. Choice of law rules and criminal "identity theft" occurs if rule 17 is transgressed and you are made involuntary surety for a public office called "citizen" domiciled in what Mark Twain calls "the District of Criminals".

12.5. QUESTION: A PRIVATE "person" only under the common law with a domicile on private land protected by the constitution but OUTSIDE "the State", which is a federal corporation? Only those who are public officers have a domicile within the STATUTORY "State" and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their domicile shifts to OUTSIDE that STATUTORY "State".

OUR ANSWER: Yes. By refusing to consent to the privileges or benefits of STATUTORY citizenship, you retain your sovereign immunity, retain ALL your constitutional rights, and are victim of a tort of the federal government refuses to leave you alone. The right to be left alone, in fact, is the very DEFINITION of justice itself and the purpose of courts it to promote and protect justice.⁸⁷

13. QUESTION: Is the "citizen" in Title 8 of the U.S. Code the same "citizen" that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of "citizen of the United States" under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same "citizen" as the one in

⁸⁶ For exhaustive proof, see: *Socialism: The New American Civil Religion*, Form #05.016; <http://sedm.org/Forms/FormIndex.htm>.

⁸⁷ "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)]

Title 8?

OUR ANSWER: If it is, a usurpation is occurring according to the U.S. Supreme Court in *Osborn v. Bank of the United States*.

*"But if the plain dictates of our senses be relied on, what state of facts have we exhibited here? 898*898*
Making a person, makes a case; and thus, a government which cannot exercise jurisdiction unless an alien or
citizen of another State be a party, makes a party which is neither alien nor citizen, and then claims jurisdiction
because it 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/>]

14. QUESTION: If the Bible says that Christians can't consent to anything Caesar does or have contracts with him (Exodus 23:32-33, Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar's laws such as STATUTORY "citizen"? The Bible says I can't have a king above me.
- OUR ANSWER: Those not domiciled on federal territory and who refuse to accept or consent to any civil status under Caesar's laws retain their sovereign and sovereign immunity and therefore are on an EQUAL footing with any and every government. They are neither a "subject" nor a "citizen", but also are not "lawless" because they are still subject to the COMMON law and must be dealt with ONLY as an EQUAL in relation to everyone else, rather than a government SLAVE or SUBJECT. See Exodus 23:32-33, Isaiah 52:1-3, and Judges 2:1-4 on why God forbids Christians to consent to ANYTHING government/Caesarea does, and why this implies that they can't be anything OTHER than equal and sovereign in relation to Caesar.
15. QUESTION: If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim ownership or the right to extract "rent" called "income tax" upon what belongs to God? Where is the separation of church and state in THAT? Isn't Caesar therefore simply renting out STOLEN property and laundering money if he charges "taxes" on the use of property which belongs to God?
- OUR ANSWER: Yes he is according to God. The Holy Bible says the Heaven and the Earth belong NOT to Caesar, but the God. Deut. 10:15. Caesar, on the other hand, falsely claims that HE owns everything by "divine right", which means he STOLE the ownership from God. Like Satan, he is a THIEF. He is renting out STOLEN property and therefore MONEY LAUNDERING in violation of God's laws.

11.9 Applicability of IRS Presumption Rules in 26 C.F.R. §1.1441-1(b)(3)

IRS Presumption Rules found in 26 C.F.R. §1.1441-1(b)(3) do NOT apply unless and until the government satisfies the burden of proving the following:

1. The owner of the property is a statutory "alien", and therefore "individual" (26 C.F.R. §1.1441-1(c)(3)) and "person" (26 U.S.C. §7701(a)(1)). You cannot be a "payee" who has ANY duty a "withholding agent" to prove ANYTHING WITHOUT FIRST being a statutory "person" and therefore an "alien".

Title 26 › Chapter I › Subchapter A › Part I › Section 1.1441-1
[26 CFR 1.1441-1 - Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

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

(b) General rules of withholding-

(2) Determination of payee and payee's status-

(i) In general.

[. . .] "a [payee](#) is the [person](#) to whom a [payment](#) is made, regardless of whether such [person](#) is the [beneficial owner](#) of the [amount](#) (as defined in [paragraph \(c\)\(6\)](#) of this section)."

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

(c) Definitions

(3) Individual.

(i) Alien individual.

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

2. The property subject to tax was lawfully converted from PRIVATE to PUBLIC ownership or control by satisfying the burden of proof identified below and in the Separation Between Public and Private Course, Form #12.025.

SEDm Disclaimer

4. Meaning of Words

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

1. In possession of absolute, exclusive ownership and control over their own labor, body, and all their property. In Roman Law this was called "dominium".
2. On an EQUAL rather than inferior relationship to government in court. This means that they have no obligations to any government OTHER than possibly the duty to serve on jury and vote upon voluntary acceptance of the obligations of the civil status of "citizen" (and the DOMICILE that creates it). Otherwise, they are entirely free and unregulated unless and until they INJURE the equal rights of another under the common law.
3. A "nonresident" in relation to the state and federal government.
4. Not a PUBLIC entity defined within any state or federal statutory law. This includes but is not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any under any civil statute or franchise.
5. Not engaged in a public office or "trade or business" (per 26 U.S.C. §7701(a)(26)). Such offices include but are not limited to statutory "person", "individual", "taxpayer", "driver", "spouse" under any civil statute or franchise.
6. Not consenting to contract with or acquire any public status, public privilege, or public right under any state or federal franchise. For instance, the phrase "private employee" means a common law worker that is NOT the statutory "employee" defined within 26 U.S.C. §3401(c) or 26 C.F.R. §301.3401(c)-1 or any other federal or state law or statute.
7. Not sharing ownership or control of their body or property with anyone, and especially a government. In other words, ownership is not "qualified" but "absolute".
8. Not subject to civil enforcement or regulation of any kind, except AFTER an injury to the equal rights of others has occurred. Preventive rather than corrective regulation is an unlawful taking of property according to the Fifth Amendment takings clause.

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

"No servant [or government or biological person] 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 [government].**"
[Luke 16:13, Bible, NKJV]

[SEDm Disclaimer, Section 4: Meaning of Words; SOURCE: <http://sedm.org/disclaimer.htm>]

3. The owner of the property was acting as a public officer on official business and therefore was subject to regulations and supervision. The reason for this is explained in:

Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008
<https://sedm.org/Forms/FormIndex.htm>

The above is consistent with the following holding by the U.S. Supreme Court, in referencing "congressionally created rights", meaning statutory privileges:

1 "The distinction between public rights and private rights has not been definitively explained in our
2 precedents.⁸⁸ Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public
3 rights must at a minimum arise "between the government and others." *Ex parte Bakelite Corp.*, *supra*, at 451,
4 49 S.Ct., at 413.⁸⁹ In contrast, "the liability of one individual to another under the law as defined," *Crowell v.*
5 *Benson*, *supra*, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only
6 controversies in the former category may be removed from Art. III courts and delegated to legislative courts or
7 administrative agencies for their determination. See *Atlas Roofing Co. v. Occupational Safety and Health*
8 *Review Comm'n*, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); *Crowell v. Benson*,
9 *supra*, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, *Federal Legislative Courts*, 43 Harv.L.Rev. 894, 917-
10 918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized
11 judicial power."

12 [...]

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

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

31 For more on the IRS Presumption Rules, see:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017, Section 7.1
<https://sedm.org/Forms/FormIndex.htm>

32 **12 Mens Rea: Precedence of Laws as a Source of Authoritative Belief⁹⁰**

33 Every criminal trial requires the establishment of "mens rea" or evil intent, in order to successfully prosecute the action.
34 Before one can have evil intent, they must KNOW that they are violating a positive law criminal statute and do so willfully
35 and intentionally. By positive law, we mean a statute which is specifically identified as legally admissible evidence. In
36 order to challenge jurisdiction in such a setting, the defendant must be able to prove that the criminal statute cited by the
37 prosecution is NOT legally admissible evidence and therefore constitutes an INVALID source of reasonable belief about
38 the criminal liability sought to be enforced. This section therefore establishes the basis for establishing a reasonable belief
39 about how one can KNOW that a specific statute is reliable positive law that is admissible evidence in court.

⁸⁸ *Crowell v. Benson*, 285 U.S. 22, 52 S.Ct. 285, 76 L.Ed. 598 (1932), attempted to catalog some of the matters that fall within the public-rights doctrine:

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

⁸⁹ Congress cannot "withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty." *Murray's Lessee v. Hoboken Land & Improvement Co.*, 18 How. 272, 284 (1856) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing "private rights" from "public rights." And it is also clear that even with respect to matters that arguably fall within the scope of the "public rights" doctrine, the presumption is in favor of Art. III courts. See *Glidden Co. v. Zdanok*, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 (opinion of Harlan, J.). See also Currie, *The Federal Courts and the American Law Institute*, Part 1, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n*, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.

⁹⁰ Source: *Precedence of Law*, Family Guardian Fellowship; <https://famguardian.org/TaxFreedom/LegalRef/PrecOfLaws.htm>.

1 "An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it
2 creates no office; it is in legal contemplation, as inoperative as though it had never been passed."
3 [Norton v. Shelby County, [118 U.S. 425](#) (1885)]

4 The precedence and hierarchy of law, like the hierarchy of sovereignty described in section 4.1 of the [Great IRS Hoax](#),
5 [Form #11.302](#) on [Natural Order](#), follows the sequence that it is created.

- 6 1. The [Common Law](#) trumps all statutory law, and is the primary vehicle used for the protection of PRIVATE RIGHTS.
7 Statutory civil law protects only PUBLIC RIGHTS and all those subject to it are franchisees and public officers within
8 the government. See:

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

- 9 2. Where there are conflicts of law, the [U.S. Constitution](#) is the Supreme Law of the Land because it was created first by
10 the sovereign people. It says so right in the document itself.

11 "**This Constitution**, and the Laws of the United States which shall be made in Pursuance thereof; and all
12 Treaties made, or which shall be made, under the Authority of the United States, **shall be the supreme Law of**
13 **the Land**; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any
14 state to the Contrary notwithstanding."
15 [[Article VI, United States Constitution](#)]

- 16 3. State law takes precedence over federal statutory law. Only "federal questions" may be entertained in federal court, all
17 of which involve federal property, federal territory, and those domiciled on federal territory. See [28 U.S.C. §1652](#),
18 [Federal Rule of Civil Procedure 17](#)(b).
19 4. The [Statutes at Large](#) (S.A.L.) have the next highest precedence, because they are created by Congress from the
20 authority derived from the U.S. Constitution.
21 5. Next comes the [U.S. Code](#), which implements the [Statutes at Large](#). Some titles are enacted into [positive law](#) while
22 others, such as the [Internal Revenue Code, Title 26](#), are not. Titles of the code that are not enacted into [positive law](#) are
23 only prima facie evidence of law that can be rebutted using the Statutes at Large from which they are derived.
24 6. The [U.S. Code](#) is interpreted by Executive Branch agencies to formulate proposed regulations, which are then
25 published in the [Federal Register](#) under the authority of the [Federal Register Act, 44 U.S.C. Chapter 15](#).
26 7. A subset of the regulations and forms that have been published in the [Federal Register](#) are then codified and organized
27 by subject matter within the [Code of Federal Regulations \(C.F.R.\)](#). The titles of the Code of Federal Regulations
28 mirror those of the U.S. Code, for the most part, but in some cases are different.
29 8. The [Code of Federal Regulations \(C.F.R.\)](#) then takes precedence over agency publications that implement it. Every
30 [IRS publications](#) are not law, do not confer rights, and people who use them as a basis for belief can be fined and
31 sanctioned by the courts. See:

Federal Courts and IRS' Own Internal Revenue Manual Say the IRS is NOT RESPONSIBLE for Its Actions or its
Words or for Following its Own Written Procedures, Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

32 Understanding this hierarchy is very important when one considers the definitions of terms. Generally, terms used
33 throughout the [C.F.R.](#)'s and [IRS publications](#) are derived from the [U.S. Codes](#), which in turn are derived from the [Statutes](#)
34 [at Large](#). Federal courts will, upon occasion, hold that regulations which appear in the [Code of Federal Regulations](#) are
35 invalid because they conflict with either the [U.S. Codes](#) or the [Statutes at Large](#) that they derive from. Below is a tabular
36 summary of what we just explained to help you visualize what we mean. The items below are in precedence order, where
37 the lower numbered items appearing first are of higher precedence than later or higher numbered items:
38

Table 7: Precedence of law as a source of good faith belief

Prec- edence #	Authority	Authority for Publication	Author	Force of Law? (Yes/No)	Evidentiary weight	Authorities
1	Nature's Law		God	No		
2	God's Law		God	Yes (for Christians)		
3	Common Law		"We the People"	Yes	Real	
4	U.S. Constitution		"We the People"	Yes	Real	
5	State Constitution		"We the People" of the State	Yes	Real	
6	State Statutes		State Congress	Yes	Real	28 U.S.C. §1652, Federal Rule of Civil Procedure 17(b)
7	State Regulations		State Agencies	Yes	Real	
8	Statutes at Large	1 U.S.C. Chapter 2	Congress	Yes. See Note 3	Real	COMPLETE sources: Constitution Society (all years) Library of Congress (1789-1875) What is Taxed (years 1917-present)
9	U.S. Code	1 U.S.C. Chapter 3	Congress	Yes in most cases. See Note 1	Titles that are positive law are "evidence". Titles that are not are "prima facie evidence".	Titles 26, 42, and 50 do not have the force of law and are not "positive law". See 1 U.S.C. §204 legislative notes.
10	Federal Register (F.R.)	Federal Register Act, 44 U.S.C. Chapter 15		Yes in most but not all cases. See Note 2		
11	Code of Federal Regulations (C.F.R.)	44 U.S.C. Chapter 15	Various	Yes in most but not all cases. See Note 2	Titles that are positive law are "evidence". Titles that are not are "prima facie evidence".	Titles 26, 42, and 50 do not have the force of law and are not "positive law". See 1 U.S.C. §204 legislative notes.
11.1	26 C.F.R. Part 1: Income taxes		Treasury	Yes	Not evidence	
11.2	26 C.F.R. Part 31: Employment taxes		Treasury	Yes	Not evidence	
11.3	26 C.F.R. Part 301: Secretary of Treas. Regs		Treasury	Yes	Not evidence	1. 26 U.S.C. §7805(a) . 2. 5 U.S.C. §553 . 3. Rowan Co., Inc. v. U.S. , 452 U.S. 247 , 101 S.Ct. 2288, 68 L.Ed.2d. 814 (1981)
11.4	26 C.F.R. Part 601: Procedural Regs		IRS	No* See Note 4	Not evidence	1. Einhorn v. Dewitt , 618 F.2d. 347 (5th Cir. 06/04/1980) 2. Luhring v. Glotzbach , 304 F.2d. 560 (4th Cir. 05/28/1962)
12	Internal Revenue Manual (I.R.M.)		IRS	No* See Note 4	Not evidence	1. U.S. v. Will , 671 F.2d. 963 (1982). Also click here 2. Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8.
13	Supreme Court Rulings		Supreme court	Yes	Real	Internal Revenue Manual, Section 4.10.7.2.9.8
14	Circuit Court Rulings		Circuit court	No	Not evidence	Internal Revenue Manual, Section 4.10.7.2.9.8
15	District Court Rulings		District court	No	Not evidence	Internal Revenue Manual, Section 4.10.7.2.9.8
16	IRS Publications		IRS	No	Not evidence	U.S. v. Will , 671 F.2d. 963 (1982). Also click here
17	Treasury Decisions and Orders		Treasury	No	Not evidence	Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8.
18	IRS Telephone or agent advice		IRS	No	Not evidence	Note 6

NOTES:

- Only have the force of law if enacted into [positive law](#). The [Internal Revenue Code](#) is *not* enacted into positive law, and therefore it is only "prima facie evidence" of law. The Statutes at Large from which the I.R.C. is written are the only real "law" you can cite as an authority or evidence in tax litigation.

2. Only have the force of law if published and promulgated by the Secretary of the Treasury in the [Federal Register](#) in accordance with the [Administrative Procedures Act, 5 U.S.C. §553](#). All regulations promulgated in the [Federal Register](#) are “legislative regulations”.
3. The federal Statutes at Large are not available online from the government for any year after 1874. Our link above to the [Statutes at Large](#) is for the period 1789-1873. The ONLY source of these statutes covering all years is a federal depository library (free) or Potomac Publishing (fee service):
<http://www.potomacpub.com/>
4. The internal procedures of the federal agency MUST be followed in any agency action that adversely affects the rights of individuals. See *Morton v. Ruiz*, shown below. Consequently, all enforcement actions attempted by the IRS must be in strict accordance with the Internal Revenue Manual and part 601 of 26 CFR, or the revenue agents can be held personally liable for deprivations of rights under [42 U.S.C. §1983](#).

“Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures. This is so even where the internal procedures are possibly more rigorous than otherwise would be required. Service v. Dulles, 354 U.S. 363, 388 (1957); Vitarelli v. Seaton, 359 U.S. 535, 539-540 (1959). The BIA, by its Manual, has declared that all directives that “inform the public of privileges and benefits available” and of “eligibility requirements” are among those to be published. The requirement that, in order to receive general assistance, an Indian must reside directly “on” a reservation is clearly an important substantive policy that fits within this class of directives. Before the BIA may extinguish the entitlement of these otherwise eligible beneficiaries, it must comply, at a minimum, with its own internal procedures.”
[*Morton v. Ruiz*, [415 U.S. 199](#), 94 S.Ct. 1055, 39 L.Ed.2d. 270 (1974)]

5. The IRS [Internal Revenue Manual \(I.R.M.\), Section 4.10.7.2.8](#) indicates that all IRS publications, and by implication all their forms as well, “may not be cited to sustain a position”. You will note that several documents fall in this category, including the Internal Revenue Manual (I.R.M.) itself, IRS publications, and all of their forms.

[Internal Revenue Manual
4.10.7.2.8 \(05-14-1999\)](#)
IRS Publications

IRS Publications, issued by the Headquarters Office, explain the law in plain language for taxpayers and their advisors. They typically highlight changes in the law, provide examples illustrating Service positions, and include worksheets. Publications are nonbinding on the Service and do not necessarily cover all positions for a given issue. While a good source of general information, publications should not be cited to sustain a position.

6. See the following article:

[Federal Courts and IRS' Own Internal Revenue Manual Say the IRS is NOT RESPONSIBLE for Its Actions or its Words or for Following its Own Written Procedures](http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm), Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

Therefore, the only remaining reasonable basis for belief about tax liability is:

1. The [Constitution of the United States of America](#).
2. Enacted positive law from the Statutes at Large AFTER January 2, 1939.
3. [Rulings of the Supreme Court](#) and NOT lower federal courts.

Next, we must determine WHERE we as a concerned, involved American can find the above sources of REAL law. Based on researching sources for the above three, we have summarized our findings in the table below:

Table 8: Legitimate sources of belief

Prec- edence #	Authority	Author	Sources
1	Constitution	“We the People”	1. U.S. Govt: http://www.gpoaccess.gov/constitution/browse.html 2. Findlaw: http://www.findlaw.com/casecode/constitution/
2	Statutes at Large AFTER January 2, 1939	Congress	1. U.S. Govt (1789-1875): http://memory.loc.gov/ammem/amlaw/twslink.html 2. Potomac Publishing (fee service, all years): http://www.potomacpub.com/techdata/asp/main/index/index.aspx

<i>Prec- edence #</i>	<i>Authority</i>	<i>Author</i>	<i>Sources</i>
3	Supreme Court Rulings	Supreme court	1. Supreme Court: http://www.supremecourtus.gov/ 2. Findlaw: http://www.findlaw.com/casecode/supreme.html 3. Cornell: http://straylight.law.cornell.edu/supct/index.html

The most noticeable thing about the above, is that there is no place on any government or commercial website where a concerned American can read any of the Statutes at Large passed after 1875, which are technically the only REAL, enacted, positive law available. We find this situation simply appalling. Obviously, Congress does not want Americans reading the real law or they would make it easy to do so. Instead, they would rather that:

1. Americans read what essentially amounts to government propaganda called the Internal Revenue Code
2. Americans base all of their decisions upon essentially hearsay evidence from colleagues, IRS publications that have deliberate lies, and tax professionals with a conflict of interest.
3. Those who want to read the REAL law from the Statutes at Large must either pay huge sums of money to only ONE source, Potomac Publishing, to read it online, or visit a Federal Depository Library at a major university, which in most cases is inaccessible and inconvenient to most Americans, and especially those who live in rural areas.

We find the above predicament that our representatives and lawmakers have put us in to be a scandal of monumental proportions that must be fixed before there is ever any hope of returning to a Constitutionally administered tax system. In the meantime, while we are waiting for reforms of the above deficiencies, we believe it constitutes malicious abuse of legal process and conspiracy against rights to hold the average American accountable to obey enacted laws that he can't even read and doesn't have access to. HYPOCRISY!

13 How the Government Maliciously Conceals and Avoids the Content of this Pamphlet

Since this pamphlet was first published on January 19, 2006, the U.S. Dept. of Treasury has attempted to unlawfully protect itself from the consequences of the information it contains by the following means:

1. They repealed Treasury Order 150-02 on May 2, 2006 and replaced it with Treasury Directive 21-01. See: <http://www.treas.gov/regs/to150-02.htm>
2. Treasury Directive 21-01 appears at the following, and mentions nothing about the boundaries of existing internal revenue districts. See:
 - 2.1. <http://www.ustreas.gov/regs/td21-01.htm>
 - 2.2. <http://treasury.tpaq.treasury.gov/regs/td00-03.htm>
3. In spite of the above, revenue agents STILL have no delegated authority to collect outside of internal revenue districts per the Internal Revenue Code:
 - 3.1. 26 C.F.R. §301.6301-1 still says that:

*"The taxes imposed by the internal revenue laws **shall be collected by district directors of internal revenue.**"*

- 3.2. District directors in turn are authorized to redelegate the levy power to lower level officials such as collection officers. See IRS Delegation Order 191. The delegation of authority down the chain of command, from the Secretary, to the Commissioner of Internal Revenue, to local IRS employees constitutes a valid delegation by the Secretary to the Commissioner, and a redelegation by the Commissioner to the delegated officers and employees. **See 26 C.F.R. §301.7701-9.**
- 3.3. Under Title 26, Section 7701(a) provides the following definitions:

26 U.S.C. §7701(a)

(11) *Secretary of the Treasury and Secretary*

(A) *Secretary of the Treasury* - The term "Secretary of the Treasury" means the Secretary of the Treasury, personally, and shall **not include any delegate of his.**

(B) *Secretary* - The term "Secretary" **means the Secretary of the Treasury or his delegate.**

(12) Delegate

(A) In general - The term "or his delegate"—

(i) when used with reference to the Secretary of the Treasury, means any officer, employee, or agency of the Treasury Department duly authorized by the Secretary of the Treasury directly, or indirectly by one or more redelegations of authority, to perform the function mentioned or described in the context; and (ii) when used with reference to any other official of the United States, shall be similarly construed.

3.4. 26 C.F.R. §301.7701-9(2009) entitled "Secretary or his delegate" defines the terms to mean:

"the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary to perform the function mentioned or described in the context, and the term 'or his delegate' when used in connection with any other official of the United States shall be similarly construed."

3.5. According to Title 26, Section 7621 and 26 C.F.R. §301.7621, without any "internal revenue districts" and "district directors" there is no "delegation of authority" and that the "revenue officer" or "revenue agent" is not the Secretary of Treasury or Commissioner of Internal Revenue. See 26 C.F.R. §§601.101, 301.6301, 301.6331.

4. In spite of the above changes, IRS STILL has no authority to enforce outside of internal revenue districts:

4.1. 26 C.F.R. §301.6331-1 is entitled "Levy and distraint" and states

"(a) Authority to levy—

(1) In general. If any person liable to pay any tax neglects or refuses to pay the tax within 10 days after notice and demand, the district director to whom the assessment is charged (or, upon his request, any other district director) may proceed to collect the tax by levy. The district director may levy upon any property, or rights to property, whether real or personal, tangible or intangible, belonging to the taxpayer. The district director may also levy upon property with respect to which there is a lien provided by section 6321 or 6324 for the payment of the tax."

4.2. Title 26, Section 6322 clearly places the lien to arise at the time the "assessment" is made and assessments are made under 26 C.F.R. §301.6203-1 by "The district director and the director of the regional service center" who

"...shall appoint one or more assessment officers. The district director shall also appoint assessment officers in a Service Center servicing his district. The assessment shall be made by an assessment officer signing the summary record of assessment. The summary record, through supporting records, shall provide identification of the taxpayer, the character of the liability assessed, the taxable period, if applicable, and the amount of the assessment."

4.3. Under 26 C.F.R. §601.101(2009) the Secretary promulgates "General Procedural Rules" and in "Introduction" states:

"(a) General. The Internal Revenue Service is a bureau of the Department of the Treasury under the immediate direction of the Commissioner of Internal Revenue. The Commissioner has general superintendence of the assessment and collection of all taxes imposed by any law providing internal revenue. The Internal Revenue Service is the agency by which these functions are performed. Within an internal revenue district the internal revenue laws are administered by a district director of internal revenue."

4.4. 26 C.F.R. §301.6301(2000-2009) in relevant part provides:

"taxes imposed by the internal revenue laws shall be collected by district directors of internal revenue."

4.5. 26 C.F.R. §301.6201 (2000-2009) in relevant part provides:

"district director is authorized and required to make all inquiries necessary to the determination and assessment of all taxes imposed by the Internal Revenue Code of 1954 or any prior internal revenue law."

4.6. 26 C.F.R. §601.107(2000-2009) provides in relevant part:

"Each district has a Criminal Investigation function whose mission is to encourage and achieve the highest possible degree of voluntary compliance with the internal revenue laws."

4.7. 26 C.F.R. §601.104(c)(2000-2009) says:

(c) Enforcement procedure—

"(1) General. Taxes shown to be due on returns, deficiencies in taxes, additional or delinquent taxes to be assessed, and penalties, interest, and additions to taxes, are recorded by the district director or the director of the appropriate service center as "assessments..."

"(2) Levy. If a taxpayer neglects or refuses to pay any tax within the period provided for its payment, it is lawful for the district director to make collection by levy on the taxpayer's property...."

"(3) Liens. The United States' claim for taxes is a lien on the taxpayer's property at the time of assessment. Such lien is not valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice has been filed by the district director...."

4.8. Revenue Officers typically have no delegation of authority under Title 26, section 7701(a)(11), 7701(a)(12), 6301, 6331, nor any authority under 26 C.F.R. §§301.7701-9, 301.7701-10, 301.6301-1, and 26 C.F.R. §301.6331-1 to levy the property interests of anyone outside of internal revenue districts, and there are not expressly identified internal revenue districts..

5. To further obscure and conceal the above limitations, Internal Revenue Bulletin (I.R.B.) 2007-36 was enacted in 2007, which states the following:

"In light of the IRS reorganization subsequent to RRA 1998, the district and special procedures offices referenced in the regulations no longer exist"
[Internal Revenue Bulletin (I.R.B.) 2007-36, p. 536; SOURCE: <http://www.irs.gov/pub/irs-irbs/irb07-36.pdf>]

"Paragraphs (a)(4), (c), (d)(1), and (d)(2) are amended by removing the language "director" and adding the language "IRS" in its place wherever it appears. 3. Paragraph (B) (4), is amended by removing the language "Internal Revenue district" and adding the language "IRS office" in its place."
[Internal Revenue Bulletin (I.R.B.) 2007-36, p. 537-2, SOURCE: <http://www.irs.gov/pub/irs-irbs/irb07-36.pdf>]

6. Even though current IRS guidance replaces the word "district director" with the phrase "IRS", the Internal Revenue Code STILL DOES NOT authorize this change and therefore all the changes maliciously made above to obscure the limitations upon IRS enforcement authority within states of the Union are void and all enforcement efforts in excess of such limitations are a criminal tort.

So essentially, what they have done is bury the truth two levels deeper than before, but they STILL have not published anything that indicates exactly where these fictitious "internal revenue districts" are located. They can't because the only place the public offices and "trade or business" franchise offices can exist per 4 U.S.C. §72 is the District of Columbia and NOT ELSEWHERE.

14 Rebutted Arguments of U.S. Attorneys against the Conclusions of this Pamphlet

Some U.S. Attorneys have tried to argue against the information in this pamphlet when used by our readers to defend themselves against illegal enforcement by the IRS outside the District of Columbia in violation of 4 U.S.C. §72. Below are some of the LAME and nonresponsive arguments against the content of this pamphlet regarding jurisdiction of the IRS to enforce the Internal Revenue Code within states of the Union:

1. Treasury Order 150-10 extends the Secretary's authority to the Commissioner.
 - 1.1. This Treasury Order does not address the "expressly" delegated authority of the Secretary;
 - 1.2. This is a general delegation of authority which addresses "WHAT" the Commissioner can do and does not address "WHERE" the Commissioner can exercise the Secretary's authority pursuant to 4 U.S.C. §72;
 - 1.3. Nothing in T.D.O. 150-10 "expressly" extends the authority of the Commissioner to the several states;
 - 1.4. Furthermore, this Treasury Order has not been published in the Federal Register, pursuant to 44 U.S.C. §1505 and 5 U.S.C. §553 and therefore it is not applicable to the Citizens in the several states. The Secretary admits this by

his ruling in 1953,⁹¹ where he requires all divisions or units of the IRS to publish in the Federal Register any item of concern to the American public. This was even more clearly stated in 1955⁹² as follows:

"It shall be the policy to publish for public information all statements of practices and procedure issued primarily for internal use, and, hence, appearing in internal management documents, which affect rights or duties of taxpayers or other members of the public under the Internal Revenue Code and related statutes."

1.5. Since T.D.O. 150-10 has not been published in the Federal Register, it is not applicable to Citizens in the several states; and

1.6. Therefore, citing T.D.O. 150-10 is non-responsive to the mandates of 4 U.S.C. §72.

2. U.S. Attorneys have cited *Hughes v. U.S.*, 953 F.2d. 531, 542-43 (9th Cir. 1991) in response to the jurisdictional challenges regarding the Secretary. The *Hughes* ruling claims that "4 U.S.C. §72 does not foreclose the authority of the IRS outside the District of Columbia." The only reason given by the *Hughes* Court is that the President in 26 U.S.C. §7621 is authorized to establish internal revenue districts outside Washington, D.C.⁹³ This argument fails every aspect of the 4 U.S.C. §72 litmus test as follows:

2.1. Establishing internal revenue districts outside Washington, D.C. does not have the same effect in law as establishing internal revenue districts within the several states; especially in light of 4 U.S.C. §72. It has already been cited *supra* that Congress has granted the Secretary authority to leave Washington, D.C. and enter

2.1.1. The Virgin Islands.

2.1.2. Guam.

2.1.3. Northern Marianas.

2.1.4. Cities still within the District of Columbia but not within the city of Washington.

(to name three other geographical locations) The question still remains, can he enter the several states?

2.2. 4 U.S.C. §72 mandates that ALL offices associated with the government that have jurisdiction within the several states shall be "expressly" authorized by Congress to act within the several states in United States law. Authorizing the office of President in 26 U.S.C. §7621 does not "expressly" authorize the office of Secretary when the Secretary is not even mentioned in 26 U.S. §7621;

2.3. The term ALL OFFICES, whether defined or not, includes all offices associated with the seat of government. If this refers to buildings, then ALL BUILDINGS are to be in "the District of Columbia, and not elsewhere" unless Congress "expressly" provides otherwise in United States law. It is unlikely that Congress intended that the term "offices" would refer to buildings since buildings cannot exercise any authority at all; only people can exercise authority and it is the authority of said offices which must be "exercised" within only "the District of Columbia, and not elsewhere";

2.4. With few exceptions, it is the Secretary who is authorized by Congress to write all needful rules and regulations for the administration and enforcement of Title 26 (See 26 U.S.C. §§7801, 7805). Therefore it is that Office which must acquire express leave by Congress to act within the several states not that of the President. The *Hughes* Court implies in error that 26 U.S.C. §7621 is the "expressly" stated grant of leave issued by Congress as required under 4 U.S.C. §72, claiming that the office of the President of the U.S. is somehow the same office as that occupied by the Secretary.

2.5. The term "State" as used in 26 U.S.C. §7621 includes "the District of Columbia" (see 26 U.S.C. §7701(a)(10))⁹⁴. Even if "State" could be concluded to include the several states, this definition does not "expressly" extend the office of Secretary to the several states when the several states are not "expressly" mentioned in the meaning of "State" as used in § 7621 (see § 7701(a)(10) and 4 U.S.C. §110(d)). A "definition" and a "term" are limitations upon the term defined and it excludes what is not specifically included (See any dictionary or Black's Law Dictionary 6th Edition for "Definition" and "Term"). Without rebuttal to the contrary, Congress has limited the Secretary's authority to "the District of Columbia," the Virgin Islands, Guam and the Northern Marianas, never having "expressly" granted the Secretary the statutory leave to exercise his authority in the several states.

⁹¹ IRS Revenue Ruling 2 (1953-1 CB 484).

⁹² IRS Rev Procd. 55-1 (1955-2 CB 897)

⁹³ Congress has "expressly" extended the authority of the Secretary to the Virgin Islands with respect to 26 U.S.C. Chapter 75 and this area is obviously outside "the District of Columbia" but not remotely associated with the several states.

⁹⁴ Under this definition, Alaska and Hawaii were removed from applicability upon receiving freely associated compact state status (See P.L. 86-624, § 18(j); P.L. 86-70, § 22(a)). The several states are "countries" (See 28 U.S.C. §297(b)).

- 2.6. Moreover, there is no evidence in the *Hughes* case or in any other case to establish the material fact that the President has in fact established said internal revenue districts⁹⁵ within the several states⁹⁶? However, there is evidence that the President established “customs districts,” but no internal revenue districts have ever been established by the President within the several states.⁹⁷
- 2.7. If one argues that the President has authorized the Secretary to create internal revenue districts, then what evidence exists that the Secretary has by treasury order or regulation, created said internal revenue districts within the several states?
- 2.8. If no internal revenue districts have been established in the several states by the President or even by the Secretary, then out of which internal revenue districts does the Secretary administer and enforce internal revenue laws within the several states?
3. Several Court rulings have stated that the IRS can exercise its authority outside the District of Columbia.
- 3.1. Every case cited to date by any U.S. Attorney is off-point. 4 U.S.C. §72 states that any “expressly” granted exception to the limitations of “the District of Columbia, and not elsewhere” as mandated, are to be found in United States law and NOT the Courts.

“Official powers cannot be extended beyond the terms and necessary implications of the grant. If broader powers be desirable, they must be conferred by Congress.”
[*Federal Trade Commission v. Raladam Co.*, 283 U.S. 643, 51 S.Ct. 587 (1931)(Emphasis added)]

- 3.2. Generally, all cases cited to date have dealt with WHAT the Secretary can do and not WHERE he can do it. 4 U.S.C. §72 is about the geographical location WHERE the Secretary can exercise his authority and nothing else.
- 3.3. Unless one can present the law which so “expressly” extends the authority of the Secretary to the several states, said offices can only exercise their authority within the geographical areas “expressly” authorized by Congress in law; and
- 3.4. Therefore citing court rulings is an irrelevant and non-responsive answer.
4. Judges have recently attempted to protect U.S. Attorneys and the government by stating on the record and in court orders that the Citizen is arguing that the Secretary cannot leave “the District of Columbia.” Any argument to this effect is a falsification of the record. It has been shown *supra* that the Secretary can indeed exercise his authority within The Virgin Islands, Guam, and the Northern Marianas; areas which are outside “the District of Columbia” and authorized by United States law. The contention has always been that the Secretary is restricted from ENTERING the several states unless Congress has “expressly” authorized him to do so in United States law. No law means no Authority in the several states!

15 Removals from state to federal court

When you file a case against a federal officer who has violated your PRIVATE or CONSTITUTIONAL rights, it is quite common for the attorney representing the client to remove the case from Constitutional state court to federal court. In most cases, this is an improper procedure. Here are some facts surrounding removals to that unlawful removals can be challenged in advance by the Plaintiff in such an action BEFORE they are even attempted:

1. Removals are covered in the following Wikipedia article:

⁹⁵ The *Hughes* Court implies that the President’s (Secretary’s alleged “implied”) authority outside Washington, D.C. pursuant to 26 U.S.C. §7621 somehow means that the Secretary’s authority has been “expressly” extended to the several states when in fact all the Court said was that the IRS can act outside of Washington, D.C. Congress has indeed extended the Secretary’s authority (and presumably the IRS) to areas outside “the District of Columbia” but the area of the several states is not one of those areas. As a result of this misleading description of the IRS (Secretary’s) authority, the Courts continue to promulgate the error that *Hughes* extends the authority of the IRS to the several states which violates the letter and spirit of 4 U.S.C. §72. To date, no Court or U.S. Attorney has identified even one U.S. law by which Congress has “expressly” extended the authority of the Secretary to the several states thereby forcing American Citizens to speculate that no said authority has been established by Congress for the Secretary in the several states.

⁹⁶ In 1998, via Executive Order (“E.O.”) #10289, as amended, President William J. Clinton authorized the Secretary to establish revenue districts under authority of 26 U.S.C. §7621. Although §7621 is not listed in the Parallel Table of Authorities and Rules, E.O. #10289 is listed. The implementing regulations for said Executive Order are found in 19 C.F.R. Part 101. Said regulation establishes “*customs collection offices*” in each of the several states; it does not establish “internal revenue districts”. A note at 26 C.F.R. §301.7621-1 confirms that E.O. #10289 is the only authority for establishing revenue districts.

⁹⁷ The burden of proof that said districts have been established by the President within the several states is upon the Court and U.S. Attorneys if they hope to establish jurisdiction on the record. Without said evidence in the record, Respondent and the Courts cannot assume that said districts exist and therefore cannot assume that Secretary has any authority in the several states.

https://en.wikipedia.org/wiki/Removal_jurisdiction

2. Removals are authorized under federal law by 28 U.S.C. §1446.
 - 2.1. 28 U.S.C. §1446 does not define “State”.
 - 2.2. The “State” they are referring to can only be a federal territory or possession and NOT a CONSTITUTIONAL state.
 - 2.3. The term “State” is defined in 28 U.S.C. §1332(e) as follows, and it EXCLUDES states of the Union.

28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs

(e) The word “States”, as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.

- 2.4. If the defendant insists that the term “State” means a CONSTITUTIONAL state of the Union, force him/her to satisfy the burden of proving it with evidence on the record or dismiss his claim.
- 2.5. Removals are NOT authorized after one year from the date of commencement of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action. 28 U.S.C. §1446(c)(1).
3. Removals may only be filed by the Respondent in the action, not the Petitioner or Plaintiff.
4. Removals are initiated by filing a “Notice of Removal” in the state court where the action was initiated. That state court can ONLY be a territorial court and not a state of the Union court.
5. The Ninth and Tenth Amendment forbid federal district of circuit courts from intervening in actions between two parties in a single state.
 - 5.1. The only known exception to this is a case between a citizen of a state and a state officer under 42 U.S.C. §1983. This statute was an implementation of the Fourteenth Amendment, Section 1 equal protection clauses and is usually invoked for discrimination or violation of equal protection. See:

Section 1983 Litigation, Litigation Tool #08.008
<http://sedm.org/Litigation/LitIndex.htm>
 - 5.2. In fulfillment of this requirement, the diversity clauses found in U.S. Constitution Article III, Section 2 only allow cases in federal court between citizens of two DIFFERENT states.
6. By removing a case from a CONSTITUTIONAL state to a federal district court, the following violation of rights occurs:
 - 6.1. Loss of common law protections for the Plaintiff/Petitioner. The U.S. Supreme Court held in *Erie Railroad v. Tompkins*, 304 U.S. 64 (1938) that the federal courts may not invoke STATE common law. Therefore, the only choice of law they have is either the Constitution or STATUTE law. Statute law, in turn, only pertains to federal officers, which usually doesn’t include the Plaintiff, so the judge HAS to allow ONLY the constitution to be invoked for a transferred case unless the Defendant/Respondent satisfies the burden of proving that the plaintiff is a federal officer domiciled on federal territory. For details, see:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
<http://sedm.org/Forms/FormIndex.htm>
 - 6.2. Criminal conflict of interest on the part of the federal judge, because the case usually involves a loss of revenues to the national government caused by strictly following the revenue laws. See 18 U.S.C. §208, and 28 U.S.C. §§144 and 455. This conflict of interest makes due process of law IMPOSSIBLE. The most basic element of due process is an IMPARTIAL judge and impartial jury. See Requirement for Due Process of Law, Form #05.045.
 - 6.3. The judge with a criminal financial conflict of interest, when given a choice between protecting your constitutional rights and using statutes that pertain only to federal officers to PLUNDER and ENSLAVE you, will always choose the latter.
7. The ONLY reasonable or lawful basis for removing from state court to federal court is if:
 - 7.1. Federal officers acting as Defendant/Respondent were acting within their delegated authority and therefore, cannot be sued personally. Instead, the United States federal corporation is substituted in his/her place. This determination must be proven on the record of the proceeding WITH evidence. Otherwise it is arbitrary void. See 28 U.S.C. §2679(d)(3).
 - 7.2. Federal property or rights to property are involved under U.S. Constitution Article 4, Section 3, Clause 2. The only court that can rule on federal property is federal court.
8. If you as Plaintiff/Petitioner have your case against an offending federal officer removed to district court when you KNOW the officer was not acting within his authority, you should ensure that you invoke Federal Rule of Civil Procedure 17(b), which PROHIBITS invoking federal statutory law against you and forces the judge to enforce ONLY the constitution in protecting ONLY private property and private rights. No public rights or federal property are involved and therefore any other approach is a usurpation.

9. If the federal government asserts authority over your PRIVATE property, you should use the following course as a tool to FORCE them to prove on the record that you consented in writing to donate the PRIVATE property to a public use or public purpose. Otherwise, it is conclusively presumed to be PRIVATE, in which case you can control their uses of the property and charge them whatever you want for its use:

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

10. Any violation of the above rules is an act of CRIMINAL identity theft, as documented in:

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

16 Frequently Asked Questions (FAQs)

16.1 What can be cited as legal authority against a person domiciled in a state of the Union who is not a federal agent, employee, contractor, or franchisee?

People domiciled in a state of the Union who are not federal agents, employees, contractors, or franchisees are not the proper subject of federal law, which acts primarily as law for government and not for the private citizens:

"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)]

"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)]

Therefore, the only legitimate source of law for them is state and not federal law. The only basis for a reasonable belief of such a person is therefore legally admissible evidence of what an enacted positive tax law actually says. Everything else essentially is based on presumption. 1 U.S.C. §204 establishes what types of evidence are admissible when it says:

TITLE 1 > CHAPTER 3 > § 204
§ 204. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—

(a) United States Code.— The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States

An examination of the [legislative notes under 1 U.S.C. §204](#) then reveals which titles of the U.S. Code are "positive law" and which are not. Title 26 is not listed as being positive law. Therefore, it constitutes "prima facie" evidence of law. "prima facie" is defined in Black's Law Dictionary as "presumed to be evidence":

"Prima facie. Lat. At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure; presumably; a fact presumed to be true unless disproved by some evidence to the contrary. State ex rel. Herbert v. Whims, 68 Ohio App. 39, 28 N.E.2d 596, 599, 22 O.O. 110. See also Presumption"
[Black's Law Dictionary, Sixth Edition, p. 1189]

Therefore, the [Internal Revenue Code](#) is simply “presumed” to be law. Our pamphlet below thoroughly analyzes the concept of Constitutional “[due process](#)” and presumption:

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

The above pamphlet concludes the following about “presumption” based on its exhaustive legal analysis:

1. All “presumption” is a violation of due process.
2. Presumption cannot be used as a permanent substitute for evidence in any legal proceeding.
3. The reason that “presumption” is a violation of “due process” is that it prejudices one’s rights absent supporting evidence.
4. “Statutory presumption”, which is a statute that creates a presumption that could operate to prejudice one’s constitutional rights, is a violation of due process.
5. The only case where “presumption” can be lawfully employed without violating the Constitution is against parties who are not protected by the Constitution. Therefore, “presumption” cannot be used against a person domiciled in a state of the Union and can only be used against:
 - 5.1. “U.S. persons” domiciled in the federal zone who are not protected by the Bill of Rights.. .OR

“CONSTITUTIONAL RESTRICTIONS AND LIMITATIONS [Bill of Rights] WERE NOT APPLICABLE to the areas of lands, enclaves, territories, and possessions over which Congress had EXCLUSIVE LEGISLATIVE JURISDICTION”
[Downes v. Bidwell, 182 U.S. 244 (1901)]

- 5.2. Parties who have contracted away their rights by pursuing privileged federal employment, privileges, benefits, or “public office”. This would include people in states of the Union, but only those working for 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, 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)]

The audience for this memorandum is only people domiciled either in the Kingdom of Heaven on earth or in states of the Union on land not under exclusive or plenary federal jurisdiction. Therefore:

1. “[presumption](#)” may not be employed by any reader of this pamphlet without violating the Constitution.
2. The [Internal Revenue Code](#) does not constitute a reasonable basis for belief about tax liability, because it requires presumption and is “prima facie law”.
3. The only thing that can be cited is positive law from the Statutes at Large that has not been repealed. Everything published in the Statutes at Large that is not repealed is admissible as non prima-facie evidence of law. The current version of [1 U.S.C. §204](#) doesn’t say that but earlier versions do.

We then investigated further after we learned the above. In particular, we looked at the enactment of the 1939 Internal Revenue Code, 53 Stat. 1. Section 4 of that act says that all prior revenue Laws were repealed by the act, which means that all revenue laws passed before January 2, 1939 were repealed, including those found in the Statutes at Large. Below is the text of that act:

[1939 Internal Revenue Code, 53 Stat. 1, Section 4](#)

SEC. 4. REPEAL AND SAVINGS PROVISIONS.— (a) The Internal Revenue Title, as hereinafter set forth, is intended to include all general laws of the United States and parts of such laws, relating exclusively to internal revenue, in force on the 2d day of January 1939 (1) of a permanent nature and (2) of a temporary nature if embraced in said Internal Revenue Title. In furtherance of that purpose, all such laws and parts of laws codified herein, to the extent they relate exclusively to internal revenue, are repealed, effective, except as provided in section 5, on the day following the date of the enactment of this act.

(b) Such repeal shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall any office, position, employment, board, or committee, be abolished by such repeal, but the same shall continue under the pertinent provisions of the Internal Revenue Title.

(c) All offenses committed, and all penalties or forfeitures incurred under any statute hereby repealed, may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

(d) All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, hereby repealed shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising, or acts done or committed, prior to said repeal, may be commenced and prosecuted within the same time as if this act had not been passed.

(e) The authority vested in the President of the United States, or in any officer or officers of the Treasury Department, by the law as it existed immediately prior to the enactment of this act, hereafter to give publicity to tax returns required under any internal revenue law in force immediately prior to the enactment of this act or any information therein contained, and to furnish copies thereof and to prescribe the terms and conditions upon which such publicity may be given or such copies furnished, and to make rules and regulations with respect to such publicity, is hereby preserved. And the provisions of law authorizing such publicity and prescribing the terms, conditions, limitations, and restrictions upon such publicity and upon the use of the information gained through such publicity and the provisions of law prescribing penalties for unlawful publicity of such returns and for unlawful use of such information are hereby preserved and continued in full force and effect.

[SOURCE:
<http://www.famguardian.org/Disks/LawDVD/Federal/RevenueActs/Revenue%20Act%20of%201939.pdf>]

We also showed earlier in section 5 that Internal Revenue Manual (I.R.M.), Section 4.10.7.2.9.8 says that court decisions below the Supreme Court may not be cited to sustain a reasonable belief.

Internal Revenue Manual
[4.10.7.2.9.8 \(05-14-1999\)](#)
Importance of Court Decisions

1. "Decisions made at various levels of the court system are considered to be interpretations of tax laws and may be used by either examiners or taxpayers to support a position.

2. Certain court cases lend more weight to a position than others. A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the Code.

3. Decisions made by lower courts, such as Tax Court, District Courts, or Claims Court, are binding on the Service only for the particular taxpayer and the years litigated. Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers."
[Internal Revenue Manual (I.R.M.), 4.10.7.2.9.8 (05/14/99)
<http://www.irs.gov/irm/part4/ch10s11.html>]

Further information on sources of reasonable belief about what law applies and its value as legal evidence in court are contained earlier in section 11.

16.2 What happens to a person's constitutional rights when they move from a constitutional state to federal territory such as a national park or federal reservation?

QUESTION:

Since Federal citizenship can extend to cover "residents" while physically located in The United States of America*** (Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)) then does a:

1. "non citizen national" pursuant to 8 U.S.C. §1101 (a) (21) and 8 U.S.C. §1452 and...
2. "nonresident alien" pursuant to 26 U.S.C. §7701 (b)(1)(B), and..
3. Constitutional citizen pursuant to the Fourteenth Amendment.

. . .waive any constitutional rights when moving on to property located in a " National Park"?

ANSWER:

1. Civil statutory law attaches to DOMICILE, not physical presence. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002

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

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

Hence, a party who physically moved did not become subject to federal statutory civil law until AFTER they change their domicile to federal territory.

2. Likewise, the constitution attaches to LAND, and not the STATUS of people on the land. Hence, moving to land not protected by the constitution and subject to exclusive federal jurisdiction would result in a destruction of ALL constitutional rights while on federal territory, PROVIDED that territory has had its state jurisdiction ceded as required by 40 U.S.C. §3112. See:

<http://www.law.cornell.edu/uscode/text/40/3112>

"It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it."

[*Balzac v. Porto Rico*, 258 U.S. 298 (1922)]

For further details, see:

1. This document
2. *Jurisdiction Over Federal Areas Within the States*, Item 1.06
<http://sedm.org/shop/jurisdiction-over-federal-areas-within-the-states/>

17 Conclusions

17.1 Main techniques for exceeding jurisdiction

Based on the discussion in this document, the following are the most important methods by which courts and the government exceed their lawful or constitutional jurisdiction:

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

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

[*Senator Sam Ervin, during Watergate hearing*]

"When words lose their meaning, people will lose their liberty."

[*Confucius, 500 B.C.*]

- 1.1. Misunderstanding or misapplication of the choice of law rules documented in section 11 earlier.
- 1.2. Failure or refusal to adjust the meaning of "words of art" based on their context and the legal definitions that apply in that context. See:

Geographical Definitions and Conventions, Form #11.215

<http://sedm.org/SampleLetters/DefinitionsAndConventions.htm>

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

Legal Deception, Propaganda, and Fraud, Form #05.014

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

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

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

2. Laziness or unwillingness to deal with the issues being litigated. Don't let them slack off. The price of freedom is eternal vigilance. The U.S. Supreme Court identified the enemies of republican freedom originating from the above causes, when it held:

"The chief enemies of republican freedom are [mental sloth](#), [conformity](#), [bigotry](#), [superstition](#), [credulity](#), monopoly in the market of ideas, and utter, benighted ignorance."
[Adderley v. State of Florida, 385 U.S. 39, 49 (1967)]

3. Legal ignorance that causes misinformed judicial decisions.

4. Greed or dishonesty.

17.2 Methods of preventing courts from exceeding their jurisdiction

Based on the above methods for exceeding jurisdiction by government and judges, the most important things you can do to prevent courts from exceeding their jurisdiction is to:

1. Recite and summarize the choice of law rules to the opponent and the court and insist that they be observed.
2. Focus on definitions of all the words contained within the statutes being enforced.
3. Emphasize all the implications of the separation of powers between the states and federal government and all the implications this separation has upon the meaning of words in various contexts. The following table aids this process, which you are free to reuse:

1

2 **Table 9: Meaning of geographical terms within various contexts**

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"state"	Foreign country	Union state or foreign country	Union state or foreign country	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
"State"	Union state	Federal state	Federal state	Union state	Union state	Union state
"in this State" or "in the State" ⁹⁸	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"State" ⁹⁹ (State Revenue and taxation code only)	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively ¹⁰⁰	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively
"United States"	states of the Union collectively	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

3 What the above table clearly shows is that the word "State" in the context of federal statutes and regulations means (not
4 includes!) federal States only under [Title 48 of the U.S. Code](#)¹⁰¹, and these areas do not include any of the 50 Union
5 States. This is true in *most cases and especially in the Internal Revenue Code*. In the context of the above, a "Union
6 State" means one of the 50 Union states of the United States* (the country, not the federal United States**), which are
7 sovereign and foreign with respect to federal legislative jurisdiction.

- 8 4. Anticipate and prevent all attempts by the government to destroy the separation of powers using the information in the
9 following document:

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

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

- 10 5. Rebut the validity of all evidence that connects you to government franchises:

- 11 5.1. Information returns, such as IRS Forms W-2, 1042-s, 1098, and 1099. See:

Correcting Erroneous Information Returns, Form #04.001

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

- 12 5.2. Social Security Numbers. See:

Why You Aren't Eligible for Social Security, Form #06.001

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

- 13 5.3. Taxpayer Identification Numbers. See:

Why It is Illegal for Me to Request or Use a Taxpayer Identification Number, Form #04.205

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

- 14 6. Emphasize that a refusal to stick with the statutory definitions and include only what is expressly stated
15 SOMEWHERE in the code and to not read anything into it that isn't there is an attempt to destroy the separation of
16 powers and engage in a conspiracy against your Constitutionally protected rights.

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

⁹⁸ See California Revenue and Taxation Code, Section 6017.

⁹⁹ See California Revenue and Taxation Code, Section 17018.

¹⁰⁰ See, for instance, U.S. Constitution Article IV, Section 2.

¹⁰¹ See <http://www4.law.cornell.edu/uscode/48/>

1 "When words lose their meaning, people will lose their liberty."
2 [Confucius, 500 B.C.]

- 3 7. Rationally apply the rules of statutory construction so that your opponent can't use verbicide or word tricks to wiggle
4 out of the statutory definitions with the word "includes". See:

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

- 5 8. Admit to being a constitutional "citizen of the United States" but not a statutory "citizen of the United States". Clarify
6 the distinctions and explain that you are not a statutory citizen pursuant to 8 U.S.C. §1401 or 26 C.F.R. §1.1-1(c) using
7 the following. This will deflect any allegations that you are engaging in "frivolous" issues:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>

- 8 9. Cite the three definitions of the "United States" explained by the Supreme Court in *Hooven & Allison Co. v. Evatt*, 324
9 U.S. 652 (1945).
10 10. Emphasize that the context in which the term "United States" and "State" is used determines WHICH of the three
11 definitions applies.
12 11. Focus on WHICH "United States" or "State" or thing is implied in the definitions within the statute being enforced.
13 12. Emphasize that applying the CORRECT definition is THE MOST IMPORTANT JOB of the court, as admitted by the
14 U.S. Supreme Court, in order to maintain the separation of powers between the federal zone and the states of the
15 Union, and thereby protect your rights:

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

20 [..]

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

25 [..]

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

- 30 13. Emphasize that anything your opponent does not rebut with evidence under penalty of perjury is admitted pursuant to
31 Federal Rule of Civil Procedure 8(b)(6) and then serve them with a Notice of Default on the court record of what they
32 have admitted to by their omission in denying.
33 14. Emphasize that it is a violation of due process of law and an injury to your rights for anyone to PRESUME anything
34 about which definition of "United States" applies in a given context. EVERYTHING must be supported with evidence
35 as we have done here.

36 (1) [8:4993] Conclusive presumptions affecting protected interests: A conclusive presumption may be
37 defeated where its application would impair a party's constitutionally-protected liberty or property interests. In
38 such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights.
39 [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414
40 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates
41 process]
42 [Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, page 8K-34]

43 Challenge all presumptions by your government opponent, because they are a violation of due process of law. See:

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

- 44 15. Avoid words that are not used in statutes, such as "state citizen" or "sovereign citizen" or "natural born citizen",
45 "republic", etc. because they aren't defined and divert attention away from the core definitions themselves.

16. State that all the cases cited by the government are irrelevant or inapposite, because:
- 16.1. They only apply to persons domiciled on federal territory or engaged in federal franchises, which is not you.
 - 16.2. They don't take into account your circumstances as a person not domicile on federal territory and therefore not subject to federal law.
 - 16.3. They don't take into account the context in which the terms are used or their statutory meanings.
 - 16.4. They don't address conform to the rules of statutory construction for the definitions or terms being used.

18 Resources for further study and rebuttal

A number of additional resources are available for those who wish to further investigate the contents of the pamphlet:

1. *Federal Enforcement Authority Within States of the Union*, Form #05.032
<http://sedm.org/Forms/FormIndex.htm>
2. *Federal Jurisdiction Page*-Family Guardian Fellowship
<http://famguardian.org/Subjects/LawAndGovt/Articles/FedJurisdiction/FedJuris.htm>
3. *Jurisdiction Over Federal Areas within the States*: U.S. government report, 1954, Form #11.203
<http://sedm.org/Forms/FormIndex.htm>
4. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017
<http://sedm.org/Forms/FormIndex.htm>
5. *Political Jurisdiction*, Form #05.004
<http://sedm.org/Forms/FormIndex.htm>
6. *Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002: Proves that all the government's civil jurisdiction derives from domicile, and that domicile is voluntary and therefore you don't have to submit to civil laws if you don't want to.
<http://sedm.org/Forms/FormIndex.htm>
7. *Our government has become idolatry and a false religion*, Family Guardian Fellowship: Article which describes why the federal courts have become churches and our government has become a false god and a religious cult:
<http://famguardian.org/Subjects/Taxes/Articles/Christian/GovReligion.htm>
8. *Tax Deposition Questions*, Form #03.016: sound legal evidence upon which to base a reasonable belief
<http://sedm.org/Forms/FormIndex.htm>
9. *Family Guardian Forums: Federal Jurisdiction Topic*: Family Guardian Discussion Forums
<http://famguardian.org/forums/index.php?showforum=14>

19 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government

These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 10 days constitutes an admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

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

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

19.1 Interrogatories

4 U.S.C. §72 states:

"All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law." (Emphasis added)
[4 U.S.C. §72]

4 U.S.C. §72 seems to restrict offices attached to the federal government to the geographical area of the District of Columbia unless Congress specifically extends the authority of that office to other geographical areas by United States law. I looked up the Definition of "expressly" in Black's Law Dictionary 6th Edition and found the following:

"Expressly - In an express manner; in direct and unmistakable terms; explicitly; definitely; directly. St. Louis Union Trust Co. v. Hill, 336 Mo. 17, 76 S.W.2d. 685, 689. The opposite of impliedly. Bolles v. Toledo Trust Co., 144 Ohio.St. 195, 58 N.E.2d. 381, 396." (Emphasis added)
[Black's Law Dictionary, Sixth Edition, p. 581]

With regard to the authority of the office of Secretary of the United States Treasury ("Secretary") (and all authority delegated to others by him), I found these three laws which seem to follow the mandate of 4 U.S.C. §72 by "expressly" extending the Secretary's authority to Guam, the Virgin Islands and the Northern Marianas. I cite the pertinent parts below:

48 U.S.C. §1397. Income tax laws of United States in force; payment of proceeds; levy of surtax on all taxpayers;

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the treasuries of said islands: Provided further, That, notwithstanding any other provision of law, the Legislature of the Virgin Islands is authorized to levy a surtax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the government of the Virgin Islands. (Emphasis added)

and

48 U.S.C. §1421i. Income tax;

Applicability of Federal laws; separate tax;

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Guam: Provided, That notwithstanding any other provision of law, the Legislature of Guam may levy a separate tax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam. (Emphasis added)

and

48 U.S.C. §1801. Approval of Covenant to Establish Commonwealth of Northern Mariana Islands That the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the text of which is as follows [note to this section], is hereby approved. (Emphasis added)

and the Covenant which was approved by Congress states in part:

"Article VI "revenue and taxation"; "Section 601. (a) The income tax laws in force in the United States will come into force in the Northern Mariana Islands as a local territorial income tax on the first day of January following the effective date of this Section, in the same manner as those laws are in force in Guam." (Emphasis added)

Under the NOTES under References in Text it states:

"The income-tax laws in force in the United States of America, referred to in text, are classified to Title 26, Internal Revenue Code." (Emphasis added)

I have looked high and low for any similarly worded United States law which would effectively and "expressly" extend the authority of the Secretary to administer and enforce internal revenue laws outside "the District of Columbia, and not elsewhere" to the geographical area of the several states and I have been unable to find even one United States law.

My questions are as follows:

1. Please describe at EXACTLY what point in the taxation process my earnings were LAWFULLY converted from EXCLUSIVELY PRIVATE to PUBLIC and thereby became SUBJECT to civil statutory law and government jurisdiction. Check one or more. If none are checked, it shall CONCLUSIVELY be PRESUMED that no tax is owed:

- 1.1. ____ There is no private property. EVERYTHING belongs to us and we just "RENT" it to you through taxes. Hence, we are NOT a "government" because there is not private property to protect. Everything is PUBLIC property by default.
- 1.2. ____ When I was born?
- 1.3. ____ When I became a CONSTITUTIONAL citizen?
- 1.4. ____ When I changed my domicile to a CONSTITUTIONAL and not STATUTORY "State".
- 1.5. ____ When I indicated "U.S. citizen" or "U.S. resident" on a government form, and the agent accepting it FALSELY PRESUMED that meant I was a STATUTORY "national and citizen of the United States" per 8 U.S.C. §1401 rather than a CONSTITUTIONAL "citizen of the United States".
- 1.6. ____ When I disclosed and used a Social Security Number or Taxpayer Identification Number to my otherwise PRIVATE employer?
- 1.7. ____ When I submitted my withholding documents, such as IRS Forms W-4 or W-8?
- 1.8. ____ When the information return was filed against my otherwise PRIVATE earnings that connected my otherwise PRIVATE earnings to a PUBLIC office in the national government?
- 1.9. ____ When I FAILED to rebut the false information return connecting my otherwise PRIVATE earnings to a PUBLIC office in the national government?
- 1.10. ____ When I filed a "taxpayer" form, such as IRS Forms 1040 or 1040NR?
- 1.11. ____ When the IRS or state did an assessment under the authority of 26 U.S.C. §6020(b)
- 1.12. ____ When I failed to rebut a collection notice from the IRS?
- 1.13. ____ When the IRS levied monies from my EXCLUSIVELY private account, which must be held by a PUBLIC OFFICER per 26 U.S.C. §6331(a) before it can lawfully be levied?
- 1.14. ____ When the government decided they wanted to STEAL my money and simply TOOK it, and were protected from the THEFT by a complicit U.S. Department of Justice, who split the proceeds with them?
- 1.15. ____ When I demonstrated legal ignorance of the law to the government sufficient to overlook or not recognize that it is impossible to convert PRIVATE to PUBLIC without my consent, as the Declaration of Independence requires.

2. How can the conversion from PRIVATE to PUBLIC occur without my consent and without violating the Fifth Amendment Takings Clause?

YOUR ANSWER: _____

3. If you won't answer the previous two questions, how the HELL am I supposed to receive constitutionally mandated "reasonable notice" of the following:

- 3.1. EXACTLY what property I exclusively own and therefore what property is NOT subject to government taxation or regulation?
- 3.2. EXACTLY what conduct is expected of me by the law?

YOUR ANSWER: _____

4. EXACTLY where in government publications is the first question answered?

YOUR ANSWER: _____

5. Why should I believe what government publications say on this subject if the IRS refuses to take responsibility for the accuracy of said publications?

"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their 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)]

YOUR ANSWER: _____

6. EXACTLY where in the statutes and regulations is the first question answered?

YOUR ANSWER: _____

1 7. How does one, a PRIVATE human, "OBEY" a law without "ADMINISTERING OR EXECUTING" it? We'll give
2 you a hint: It CAN'T BE DONE!

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

6 YOUR ANSWER:_____

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

10 But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord.
11 And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected
12 Me [God], that I should not reign over them. According to all the works which they have done since the day
13 that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other
14 gods [Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore,
15 heed their voice. However, you shall solemnly forewarn them, and show them the behavior of the king who
16 will reign over them."
17 [1 Sam. 8:6-9, Bible, NKJV]

18 YOUR ANSWER:_____

19 9. How can one UNILATERALLY ELECT themselves into public office by filling out a government form? The form
20 isn't even signed by anyone in the government, such as a tax form or social security application, and therefore couldn't
21 POSSIBLY be a valid contract anyway? Isn't this a FRAUD upon the United States and criminal bribery, using illegal
22 "withholdings" to bribe someone to TREAT you as a public officer? See 18 U.S.C. §211.

23 YOUR ANSWER:_____

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

27 "It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to
28 the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would
29 unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one
30 man, by his own act [CONSENT], renders himself amenable to a particular jurisdiction, shall another man,
31 who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a
32 jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a
33 law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with
34 fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between
35 the judicial authorities of the State and the general government. Anything which can prevent a Federal Officer
36 from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the
37 recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court;
38 and, considering the constant disposition of power to extend the sphere of its influence, fictions will be
39 resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the
40 marshall, has rendered the jurisdiction of the King's Bench universal in all personal actions."
41 [United States v. Worrall, 2 U.S. 384 (1798)]
42 SOURCE: http://scholar.google.com/scholar_case?case=3339893669697439168/

43 YOUR ANSWER:_____

44 11. Isn't this involuntary servitude in violation of the Thirteenth Amendment to serve in a public office if you DON'T
45 consent and they won't let you TALK about the ABSENCE of your consent?

46 YOUR ANSWER:_____

47 12. Isn't it a violation of due process of law to PRESUME that you are a public officer WITHOUT EVIDENCE on the
48 record from an unbiased witness who has no financial interest in the outcome?

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

4
5 "If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not
6 due process of law. [. . .] the presumption of innocence under which guilt must be proven by legally obtained
7 evidence and the verdict must be supported by the evidence presented; rights at the earliest stage of the
8 criminal process; and the guarantee that an individual will not be tried more than once for the same offence
9 (double jeopardy).
10 [Black's Law Dictionary, Sixth Edition, p. 500]
11

12 "A presumption is neither evidence nor a substitute for evidence."¹⁰²
13 [American Jurisprudence 2d, Evidence, §181 (1999)]

14 YOUR ANSWER: _____

- 15 13. If the judge won't enforce the requirement that the government as moving party has the burden of proving WITH
16 EVIDENCE that you were LAWFULLY "appointed or elected" to a public office, aren't you therefore PRESUMED to
17 be EXCLUSIVELY PRIVATE and therefore beyond the reach of the civil statutory law?

18 YOUR ANSWER: _____

- 19 14. Isn't the judge criminally obstructing justice to interfere with requiring evidence on the record that you lawfully
20 occupy a public office? See 18 U.S.C. §1503, whereby the judge is criminally "influencing" the PUBLIC you.

21 YOUR ANSWER: _____

- 22 15. Isn't an unsupported presumption that prejudices a PRIVATE right a violation of the Constitution and doesn't the
23 rights that UNCONSTITUTIONAL presumption prejudicially conveys to the government constitute a taking of rights
24 without just compensation in violation of the Fifth Amendment Takings Clause?

25 YOUR ANSWER: _____

- 26 16. How can the judge permit federal civil jurisdiction within a state, a legislatively but not constitutionally foreign
27 jurisdiction, be permitted absent proof under Federal Rule of Civil Procedure 17(b) that the party was representing a
28 public office in the government and therefore, that the civil statutory laws of the District of Columbia/federal zone
29 apply rather than the state in question? See the Rules of Decision Act, 28 U.S.C. §1652.

30 YOUR ANSWER: _____

- 31 17. Even if we ARE lawfully serving in a public office, don't we have the right to:
32 17.1. Be off duty?
33 17.2. Choose WHEN we want to be off duty?
34 17.3. Choose WHAT financial transactions we want to connect to the office?
35 17.4. Be protected in NOT volunteering to connect a specific activity to the public office? Governments LIE by calling
36 something "voluntary" and yet refusing to protect those who do NOT consent to "volunteer", don't they?
37 17.5. Not be coerced to sign up for OTHER, unrelated public offices when we sign up for a single office? For instance,
38 do we have a right not become a FEDERAL officer when we sign up for a STATE "driver license" and "public
39 office" that ALSO requires us to have a Social Security Number to get the license, and therefore to ALSO
40 become a FEDERAL officer at the same time.

102 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.

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!

YOUR ANSWER:_____

18. Does [4 U.S.C. §72](#) apply to all offices/agencies/bureaus/departments of the federal government or are there some which are exempt from this law? If there are, would they be exempt by law or by some other means?

YOUR ANSWER:_____

19. Can a person work for the federal government outside the District of Columbia and serve within an "office" as legally defined under the appointments clause, Article VI of the United States Constitution if he does not serve in a position which is "expressly extended" by Congress to the place where he or she serves?

See: *Officers of the United States Within the Meaning of the Appointments Clause*, U.S. Attorney Memorandum Opinion,
<http://famguardian.org/TaxFreedom/CitesByTopic/PublicOffice-appointmentsclausev10.pdf>

YOUR ANSWER:_____

20. Does the word "shall" in [4 U.S.C. §72](#) show that Congress intended the restriction of this law to be mandatory or did they intend it to be permissive?

YOUR ANSWER:_____

21. Does the phrase "in the District of Columbia, and not elsewhere," within [4 U.S.C. §72](#) of itself, place a limitation on the exercise of the authority of all offices of the federal government to only the geographical area of the District of Columbia?

YOUR ANSWER:_____

22. Does the phrase "in the District of Columbia, and not elsewhere" within [4 U.S.C. §72](#) refer to WHAT an office of government can do or does it refer to WHERE it can lawfully exercise the grant of authority Congress has given to that office?

YOUR ANSWER:_____

23. Does the phrase "except as otherwise expressly provided by law" within [4 U.S.C. §72](#) mean that exceptions to this limitation are permitted and can be expected?

YOUR ANSWER:_____

24. Does the phrase "except as otherwise expressly provided by law" within [4 U.S.C. §72](#) mean this law reserves to Congress the exclusive right to make any exceptions to the grant restrictions mandated by this law or can a Court extend the authority of an office of the government outside the District of Columbia apart from an Act of Congress?

YOUR ANSWER:_____

25. Does the word "expressly" within [4 U.S.C. §72](#) mean that, when Congress extends the authority of an office of the government to a geographical area outside the District of Columbia, it will do so in unmistakable, explicit, definite and direct terms leaving no room for doubt?

YOUR ANSWER:_____

26. Can you tell me if there is such a law, which meets all the criteria of [4 U.S.C. §72](#), which applies to any state of the Union or any portion thereof, and which equally resembles the express extension of the Secretary's authority to Guam,

the Virgin Islands and the Northern Marianas as found in [48 U.S.C. §1397](#), 48 U.S.C. §1421i and [48 U.S.C. §1801](#) (and the Covenant to which 1801 refers), respectively?

YOUR ANSWER:_____

27. If I am connected to a government franchise within a state of the Union that relates to federal “public officers”, do I have a duty to the United States in connection with the provisions of said franchise if there is no law which “expressly” extends the authority of the Secretary (or any particular law) to the several states pursuant to [4 U.S.C. §72](#)?

*“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 [e.g. a “public office” pursuant to 26 U.S.C. §7701(a)(26)] within a State in order to tax it.**”
[License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]*

YOUR ANSWER:_____

28. Do I have a right, as an American Citizen who is the target of a federal government enforcement action, to demand that the person instituting said enforcement action against me demonstrates the statutes which impose upon me a particular duty with respect to the United States and does the person whom I demand the law from have an obligation to produce it or cease their enforcement action?

*“Anyone entering into an arrangement with the government takes the risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority.”
[Federal Crop Insurance vs. Merrill, 33 U.S. 380 at 384 (1947)]*

YOUR ANSWER:_____

29. [26 U.S.C. §7601](#) authorizes the IRS to enforce within “internal revenue districts”. [Treasury Order 150-02](#) identifies the only remaining internal revenue district as being within the District of Columbia. Please identify the authority which authorizes the creation of internal revenue districts within any state of the Union and the authority for including portions of said state of the Union which are not part of any federal area.

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

YOUR ANSWER:_____

30. The purpose of law is to give “fair notice” to every one of the conduct that is expected, and everything within the conduct that is “included”. The U.S. Supreme Court has also said that statutory “presumptions” are not permissible, Heiner v. Donnan, 285 U.S. 312 (1932). They also said that everything which is “included” must expressly appear somewhere within the statutes. Stenberg v. Carhart, 530 U.S. 914 (2000). Please identify what statute within Internal Revenue Code, Subtitle A gives me “fair notice” that any part of a state of the Union that is not part of a federal area has being “expressly included” within the definition of “United States”:

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

(a)(9) United States

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

(a)(10) State

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

"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)]

See and rebut also:

1. *Requirement for Reasonable Notice*, Form #05.022;
<http://sedm.org/Forms/FormIndex.htm>
2. *Legal Deception, Propaganda, and Fraud*, Form #05.014;
<http://sedm.org/Forms/FormIndex.htm>
3. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017;
<http://sedm.org/Forms/FormIndex.htm>

YOUR ANSWER: _____

31. [26 U.S.C. §7701\(a\)\(26\)](#) defines a "trade or business" as "the functions of a public office". Please identify any statutory authority for including anything OTHER than "the functions of a public office" within the meaning of a "trade or business".

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

"The term 'trade or business' includes the performance of the functions of a public office."

YOUR ANSWER: _____

32. Is the "public office" mentioned in [26 U.S.C. §7701\(a\)\(26\)](#) the SAME "public office" that appears in [4 U.S.C. §72](#) and if not, why not?

YOUR ANSWER: _____

33. If your answer to the previous question included anything OTHER than "the functions of a public office" and did not cite the authority of a specific statute, please explain how you can engage in conclusive presumptions unsubstantiated by the authority of law without violating my Constitutional rights and thereby violating your oath to support and defend the Constitution of the United States of America.

(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, page 8K-34]

"Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments. In Heiner v. Donnan, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 (1932)"
[United States Supreme Court, Vlandis v. Kline, 412 U.S. 441 (1973)]

"If any question of fact or liability be conclusively presumed [rather than proven] against him, this is not due process of law."
[Black's Law Dictionary, Sixth Edition, p. 500]

'It is apparent,' this court said in the Bailey Case ([219 U.S. 239](#), 31 S. Ct. 145, 151) 'that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. **The power to create presumptions is not a means of escape from constitutional restrictions.**'"
[Manley v. Georgia, [279 U.S. 1](#), 5-6, 49 S. Ct. 215]

YOUR ANSWER: _____

34. How can you refuse to answer the above questions if your own mission statement says you are required to help people obey the law and comply with the law?

YOUR ANSWER: _____

19.2 Admissions

1. Admit that presumption is a violation of due process of law guaranteed by the Constitution of the United States of America.

"Due process of law. Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. **A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights.** To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of the creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, **he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance.** Pennoy v. Neff, 96 U.S. 733, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. **If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law."**
[Black's Law Dictionary, Sixth Edition, p. 500]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

2. Admit that presumptions which prejudice the Constitutional rights of the accused are impermissible and unconstitutional.

"Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments. In Heiner v. Donnan, 285 U.S. 312 (1932), the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption that gifts made within two years prior to the donor's death were made in contemplation of death, thus requiring payment by his

estate of a higher tax. In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had "held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment." *Id.*, at 329. See, e. g., *Schlesinger v. Wisconsin*, [270 U.S. 230](#) (1926); *Hooper v. Tax Comm'n*, [284 U.S. 206](#) (1931). See also *Tot v. United States*, [319 U.S. 463, 468-469](#) (1943); *Leary v. United States*, [395 U.S. 6, 29-53](#) (1969). Cf. *Turner v. United States*, [396 U.S. 398, 418-419](#) (1970).

The more recent case of *Bell v. Burson*, [402 U.S. 535](#) (1971), involved a Georgia statute which provided that if an uninsured motorist was involved in an accident and could not post security for the amount of damages claimed, his driver's license must be suspended without any hearing on the question of fault or responsibility. The Court held that since the State purported to be concerned with fault in suspending a driver's license, it [412 U.S. 441, 447] could not, consistent with procedural due process, conclusively presume fault from the fact that the uninsured motorist was involved in an accident, and could not, therefore, suspend his driver's license without a hearing on that crucial factor.

Likewise, in *Stanley v. Illinois*, [405 U.S. 645](#) (1972), the Court struck down, as violative of the Due Process Clause of the Fourteenth Amendment, Illinois' irrebuttable statutory presumption that all unmarried fathers are unqualified to raise their children. Because of that presumption, the statute required the State, upon the death of the mother, to take custody of all such illegitimate children, without providing any hearing on the father's parental fitness. It may be, the Court said, "that most unmarried fathers are unsuitable and neglectful parents. . . . But all unmarried fathers are not in this category; some are wholly suited to have custody of their children." *Id.*, at 654. Hence, the Court held that the State could not conclusively presume that any individual unmarried father was unfit to raise his children; rather, it was required by the Due Process Clause to provide a hearing on that issue. According to the Court, Illinois "insists on presuming rather than proving Stanley's unfitness solely because it is more convenient to presume than to prove. Under the Due Process Clause that advantage is insufficient to justify refusing a father a hearing" *Id.*, at 658. [4](#) [412 U.S. 441, 448] "[*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]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that statutory presumptions used against a party to the Constitution domiciled within a state of the Union also amount to a violation of due process:

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that "[presumption](#)" is a sin under the Bible as revealed below:

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

5. Admit that the only basis for reasonable belief about tax liability, for a person protected by the Constitution, is admissible evidence that does not require any kind of "presumption".

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

- 1 6. Admit that [1 U.S.C. §204](#) and the legislative notes thereunder shows that the Internal Revenue Code is not “positive
2 law”, but instead is “prima facie evidence” of law.

3 [TITLE 1 > CHAPTER 3 > § 204](#)

4 [§ 204. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of](#)
5 [Codes and Supplements](#)

6 *In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia,*
7 *and of each State, Territory, or insular possession of the United States—*

8 *(a) United States Code.— The matter set forth in the edition of the Code of Laws of the United States current at*
9 *any time shall, together with the then current supplement, if any, establish prima facie the laws of the United*
10 *States, general and permanent in their nature, in force on the day preceding the commencement of the session*
11 *following the last session the legislation of which is included: Provided, however, **That whenever titles of such***
12 ***Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein***
13 ***contained, in all the courts of the United States, the several States, and the Territories and insular***
14 ***possessions of the United States.***

15
16 YOUR ANSWER: ____Admit ____Deny

17
18 CLARIFICATION:_____

- 19 7. Admit that “prima facie” means “presumed” to be law without the requirement for actual proof.

20 *“**Prima facie.** Lat. At first sight; on the first appearance; on the face of it; so far as can be judged from the*
21 *first disclosure; presumably; a fact presumed to be true unless disproved by some evidence to the contrary.*
22 *State ex rel. Herbert v. Whims, 68 Ohio App. 39, 28 N.E.2d. 596, 599, 22 O.O. 110. See also Presumption”*
23 *[Black’s Law Dictionary, Sixth Edition, p. 1189]*

24
25 YOUR ANSWER: ____Admit ____Deny

26
27 CLARIFICATION:_____

- 28 8. Admit that because the [Internal Revenue Code](#) is not “[positive law](#)” but only “presumed” to be law, then all regulations
29 written to implement it have the same status.

30
31 YOUR ANSWER: ____Admit ____Deny

32
33 CLARIFICATION:_____

- 34 9. Admit that the I.R.C. may not be cited in any tax trial in which the accused is protected by the Constitution and the Bill
35 of Rights and has not surrendered these protections in any way without violating due process of law and the
36 Constitution.

37
38 YOUR ANSWER: ____Admit ____Deny

39
40 CLARIFICATION:_____

- 41 10. Admit that under [Federal Rule of Civil Procedure Rule 17](#)(b), the law of the individual’s domicile determines the rules
42 of decision and the choice of law in civil tax matters.

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

44 [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

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

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

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

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

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

(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
(B) 28 U.S.C. §§ 754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

11. Admit that Constitutional protections, including those prohibiting presumptions, do not apply to federal “employees” on official duty

“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 ANSWER: ____Admit ____Deny

CLARIFICATION: _____

12. Admit that based on the answer to the previous question, a person who is regarded by the court as a federal “employee” is “presumed” to have forfeited his/her Constitutional rights, for the most part, as a condition of his/her employment contract/agreement.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

13. Admit that a federal “employee” is exercising “agency” on behalf of the federal government when operating within the confines of his lawful authority.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

14. Admit that under 4 U.S.C. §72, all those exercising a “public office” within the federal government are presumed to have a legal “domicile” in the District of Columbia.

TITLE 4 > CHAPTER 3 > § 72
§ 72. Public offices; at seat of Government

All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.
[http://www4.law.cornell.edu/uscode/html/uscode04/usc_sec_04_00000072----000-.html]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

15. Admit that those acting as federal “employees” on official duty, even if otherwise domiciled within a state of the Union, must be regarded under [Federal Rule of Civil Procedure Rule 17\(b\)](#) as having a legal “domicile” in the District of Columbia.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

16. Admit that a person engaged in a “trade or business” holds a “public office” in the United States and qualifies as a federal “employee”.

[26 U.S.C. §7701](#): Definitions

“(a)(26) The term ‘trade or business’ *includes* the performance of the functions of a [public office](#).”

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

17. Admit that it is a violation of due process during any judicial proceeding to “presume” that a person is a federal “employee” without proof appearing on the record of same, in cases where such presumption is challenged by either party.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

18. Admit that even when advised by a tax professional, a person filing a return still accepts full liability for the accuracy of what appears on the return filed.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

19. Admit that laws enacted within the Statutes at Large constitute positive law, for most but not all cases.

See [1 U.S.C. §204](#) and its predecessors.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

20. Admit that the Internal Revenue Code of 1939 was published as separate volume of the Statutes at Large, and that it is the ONLY enactment of Congress that has such distinction.

[Internal Revenue Code of 1939, Section 9, 53 Stat. 2](#)

SEC. 9. PUBLICATION.—The said Internal Revenue Code shall be published as a separate part of a volume of the United States Statutes at Large, with an appendix and index, but without marginal references; the date of enactment, bill number, public and chapter number shall be printed as a headnote.

[Internal Revenue Code of 1939, Section 9, 53 Stat. 2

<http://www.famguardian.org/Disks/LawDVD/Federal/RevenueActs/Revenue%20Act%20of%201939.pdf>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

1 21. Admit that because the I.R.C. is not positive law, and because it was published in the Statutes at Large, then not all
2 enactments published in the Statutes at Large are necessarily “positive law” and therefore “law” in the absence of
3 unchallenged presumption.
4

5 YOUR ANSWER: ____Admit ____Deny
6

7 CLARIFICATION: _____
8

9 22. Admit that presumption in the legal realm operates as the equivalent of “faith” in the religious realm, in that it is the
10 embodiment of a belief that is not substantiated by admissible evidence.
11

12 *“Now faith is the substance of things hoped for, the evidence of things not seen [or examined or admitted*
13 *into evidence].”*
14 *[Heb. 11:1, Bible, NKJV]*

15 YOUR ANSWER: ____Admit ____Deny
16

17 CLARIFICATION: _____
18

19 23. Admit that the federal government may not create a church, and especially not one which includes the payment of
20 “taxes” as a requirement.
21

22 *“The “establishment of religion” clause of the First Amendment means at least this: neither a state nor the*
23 *Federal Government can set up a church. Neither can pass laws which aid one [state-sponsored political]*
24 *religion, aid all religions, or prefer one religion over another. Neither can force or influence a person to go to*
25 *or to remain away from church against his will, or force him to profess a belief or disbelief in any religion. No*
26 *person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or*
27 *non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or*
28 *institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.*
29 *Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious*
30 *organizations or groups and vice versa.”*
31 *[Everson v. Bd. of Ed., 330 U.S. 1, 15 (1947)]*

32 *“[T]he Establishment Clause is infringed when the government makes adherence to religion relevant to a*
33 *person's standing in the political community. Direct government action endorsing religion or a particular*
34 *religious practice is invalid under this approach, because it sends a message to nonadherents that they are*
35 *outsiders, not full members of the political community, and an accompanying message to adherents that they*
36 *are insiders, favored members of the political community”.*
37 *[Wallace v. Jaffree, 472 U.S. 69 (1985)]*

38 YOUR ANSWER: ____Admit ____Deny
39

40 CLARIFICATION: _____
41

42 24. Admit that “taxes”, with respect to a “state” are similar to “tithes” with respect to a “church” and that membership in
43 both a “nation” or “state” on the one hand is just as voluntary as membership in a “church” on the other hand.
44

45 Please rebut the content of the article entitled “Our government has become idolatry and a false religion, Family
46 Guardian Fellowship.” at:
47

48 <http://famguardian.org/Subjects/Taxes/Articles/Christian/GovReligion.htm>

49 YOUR ANSWER: ____Admit ____Deny
50

51 CLARIFICATION: _____
52

53 25. Admit that membership in a “state” is consummated by a combination of two voluntary choices of an individual:
54 allegiance and domicile.
55

Please rebut the questions at the end of the pamphlet:

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

Affirmation:

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

Name (print):_____

Signature:_____

Date:_____

Witness name (print):_____

Witness Signature:_____

Witness Date:_____