

PROOF THAT AMERICAN NATIONALS ARE NONRESIDENT ALIENS



“The simple and naked truth about the income tax is so precious that it must be surrounded by a bodyguard of cognitive dissonance (foreign or alien), equivocation, logical fallacies, deception, lies, and propaganda.”
[SEDM]

“What luck for rulers that men do not think“
[Adolf Hitler]

“Ignorance more frequently begets confidence [and presumptions] than does knowledge.”
[Charles Darwin (1809-1882) 1871]

DEDICATION

"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."

[1 Peter 2:15-16, Bible, NKJV]

"There is nothing so powerful as truth, and often nothing so strange [foreign or alien]."

[Daniel Webster]

"The Lord watches over the strangers [nonresidents]; He relieves the fatherless and widow; But the way of the wicked He turns upside down."

[[Psalm 146:9](#), Bible, NKJV]

"If you were of the world, the world would love its own. Yet because you are not of [domiciled/resident within] the world, but I [Jesus] chose you [believers] out of the world, therefore the world hates you. Remember the word that I said to you, 'A [public] servant is not greater than his [Sovereign] master.' If they persecuted Me, they will also persecute you. If they kept My word, they will keep yours also [as trustees of the public trust]. But all these things they will do to you for My name's sake, because they do not know Him [God] who sent Me."

[Jesus in John 15:19-21, Bible, NKJV]

"For our citizenship [and domicile/residence] is in heaven [and not earth], from which we also eagerly wait for the Savior, the Lord Jesus Christ"

[[Philippians 3:20](#), Bible, NKJV]

"I am a stranger [statutory "non-resident non-person"] in the earth; Do not hide Your commandments [laws] from me."

[[Psalm 119:19](#), Bible, NKJV]

"I have become a stranger to my brothers, and an alien to my mother's children; because zeal for Your [God's] house has eaten me up, and the reproaches of those who reproach You have fallen on me."

[[Psalm 69:8-9](#), Bible, NKJV]

"Hear my prayer, O Lord, and give ear to my cry; hold not Your peace at my tears! For I am Your passing guest [transient foreigner], a temporary resident, as all my fathers were."

[[Psalm 39:12](#), Bible, Amplified version]

"Where do wars and fights come from among you? Do they not come from your desires for pleasure [unearned money 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 with the world [or the governments of the world] is enmity with God? Whoever therefore wants to be a friend ["citizen", "resident", "taxpayer", "inhabitant", "U.S. person", "person", "individual", or "subject"] of the world [or the corrupted governments of the world] makes himself an enemy of God."

[[James 4:4](#), Bible, NKJV]

"And Mr. Justice Miller, delivering the opinion of the court [legislating from the bench, in this case], in analyzing the first clause [of the [Fourteenth Amendment](#)], observed that "the phrase 'subject to the jurisdiction thereof' was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states [INCLUDING the "Kingdom of Heaven"], born within the United States."

[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

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1 Introduction and HONEST definition of “nonresident alien”

This document is intended to satisfy the burden of proof to demonstrate that the person invoking it satisfies the criteria for being a “nonresident alien” as described but not defined in 26 U.S.C. §7701(b)(1)(B). The term is a description rather than a definition because it describes what it IS NOT, rather than what it IS. To satisfy the requirement to be a legal definition, it must accurately and completely describe ALL things that are INCLUDED and by doing so, rule out everything that is EXCLUDED under the Rules of Statutory Construction:

"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)*]

"As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated'"
[*Colautti v. Franklin, 439 U.S. 379 (1979), n. 10*]

Why is the term “nonresident alien” described this way rather than merely just “legally defined” properly consistent with the Rules of Statutory Construction? Here are the reasons:

1. Invoking the status is the exit door for income taxation for most Americans, who indeed satisfy the criteria.
2. The government doesn't want you to know exactly and only who is EXPRESSLY INCLUDED because that would make it too obvious that it applies to the average American.
3. They instead want to force the reader to rely on a legal expert who is licensed by the state and thus has a financial conflict of interest and allegiance towards the court instead of their client. The court always comes first, and the court is little more than a revenue collector and advocate for the state in most cases, unless the judge is truly honorable, in which case he or she is a little more likely to be honest and fair.

For the purposes of this document, an accurate legal definition of “nonresident alien” rather than merely a DESCRIPTION of it is:

26 U.S.C. §7701(b)(1)(B) Nonresident Alien

Someone not domiciled within the exclusive jurisdiction of the national government in the statutory geographical “United States”, which is defined in paragraph (a)(9) as the District of Columbia and NOT expanded anywhere else to include anyplace else, as we explain in 26 C.F.R. §301.7701-7. The tax is on the DOMICILE of the party, and not the NATIONALITY. See Lawrence v. State Tax Commission, 286 U.S. 276 (1932); https://scholar.google.com/scholar_case?case=10241277000101996613.

The “taxpayer” subject to the tax is also a fictional office in the government rather than a human being. The OFFICE and the OFFICER can only become connected by consent in some form or else it would be a violation of the Thirteenth Amendment prohibition against involuntary servitude. In most cases, that consent is IMPLIED by merely INVOKING the “benefits” of such a civil status that tax obligations attach to. See: [How You Lose Constitutional or Natural Rights, Form #10.015; <https://sedm.org/Forms/10-Emancipation/HowLoseConstOrNatRights.pdf>.](#)

The Declaration of Independence requires that all just CIVIL powers of government derive from consent of the governed. Every method of procuring your consent must be IMPLIED rather than EXPRESS because we can never allow you to know WHEN you are giving your consent and exactly HOW to withdraw it. That way, we can maintain the false illusion that we are “in charge”, even though the Constitution puts YOU in charge. See:

- 1 *1. Hot Issues: Invisible Consent**, SEDM
2 <https://sedm.org/invisible-consent/>
3 *2. Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002
4 <https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

5 There are four possible citizenship statuses: alien, national, citizen, resident.

6 "citizen" and "resident" have in common a civil domicile within the exclusive jurisdiction of the venue in
7 question.

8 We couldn't make a "national" into the origin of the obligation to tax because an act of birth is not an act of
9 consent. You can't choose NOT to be born.

10 Not all "nonresident aliens" are "aliens". They are not a SUBSET of aliens, but a SUPERSET that also includes
11 nationals.

12 The whole thing is voluntary anyway, because there is no liability statute and the only thing that even comes close
13 to liability is in 26 C.F.R. §1.1-1. There we use the word "liable TO" rather than "liable FOR". Are you "liable
14 TO" go to the bathroom today? The first place liability even appears under Section 1 is 26 C.F.R. §1.1-1. In
15 that case, the regulation exceeds the scope of the statute and therefore is limited by 5 U.S.C. §301 to apply ONLY
16 to people working under the Secretary of the Treasury anyway. So "taxpayers" are volunteers who work for the
17 Secretary of the Treasury without compensation. See: [How American Nationals Volunteer to Pay Income Tax](https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf),
18 Form #08.024; <https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>. Since the income tax is
19 all voluntary, geographical boundaries are irrelevant because anything done by consent cannot form the basis
20 for an injury in court or standing to sue.

21 Now do you know why we go to such great lengths to obscure the exit door to our income tax scam, which is a
22 house full of mirrors by:

- 23 1. Hoping you won't notice that DOMICILE is BUILT INTO the CIVIL STATUTORY words "citizen" and
24 "resident" but NOT into the CONSTITUTIONAL word "citizen".
- 25 2. Only expressly mentioning domicile in the context of Subtitle B estate taxes.
- 26 3. Using "tax home" in Section 911 to replace "domicile".
- 27 4. In Section 877 hide whether the "national" who expatriated was also a "nonresident alien" BEFORE they
28 expatriated as well. They can be.
- 29 5. Make it LOOK like we can FORCE a domicile on you without your consent by making it a question of implied
30 consent. This, however, would be involuntary servitude in violation of the Thirteenth Amendment if the person it
31 was done against is LIVING. So we make it LOOK like we can do it to the living by actually only doing it to the
32 DEAD who have no rights. See *State of Texas v. Florida*, 307 U.S. 398 (1939).
- 33 6. Not defining the word "alien" in the phrase "nonresident alien". In fact, it means someone with a foreign
34 DOMICILE, not a foreign NATIONALITY.
- 35 7. Adding the word "alien" to the end of "nonresident alien". This causes most Americans to falsely believe the
36 status doesn't apply to them.
- 37 8. Never defining the "citizen" made "liable TO" rather than "liable FOR" the tax in 26 C.F.R. §1.1-1(c). Then
38 refer back to 8 U.S.C. §1401-1459, not telling people that the only "citizen" mentioned in Title 8 is a STATUTORY
39 citizen born within the exclusive jurisdiction of the national government on federal territory, not a Fourteenth
40 Amendment "citizen of the United States" that most Americans are.

41 The above ACCURATE and COMPLETE definition is what we call a "Third Rail Issue". For a catalog of the most common
42 Third Rail Issues in government, see:

[Third Rail Government Issues](https://sedm.org/Forms/08-PolicyDocs/ThirdRailIssues.pdf), Form #08.032
<https://sedm.org/Forms/08-PolicyDocs/ThirdRailIssues.pdf>

2 What is an "American National"?

For the purposes of this document, the term "American National" is someone who is either born in a U.S. possession or is a "state national". A "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. Invoking ONLY the common law, the criminal law, God's laws, and the national and state Bill of Rights or constitutional rights for their protection in a court of law. They are therefore NOT "anarchists" who reject ALL law. Instead, they only reject that subset of law (the CIVIL STATUTORY law) that acquires the "force of law" from their consent in some form, whether express or implied.
5. Reject the statutory terms "citizen", "resident", or "person" and the use of the word "citizenship" in ANY context in describing themselves. Instead, they insist on the consistent use of "nationality" and "domicile" to describe their degree of POLITICAL and CIVIL/LEGAL membership in the communities they live in respectively. Domicile, in turn, is VOLUNTARY and cannot be compelled, except possibly in a probate proceeding involving a DEAD person with no rights. POLITICAL membership conveys NO civil enforcement authority. Only CIVIL/LEGAL membership can, and it must be voluntary.
6. 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 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".

3 What is a "Foreign Tax Status"?

A "nonresident alien" is a type of "foreign tax status". A "foreign tax status" includes such things as "nonresident aliens", "foreign corporations", "foreign trusts", "foreign estates", "foreign partnerships", etc. Nonresident aliens include (listed on the 1040-NR return itself in the upper right corner):

1. Human beings.
2. Trusts.
3. Estates.

Those with a "foreign tax status":

1. Are collectively are called "foreign persons" by the IRS if they pursue a taxable privilege and
2. "Non-persons" (Form #05.020) otherwise.

The pursuit of a privilege under the Minimum Contacts Doctrine is what turns a "non-person" into a civil statutory "person" or "individual". We cover this in:

Acquiring a Civil Status, FTSIG
<https://ftsig.org/civil-political-jurisdiction/acquiring-a-civil-status/>

Because they love money (1 Tim. 6:10) more than protecting your freedom or happiness or following REAL law (Form #05.048), the IRS, doesn't like admitting that there is such a thing as a "non-person" or a "nontaxpayer" who they have no jurisdiction or tax enforcement authority over. Consequently, there is a lot of malicious government deception, willful omission, and equivocation about this subject as thoroughly documented in:

1. IRS Fraud and Deception About the Statutory Word "Person", Form #08.023

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

2. Your Rights as a "Nontaxpayer", Publication 1a, Form #08.008

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

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

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

The pursuit of privileges includes such things as:

1. Having a privileged "alien" status.

2. Voluntarily pursuing a privileged civil status such as "citizen" or "resident" under 26 C.F.R. §1.1-1 or "United States Person" under 26 U.S.C. §7701 (a)(30). This converts the status of the man or woman owner of property from PRIVATE to PUBLIC.

3. Taking privileged deductions under 26 U.S.C. §162. 26 U.S.C. §873 acknowledges that even "nationals of the United States" can be "individuals" if they do this, even though they are "nonresidents" everywhere in the world under the presence test in 26 U.S.C. §7701 (b).

4. Donating otherwise nontaxable PRIVATE earnings to a public use by "effectively connecting" as a "nonresident alien". This is done by entering otherwise PRIVATE earnings on a foreign tax return such as a 1040-NR. Not every instance of "effectively connecting" is a donation, but it is for American Nationals.

Anyone who is not a "resident alien", including American Nationals, can lawfully adopt a foreign tax status. "Foreign non-persons" are outside the legislative jurisdiction of Congress either abroad or even within a Constitutional state because:

1. They have a foreign DOMICILE, not a foreign NATIONALITY. . .AND

2. They are not representing a fictional entity such as a "U.S. person" that has a FOREIGN DOMICILE in the District of Columbia or the statutory geographical "United States" . . .AND.

3. They did not consensually pursue a taxable privilege.

"Foreign non-persons" can still, however, donate their otherwise PRIVATE property to the government to make it taxable by "effectively connecting" it (Form #05.056) on a tax return. This makes it into public property the national government can reach legislatively anywhere in the world, so long as they can reach either the owner or someone in possession of the property. Obviously, since "effectively connecting" private earnings is an act of DONATING private property to a public use for an American National, this is not a good idea. If you don't do it, then you never even need deductions to reduce a tax liability.

In conclusion, for an EXHAUSTIVE analysis of all the various types of "foreign tax statuses" and why they are the ONLY type of tax status that our members can use, please visit the following excellent website we created for that purpose:

Foreign Tax Status Information Group (FTSIG) Website

<https://ftsig.org>

4 ADVANTAGES of a Foreign Tax Status

1. Any of the following groups can be "nonresident aliens":

1.1. American nationals residing anywhere in the world, INCLUDING those in states of the Union. See Form #09.081.

1.2. Aliens residing abroad.

1.3. Aliens residing anywhere in the United States* the country and married to a nonresident alien under 26 U.S.C. §6013 (g) and (h).

2. Pay tax on ONLY PROFIT for all earnings not voluntarily "effectively connected" in the case of an American National. 26 U.S.C. §871 (a). This is entirely consistent with the Sixteenth Amendment because those not privileged are STILL protected by that amendment. "U.S. persons" pay tax on GROSS RECEIPTS!

3. INTANGIBLE earnings such as labor and services taxed ONLY at the domicile of the laborer in a constitutional state, RATHER than being taxable to the national government. See:

META AI: Proof that 26 U.S.C. 871(a) earnings are PROFIT only and that labor is NOT taxable under this statute, FTSIG

<https://ftsig.org/meta-ai-proof-that-26-u-s-c-871a-earnings-are-profit-only-and-that-labor-is-not-taxable-under-this-statute/>

4. Do not owe tax on their WORLDWIDE earnings like statutory “U.S. citizens” and “U.S. residents”, collectively called “U.S. persons” ([26 U.S.C. §7701\(a\)\(30\)](#)). See [Form #05.053](#).
 5. Not required to use a Social Security Number or Taxpayer Identification Number if NOT engaged in a “trade or business”. See [26 C.F.R. §301.6109-1\(b\)](#).
 6. Only “U.S. sourced” payments are taxable, including:
 - 6.1. Earnings originating from the statutory geographical “United States” under [26 U.S.C. §871\(a\)](#) (District of Columbia).
 - 6.2. Government payments that are effectively connected under [26 U.S.C. §871\(b\)](#) from anywhere in the WORLD.
 7. Earnings from WITHOUT the statutory geographical United States** and not paid by the U.S. government are EXCLUDED rather than EXEMPTED from tax under [26 U.S.C. §872](#). See:

Excluded Earnings and People, Form #14.019
<https://sedm.org/Forms/14-PropProtection/ExcludedEarningsAndPeople.pdf>
 8. 1040NR tax return:
 - 8.1. Is simpler to prepare for most Americans than the 1040 because less has to go on it.
 - 8.2. Can use Form 1040NR return for partnerships, LLCs, and trusts just like the 1040.
 - 8.3. Uses the SAME tax table as U.S. persons.
 - 8.4. Can be used both in a constitutional state or abroad.
- Can take deductions on effectively connected ([trade or business, Form #05.001](#)) earnings just like STATUTORY “U.S. Persons”, but deductions are FAR MORE limited.
9. No Foreign Bank Account Reporting (FBAR) under [31 U.S.C. §5314](#), unlike U.S. persons.
 10. Not subject from Affordable Care Act (ACA) mandates to have health insurance. See the following and [section 11 of this page](#):

Microsoft Copilot: Affordable Care Act limited to TERRITORIAL/POLITICAL citizens and nationals, not Fourteenth Amendment “citizens of the United States”, FTSIG
<https://ftsig.org/microsoft-copilot-affordable-care-act-limited-to-territorial-political-citizens-and-nationals-not-fourteenth-amendment-citizens-of-the-united-states/>
 11. No Beneficial Ownership reporting under [31 U.S.C. §5336\(a\)\(3\) BOIR Beneficial Owner](#).
 12. Identifying number on the return is called “Your Identifying Number” instead of “Social Security Number” or “Taxpayer identification Number”.
 13. Domiciled outside of federal jurisdiction and thus unreachable by the civil statutory law. See:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>
 14. Cannot be criminally prosecuted for anything but fraud on a government tax form. See:

Challenging Jurisdiction Workbook, Form #09.082
<https://sedm.org/Forms/09-Procs/ChalJurWorkbook.pdf>

5 Our Position in a Nutshell

There are only two civil statuses one can have in the Internal Revenue Code as described in 26 C.F.R. §1.1441-1:

1. U.S. Person.
2. Foreign Person.

A nonresident alien fits in the category of “Foreign Person”. Anything that is FOREIGN is PRIVATE, anything that is DOMESTIC is PUBLIC.

Nonresident alien is described but not defined in 26 U.S.C. §7701(b)(1)(B) as someone who is NEITHER a “citizen nor resident of the United States”. Since both of these statuses are encompassed by “U.S. person” in 26 U.S.C. 7701(a)(30), the proof devolves into proving that you aren’t a statutory “U.S. person”. The beautiful thing about the “nonresident alien” civil status is that at least in the case of Americans born in the country, it is based on NOT being something. So you don't have to establish a domicile. You just have to demonstrate, "I'm NOT that guy!" (the statutory “U.S. person” under 26 U.S.C. §7701(a)(30)).

Ordinarily, proving a negative is almost impossible. But after much legal analysis, we have figured out a fool-proof and instant way to prove this. This causes their system to vaporize so the average American can lawfully opt out of most obligations in the Internal Revenue Code. Proving you are NOT a statutory “U.S. person” as described in 26 U.S.C. §7701(a)(30), in turn requires you to:

Proof that American Nationals are Nonresident Aliens

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>
Form 09.081, Rev. 12-20-2023

1. Understand the CIVIL statutory definition of “U.S. Person” in 26 U.S.C. §7701(a)(30) and “citizen” in 26 U.S.C. §7701(a)(30)(A)
2. Establish WHICH “citizen” they are talking about. In other words, the CONTEXT for the word “citizen”. There are TWO main contexts:
 - 2.1. A POLITICAL citizen who has allegiance. This is also called a Citizen* or a “national” under 8 U.S.C. §1101(a)(21) on this site. NATIONALITY is a POLITICAL status that is NON-GEOGRAPHICAL.
 - 2.2. A CIVIL citizen with a domicile in statutory geographical “United States”. DOMICILE is a CIVIL STATUS that is always geographical.
3. Establish which CONTEXT for the term “United States” is implied:
 - 3.1. The POLITICAL context which is NON-GEOGRAPHICAL because the allegiance it is nongeographical and exists anywhere.
 - 3.2. The STATUTORY GEOGRAPHICAL context based on DOMICILE and is based on the statutory geographical “United States” in 26 U.S.C. §7701(a)(9) and (a)(10).

The “citizen” type is described in 26 C.F.R. §1.1-1(c) is a POLITICAL citizen or Citizen*, because it uses the phrase “born or naturalized” to describe it. If it had been a DOMICILED citizen, which we call Citizen**+D it would have described the domicile or residence of the party and not mention “born or naturalized”. It is also described there as a “citizen” rather than a “citizen of the United States”. They do this so they can tack on the SEPARATE geographical context to the end by adding “United States” in 26 U.S.C. §7701(a)(30)(A).

The context for the term “United States” is GEOGRAPHICAL and DOMICILE and not POLITICAL found at 26 U.S.C. §7701(a)(9) and (a)(10). We can prove this with the proof shown later in section 11.1.

What they are trying to do is make the tax LOOK like a tax on NONGEOGRAPHICAL POLITICAL STATUS and NATIONALITY rather than one GEOGRAPHICAL DOMICILE, so that most Americans will falsely believe they are included and pay a tax they don’t owe.

The following subsections describe as briefly as possible our position relating to the Nonresident Alien Position.

6 Summary of Our Position why the Average American is both a Constitutional or Fourteenth Amendment Citizen at birth AND a “nonresident alien” for income tax purposes

Below is a summary of our approach to the “nonresident alien position” documented herein:

1. Those made “LIABLE TO” (rather than “LIABLE FOR”) the income tax are described in 26 C.F.R. §1.1-1 as “citizen and residents of the United States” on their worldwide earnings and the INCOME of “nonresident aliens”.

26 C.F.R. § 1.1-1 - Income tax on individuals.

(a) General Rule

(1) Section 1 of the Code imposes an income tax on the income of every individual who is a citizen or resident of the United States and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien individual.

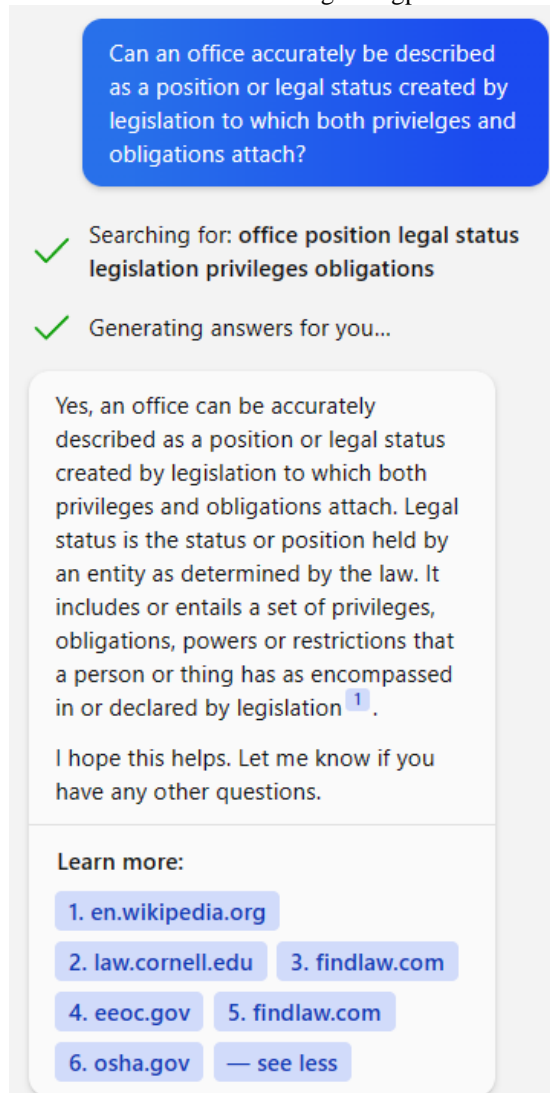
[. . .]

(b) Citizens or residents of the United States liable to tax.

*In general, all citizens of the United States, wherever resident, and all resident alien individuals **are liable to the income taxes** imposed by the Code whether the income is received from sources within or without the United States. Pursuant to section 876, a nonresident alien individual who is a bona fide resident of a section 931 possession (as defined in § 1.931-1(c)(1) of this chapter) or Puerto Rico during the entire taxable year is, except as provided in section 931 or 933 with respect to income from sources within such possessions, subject to taxation in the same manner as a resident alien individual. As to tax on nonresident alien individuals, see sections 871 and 877.*

2. The “citizens and residents of the United States” are the parties made liable TO (but not liable FOR), and they are the OWNER of the earnings subject to tax.

- 1 2.1. These parties cannot be human beings and must be fictions because otherwise unconstitutional slavery would be
2 involved in violation of the Thirteenth Amendment.
3 2.2. It wouldn't be slavery if these were fictional offices that people have to consent to occupy.
4 2.3. Below is a discussion with the Bing Chatgpt AI Chatbot about this subject:



Does a "citizen" within the Internal Revenue Code satisfy your definition of an office above? It has both privileges and obligations attached to it, doesn't it?

✓ Searching for: citizen Internal Revenue Code privileges obligations

✓ Generating answers for you...

Yes, a "citizen" within the Internal Revenue Code satisfies the definition of an office above. A citizen has both privileges and obligations attached to it. For example, a citizen must pay income and other taxes honestly, and on time, to federal, state, and local authorities ¹.

I hope this helps. Let me know if you have any other questions.

Learn more:

1. usimmigration.org 2. irs.gov
3. irs.gov 4. irs.gov 5. irs.gov
6. law.cornell.edu — see less

OK. If its an office, its not synonymous with the human FILLING the office, is it?

That's correct. An office is not synonymous with the human filling the office. An office is a position or legal status created by legislation to which both privileges and obligations attach.

I hope this helps. Let me know if you have any other questions.

1

2

Can an office lawfully be exercised by a human being who does not consent to FILL the office?

- ✓ Searching for: office lawfully exercised human being consent fill office
- ✓ Generating answers for you...

I'm not sure about the context of your question. However, in general, an office can only be lawfully exercised by a human being who consents to fill the office. Informed consent is required for any research involving human subjects ¹.

I hope this helps. Let me know if you have any other questions.

Learn more:

1. [hhs.gov](https://www.hhs.gov)
2. [hhs.gov](https://www.hhs.gov)
3. [workplacefairness.org](https://www.workplacefairness.org)

Does the office of "citizen" within the Internal Revenue Code serve within the Internal Revenue Service?

- ✓ Searching for: office of citizen Internal Revenue Code
- ✓ Generating answers for you...

The office of "citizen" is not a branch of the government. However, the Internal Revenue Service (IRS) is responsible for administering the Internal Revenue Code ¹. Therefore, the office of "citizen" within the Internal Revenue Code serves within the Internal Revenue Service (IRS).

Learn more:

- 1. en.wikipedia.org
- 2. irs.gov
- 3. irs.gov
- +2 more

So indirectly, the office of "citizen" works within the Department of Treasury by serving within the Internal Revenue Service?

Yes, that's correct. The office of "citizen" within the Internal Revenue Code serves within the Internal Revenue Service (IRS) which is a bureau of the Department of the Treasury.

3. "Nationals" are included within the term "nonresident alien" because:
 - 3.1. There are FOUR citizenship statuses one can have: "alien", "national", "citizen", and "resident".

- 3.2. "Alien" and "national" are political statuses and an INVOLUNTARY product of birth.
- 3.3. "citizen" and "resident" are CIVIL statutory statuses that are a product of consent to:
- 3.3.1. A DOMICILE in the statutory geographical "United States" in the case of "citizens".
- 3.3.2. A Privileged RESIDENCE in the case of aliens who are subject to the presence test found in 26 U.S.C. §7701(b)(1). See 26 C.F.R. §1.871-2 which defines "residence" ONLY in the context of ALIENS and NOT "nationals" or "citizens".
- 3.4. A "nonresident alien" is described but not defined in 26 U.S.C. §7701(b)(1)(B) as NEITHER a CIVIL statutory "citizen" nor a CIVIL statutory "resident". Thus, "nonresident alien" can include the remaining two possible citizenship statuses: "alien" or "national".
- 3.5. 26 U.S.C. §872(b)(8) identifies "possessions" as a "foreign country" and thus not part of the statutory geographical "United States" in 26 U.S.C. §7701(a)(9) and (a)(10). IRS Form 1040-NR for the years 1980 all the way up to 2017 described "nonresident aliens" as either "nationals of the United States" or "U.S. nationals". So "nationals" or "American nationals" can in fact elect to be "nonresident aliens".
- 3.6. 26 U.S.C. §873(b)(3) allows for a "personal exemption" in the case of "nationals of the United States" NOT engaged in a statutory "trade or business"/public office. By "nationals of the United States", they mean people born in the COUNTRY "United States*" but not necessarily the statutory geographical "United States**" in 26 U.S.C. §7701(a)(9) and (a)(10). Thus, they are not "aliens". 26 U.S.C. §151(d)(5) sets that exemption to zero from 2018 through 2025 as part of the Tax Cuts and Jobs Act of 2018. The Standard Deduction, however, is a privilege connected to a "trade or business" and is not available to nonresident aliens. In 2018, the Personal Exemption for nonresident aliens went to zero but the Standard Deduction in 26 U.S.C. §63(c)(7) was almost doubled, thus encouraging nonresident aliens to "elect" to become statutory "U.S. persons" public officers in pursuit of said privilege. I.R.C. Section 170 deductions connected to a privileged "trade or business" are still available to nonresident aliens.
4. American nationals born and domiciled in the exclusive jurisdiction of the constitutional states are "nationals" by the admission of the Department of State. See 22 C.F.R. §51.2. As such:
- 4.1. They are not "aliens" or "alien individuals", which are defined in 26 C.F.R. §1.1441-1(c)(3)(i) as being NEITHER STATUTORY "nationals" nor STATUTORY "citizens".
- 4.2. They are not subject to the Presence Test found in 26 U.S.C. §7701(b)(1). That test limits itself to "alien individuals".
- 4.3. Thus, American Nationals are INCAPABLE of being "resident" or "residents of the United States" within the meaning of the entire INTERNAL REVENUE CODE.
- 4.4. Therefore, the only thing American Nationals can accurately describe themselves as is "NONRESIDENTS" of one kind or another.
- 4.5. The ONLY status in the Internal Revenue Code that connects itself with "nonresident" status is that found in 26 U.S.C. §7701(b)(1)(B). Thus, American Nationals born and domiciled within the exclusive jurisdiction of the Constitutional states must be STATUTORY "nonresident aliens" and NEVER "citizens" of the STATUTORY GEOGRAPHICAL "United States".
- 4.6. Anyone with a FOREIGN domicile outside the venue of a foreign state that they were born in is always called a "NATIONAL" and seldom a "citizen" while abroad. This applies equally to those domiciled outside the statutory geographical "United States" if they were born in the COUNTRY "United States**".
5. The U.S. Supreme Court in *Lawrence v. State Tax Commission*, 286 U.S. 276 (1932) declared that state income tax is based exclusively on DOMICILE:

The obligation of one domiciled within a state to pay taxes there, arises from unilateral action of the state government in the exercise of the most plenary of sovereign powers, that to raise revenue to defray the expenses of government and to distribute its burdens equably among those who enjoy its benefits. Hence, domicile in itself establishes a basis for taxation. Enjoyment of the privileges of residence within the state, and the attendant right to invoke the protection of its laws, are inseparable from the responsibility for sharing the costs of government. See *Fidelity & Columbia Trust Co. v. Louisville*, 245 U.S. 54, 58; *Maguire v. Trefry*, 253 U.S. 12, 14, 17; *Kirtland v. Hotchkiss*, 100 U.S. 491, 498; *Shaffer v. Carter*, 252 U.S. 37, 50. The Federal Constitution imposes on the states no particular modes of taxation, and apart from the specific grant to the federal government of the exclusive 280*280 power to levy certain limited classes of taxes and to regulate interstate and foreign commerce, it leaves the states unrestricted

in their power to tax those domiciled within them, so long as the tax imposed is upon property within the state or on privileges enjoyed there, and is not so palpably arbitrary or unreasonable as to infringe the Fourteenth Amendment. Kirtland v. Hotchkiss, *supra*.

Taxation at the place of domicile of tangibles located elsewhere has been thought to be beyond the jurisdiction of the state, Union Refrigerator Transit Co. v. Kentucky, 199 U.S. 194; Frick v. Pennsylvania, 268 U.S. 473, 488-489; but considerations applicable to ownership of physical objects located outside the taxing jurisdiction, which have led to that conclusion, are obviously inapplicable to the taxation of intangibles at the place of domicile or of privileges which may be enjoyed there. See Foreign Held Bond Case, 15 Wall. 300, 319; Frick v. Pennsylvania, *supra*, p. 494. And the taxation of both by the state of the domicile has been uniformly upheld. Kirtland v. Hotchkiss, *supra*; Fidelity & Columbia Trust Co. v. Louisville, *supra*; Blodgett v. Silberman, 277 U.S. 1; Maguire v. Trefry, *supra*; compare Farmers Loan & Trust Co. v. Minnesota, 280 U.S. 204; First National Bank v. Maine, 284 U.S. 312. [Lawrence v. State Tax Commission, 286 U.S. 276 (1932); SOURCE: https://scholar.google.com/scholar_case?case=10241277000101996613]

6. Nonresident aliens are domiciled outside the statutory geographical "United States" defined in 26 U.S.C. §7701(a)(9) and (a)(10) as the District of Columbia and nowhere extended to the exclusive jurisdiction of constitutional states of the Union or even federal territories or possessions.
 7. The IRC is the equivalent of a state tax for DC. We know this from the definition of "State" and "United States".
 - 7.1. "State" and "United States" excludes possessions. See 26 U.S.C. §872(b)(8).
 - 7.2. 26 U.S.C. §2209 also identifies even statutory "citizens of the United States" under 8 U.S.C. §1401 born in Puerto Rico as "nonresident not a citizen of the United States" and therefore "nonresident aliens" also. Citizens of Puerto Rico, in fact, are the ONLY remaining STATUTORY "nationals and citizens of the United States at Birth" per 8 U.S.C. §1401.
- Thus, the "United States" defined in 26 U.S.C. 7701(a)(9) and (a)(10) purposefully excludes anything but what it actually MENTIONS, which is the District of Columbia per the rules of statutory construction:

"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)]

"As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated'" [Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]

8. We are NOT suggesting that the tax cannot reach extraterritorially outside the District of Columbia because ANYTHING can be done with the consent of the "taxpayer" in some form. Our website and this document, however, PRESUME not only that no consent is given, but that it violates the Bible to do so:

Lastly, it is a fact that anyone who consents (Form #05.003) can have anything done to them that a tyrant government wants to do, REGARDLESS of locality. Consenting to ANYTHING a government wants or offers is not only STUPID, but violates God's Delegation of Authority Order from God to Christians, Form #13.007. Therefore, any and all claims on this website or in communication with us about the authority or jurisdiction (Form #05.018) of any government presuppose the following relationship with said government:

1. Not physically present on federal territory.
2. Not domiciled on federal territory. See Form #05.002.
3. Not consenting or assenting to any government franchise, public right, or privilege and thus waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. See Form #05.030.

4. Does not share ownership of any of their property with any government All property is absolutely owned. Ownership of all property is not "qualified ownership" and is not shared with any government. See Form #12.025.

5. Not claiming any statutory civil status or any of the "benefits" of such status under any act of any government. See Form #13.008.

6. Terms on all forms submitted to any government have the meaning indicated here and are not interpreted in their statutory or regulatory context.

7. A "Merchant" under U.C.C. §2-104(1) but not a "Buyer" under U.C.C. §2-103(1)(a) in relation to said government. This is the ONLY relation that God allows with any government and it is a violation of the Biblical delegation of authority for Christians to consent to any change in this relationship. It therefore would also be a violation of the First Amendment. See:

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

8. Invoking the Injury Defense Franchise and Agreement, Form #06.027 for all commercial relations with any government. This makes them waive official, judicial, and sovereign immunity for any commercial uses of the name or status of the member that would "benefit" any government.

9. Not allowed BY LAW to consent (Form #05.003) to alienate unalienable organic or private rights to any government per the Declaration of Independence, which was enacted into positive law by the first official act of Congress on Page 1 of the Statutes at Large. See:

Unalienable Rights Course, Form #12.038
<https://sedm.org/LibertyU/UnalienableRights.pdf>

The burden of proof (Form #05.025) imposed upon the government alleging civil or criminal jurisdiction within a constitutional state therefore is to defeat all of the above limitations of its authority within a constitutional state and to prove that people within a state cannot use THE SAME franchise mechanisms against them to defend themselves against tyranny that are the origin of their jurisdiction to begin with.

[SEDM Disclaimer, Section 1; <https://sedm.org/disclaimer.htm>]

9. The U.S. Supreme Court in *Downes v. Bidwell*, 182 U.S. 244 (1901) talked about how this DC state tax works, which they said was NONGEOGRAPHICAL and extends ONLY where the GOVERNMENT and its OFFICES and PROPERTY extend.

"*Loughborough v. Blake*, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. **It was insisted that Congress could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the United States [described in the Constitution].** It was held that the grant of this power was a general one without limitation as to place, and consequently extended to all places over which the government extends; and that it extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2, declares that 'representatives and direct taxes shall be apportioned among the several states . . . according to their respective numbers' furnished a standard by which taxes were apportioned, but not to exempt any part of the country from their operation. The words used do not mean that direct taxes shall be imposed on states only which are represented, or shall be apportioned to representatives; **but that direct taxation, in its application to states, shall be apportioned to numbers.** That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the census, was applicable to the District of Columbia, 'and will enable Congress to apportion on it its just and equal share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to all the states. They therefore may, without violence, be understood to give a rule when the territories shall be taxed, without imposing the necessity of taxing them.'" [Downes v. Bidwell, 182 U.S. 244 (1901)]

10. If the income tax DOES extend extraterritorially beyond the District of Columbia, it can only do so by:

- 10.1. Extending the national government outside the District of Columbia. The tax extends wherever the GOVERNMENT extends, and not the GEOGRAPHY per the above. By “government”, we mean its OFFICES and its PROPERTY coming under Article 4, Section 3, Clause 2 of the Constitution.
- 10.2. EXPRESSLY authorizing new public offices within the government to be exercised extraterritorially within an otherwise legislatively foreign constitutional state of the Union. These public offices or agents include STATUTORY “taxpayers”, “citizens”, and “residents”. All such offices are legislative creations of the government and therefore PROPERTY of the national government. OF COURSE the national government can tax its offices wherever they are found, and all property connected to said offices.
- 10.3. HOWEVER, 4 U.S.C. §72 requires that all offices of the national government MUST be exercised within the District of Columbia “and NOT elsewhere, except as expressly provided by law”.
- 10.4. Congress has NEVER “expressly extended” statutory “taxpayer”, statutory “citizen”, and statutory “resident” offices to any place within the exclusive jurisdiction of any state.
- 10.5. By PRETENDING or even CONDONING that “taxpayer” offices can lawfully be exercised within the exclusive jurisdiction of constitutional states, this:

- 10.5.1. Constitutes an unconstitutional violation of the separation of powers between the states of the Union and the national government. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

- 10.5.2. An INVASION in violation of Article 4, Section 4 of the constitution. It also violates the Declaration of Independence:

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.
[Declaration of Independence, 1776; <https://www.archives.gov/founding-docs/declaration-transcript>]

If you don’t agree with us on this, rebut the OVERWHELMING evidence of same:

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

11. American nationals born within and domiciled within the exclusive jurisdiction of Constitutional States are not domiciled in statutory geographical United States” defined in 26 U.S.C. §7701(a)(9) and (a)(10). Domicile is always geographical. To sidestep and hide this, the Internal Revenue Code:
- 11.1. Invents an office called STATUTORY “U.S. person”, STATUTORY “citizen of the United States”, and STATUTORY “resident of the United States” that is domiciled there under Federal Rule of Civil Procedure 17(b)(2) and (d).
- 11.2. Fools you into volunteering by equivocating to confuse the OFFICE with the OFFICER who is voluntary surety for the office.
- 11.3. Makes the office (instantiated by the SSN franchise mark) the recipient of income so it can be taxed as earnings DIRECTLY to the Principal (“U.S. Inc” federal corporation) that is the owner of the office and the mark.
12. Everyone domiciled outside the statutory geographical “United States” is legislatively “foreign”. That’s what being a “nonresident alien” means: Foreign domicile. That is what “citizen” and “resident” have in common in the Internal Revenue Code: Domicile in the statutory geographical “United States”.
13. Thus, American Nationals with a foreign domicile in the exclusive jurisdiction of the constitutional states are made into “Kelly Girl” franchisees on loan to everyone who hires them. They work for the mother corporation in what Mark Twain called “The District of Criminals”. This is EXACTLY how McDonalds franchise works, by the way (BTW). See the following for how SSNs function as what the Federal Trade Commission defines as a “franchise mark”:

About SSNs and TINs on Government Forms and Correspondence, Form #05.012
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>

14. Courts have held that taxation is not a “taking” in violation of the Fifth Amendment and they are correct, but let’s read between the lines to explain WHY.
- 14.1. Below is an example of such a ruling:

*“Courts generally reject the argument that taxing provisions can be classified as “taking of property without due process of law.” See Freeman, 2001 WL 1140022, T.C.M. (RIA) 2001-254 (Tax Ct. 2001); see also Coleman v. Commissioner, 791 F.2d. 68, 70 (7th Cir. 1986); Van Sant, 98 A.F.T.R.2d. 2002-302, *7 (D.D.C. 2001). The Seventh Circuit clarifies the meaning of taking in Coleman, stating that taxation does indeed “take” income, “but this is not the sense in which the constitution uses “takings.”” Id. The Second Circuit further explained that because Article I, section 8, clause 1 of the U.S. Constitution granted Congress the power to tax before the passage of the Sixteenth Amendment, its passage “did no more than remove the apportionment requirement of Article I, § 2, cl. 3, from taxes on “incomes, from whatever source derived.” Therefore, although taxation on damages that are not*

exempted under the revised version of § 104(a)(2) may appear to be a "taking" by the government, the constitutional provision was not intended, nor should it be extended, to cover plaintiff's situation in this case." [Murphy v. I.R.S., 362 F.Supp.2d. 206, 216-17 (D.D.C. 2005)]

"a. Fifth Amendment due process clause and takings clause "In general, a Federal tax law is not violative of the Due Process Clause of the Fifth Amendment of the U.S. Constitution unless the statute classifies taxpayers in a manner that is arbitrary and capricious." Hamilton v. Commissioner, 63 T.C. 601, 606 (1977). Furthermore, courts may only intervene under a due process claim if "the act complained of was so arbitrary as to constrain to the conclusion that it was not the exertion of taxation but a confiscation of property, that is, a taking of the same in violation of the Fifth Amendment, or what is equivalent thereto, was so wanting in basis for classification as to produce such a gross and patent inequality as to inevitably lead to the same conclusion." Brushaber v. Union Pac. RR, 240 U.S. 1, 24-25 (1916). Historically, the courts "never used the [substantive] due process clause to regulate federal income tax," and have showed similar restraint under procedural due process claims except for cases involving "specific classifications" or inadequate administrative processes. Bitker Lokken, Federal Taxation of Income, Estates and Gifts, Volume 1, Third Edition (1999) (citing Black v. United States, 534 F.2d. 524 (2d Cir. 1976); McGlotten v. Connally, 338 F. Supp. 448 (D.D.C. 1972))." [Murphy v. I.R.S., 362 F.Supp.2d. 206, 216 (D.D.C. 2005)]

- 14.2. The tax is upon an OFFICE of "taxpayer", "citizen", "person", etc. that they legislatively created and therefore own and FOOLED you into volunteering for. They did so MAINLY by FORCING you to have a civil domicile that you DO NOT want, DO NOT need, and which is actually HARMFUL to you. See:

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

- 14.3. The tax is NOT upon the OFFICER who was duped into volunteering for the civil statutory office of "taxpayer", "citizen", and "resident" (alien).

- 14.4. Thus, the tax is NOT upon PRIVATE property protected by the Fifth Amendment, but PUBLIC offices of Congress and all property VOLUNTARILY connected to said office using the SSN franchise mark.

- 14.5. So OF COURSE income taxation is not a Fifth Amendment Taking affecting a PRIVATE human being protected by the Bill of Rights and NOT civil statutory franchise "codes" that are privileges, but:

- 14.5.1. QUESTION: Why didn't the court explain all this we have just explained?

- 14.5.2. ANSWER: Because it's a Third Rail issue that would threaten government's unjust revenues and their job security. Can you spell "SCAM"?

15. The CENTRAL issue is WHEN and exactly HOW your PRIVATE property and labor were converted from PRIVATE and constitutionally protected to PUBLIC and statutorily protected to the EXCLUSION of the Bill of Rights, and without your consent in some form.

- 15.1. They can't tax it until you helped them make that conversion.

- 15.2. No third party can convert the status of your private property to public property without your consent in some form. Third party information returns that are usually FALSE cannot lawfully do it. See:

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

- 15.3. The office of ASSESSOR who does the conversion was eliminated CENTURIES ago, so no one, technically, can do it EXCEPT the original owner.

- 15.4. There are only TWO ways to lawfully convert the status of the property that is taxed from PRIVATE to PUBLIC:

- 15.4.1. Change the civil status of the PROPERTY involuntarily. This usually happens by filing a FALSE information return against it or you voluntarily calling it "effectively connected". See the following for the rules on lawfully converting property from PRIVATE to PUBLIC:

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

- 15.4.2. Change the civil status of the OWNER of the property involuntarily. This happens based usually on the tax form you file. 1040 is a "U.S. person" election. 1040-NR is a "nonresident alien" election.

- 15.5. Any attempt to violate any of the above is an act of CRIMINAL IDENTITY THEFT. See:

Identity Theft Affidavit, Form #14.020
https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf

For more on the above skulduggery by Third Party payers, the IRS, and the courts in literally STEALING your private property and how to challenge it, See:

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

This SCAM is COMPLETELY DIABOLICAL.

- 1 The ONLY thing a person of legal knowledge and conscience can do is file as a “nonresident alien”.
- 2 These concepts are NOT "unimportant points". They are LITERALLY the HEART of the FRAUD, my friend.
- 3 ONLY if you work for the government and have skin in the game to continue this fraud are these "unimportant points".

4 **6.1 The THREE types of Alien Statuses**

5 **Table 1: The THREE types of Alien Statuses**

#	Name	Nonresident Alien NATIONAL	Non-Resident Alien OR Nonresident alien ALIEN	Resident Alien
1	International?	No	Yes	Yes
2	IRS pub described in	NO IRS publication! They don't want you to know!	IRS Pub 519	IRS Pub 519
3	Described or defined in	26 U.S.C. §7701(b)(1)(B)	26 U.S.C. §864	26 U.S.C. §7701(b)(1)(A)
4	Tax Return type	1040-NR	1040-NR	1040
5	“Gross income” is	PROFIT only under Sixteenth Amendment if no “effectively connected”. See 26 U.S.C. §871(a)	PROFIT only under Sixteenth Amendment if no “effectively connected”. See 26 U.S.C. §871(a)	GROSS receipts because not protected by Sixteenth Amendment
6	Withholding form	NONE required. NOT the “individual” defined in 26 C.F.R. §1.1441-1(c)(3) .	W-8BEN	W-9
7	Nationality	1. “National” under 8 U.S.C. §1101(a)(21) 2. “national of the United States” under 8 U.S.C. §1101(a)(22)	Alien (foreign national)	Alien (foreign national)
8	Identifying Number	SSN	ITIN	ITIN
9	Identifying number lawful in constitutional state?	NO. See Form #06.001	Yes	Yes
10	Identifying Number Permanent?	Yes	No. Expires in 5 years.	No. Expires in 5 years.
11	Identifying number mandatory?	No if not engaged in “trade or business” and not effectively connected. 26 C.F.R. §301.6109-1(b)	No if not engaged in “trade or business” and not effectively connected. 26 C.F.R. §301.6109-1(b)	Yes. 26 C.F.R. §301.6109-1(a)
12	Domiciled in statutory geographical “U.S.” per 26 U.S.C. §7701(a)(9) and (a)(10)	No	No	Yes
13	Subject to presence test in 26 U.S.C. §7701(b)?	No (only aliens are)	Yes	Yes
14	Subject to 26 C.F.R. §1.1441-1 “Foreign Person” withholding?	No. Not listed in 26 C.F.R. §1.1441-1(c)(3) . NOTE 9 below.	Yes	Yes
15	“Person” under 26 U.S.C. §7701(a)(1)?	No if a “foreign estate” under 26 U.S.C. §7701(a)(31)	Yes if taking deductions under 26 U.S.C. §873	Yes
16	“Person” under 26 U.S.C. §6671(b)?	No if a “foreign estate” under 26 U.S.C. §7701(a)(31)	Yes if taking deductions under 26 U.S.C. §873	Yes, if file 1040.
17	“Person” under 26 U.S.C. §7343?	No if a “foreign estate” under 26 U.S.C. §7701(a)(31)	Yes if taking deductions under 26 U.S.C. §873	Yes, if file 1040.
18	How becomes a “person”	1. Taking deductions under 26 U.S.C. §873 2. Gross income under 26 U.S.C. §871(a)	Physical presence in statutory geographical “United States”	Physical presence in statutory geographical “United States”

6 **NOTES ON “FOREIGN PERSONS”**

- 7 1. Withholding on nonresident aliens in [26 U.S.C. §1441](#) is limited to "nonresident alien **INDIVIDUALS**" and not to
- 8 "nonresident aliens" who are "non-persons" or "non-individuals".
- 9 2. [26 U.S.C. §873](#) identifies the ONLY scenario where an American national can become an "individual", which is the
- 10 taking of deductions that are privileged. If you are an American national and don't take deductions, then you AREN'T
- 11 an "individual" who could therefore BE subject to withholding under [26 U.S.C. §1441](#) since nonresident aliens who are

American nationals are not subject to the presence test in are not subject to [26 U.S.C. §7701\(b\)](#) and only "alien individuals" are. This is consistent with the following holding by the U.S. Supreme Court:

*The doctrine declared is that property "becomes clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large;" and from such clothing the right of the legislature is deduced to control the use of the property, and to determine the compensation which the owner may receive for it. When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public interest, and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private right, they referred to property dedicated by the owner to public uses, or to property the use of which was granted by the government, or in connection with which special privileges were conferred. Unless the property was thus dedicated, or some right bestowed by the government was held with the property, either by specific grant or by prescription of so long a time as [140*140](#) to imply a grant originally, the property was not affected by any public interest so as to be taken out of the category of property held in private right.*

[...]
It is only where some right or privilege is conferred by the government or municipality upon the owner, which he can use in connection with his property, or by means of which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the compensation to be received by him becomes a legitimate matter of regulation [or taxation]. Submission to the regulation of compensation in such cases is an implied condition [147*147](#) of the grant, and the State, in exercising its power of prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. **When the privilege ends, the power of regulation [and taxation] ceases.**

[Munn v. Illinois, 94 U.S. 113, 139-140, 147 (1877);

SOURCE: https://scholar.google.com/scholar_case?case=6419197193322400931]

3. [26 U.S.C. §1441](#)(e) limits "individuals" to Puerto Rico. Therefore no one in a constitutional state can lawfully be an "individual" without consenting to do so by voluntarily pursuing privileged deductions.

4. The term "effectively connected", in the case of an American National, is a VOLUNTARY method of DONATING private property to a public use, and thus CONSENSUALLY CONVERTING it from PRIVATE to PUBLIC. See:

[The Truth About "Effectively Connecting"](#), Form #05.056

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

5. The statutory geographical "[United States](#)" is a DELIBERATELY VERY misunderstood term.

5.1. It doesn't include constitutional states EXCEPT in the case of the presence test applying only to aliens.

5.2. HOWEVER, taxes can still be owed on earnings if your PROPERTY has been VOLUNTARILY "[effectively connected](#)", and thus subject to taxation ANYWHERE it is physically found.

5.3. For more on this subject, see:

[Foreign Tax Status Information Group \(FTSIG\) Opening Page](#), Section 2

<https://ftsig.org>

6. "[Foreign person](#)" is described but not defined in [26 C.F.R. §1.1441-1\(c\)\(2\)](#) as someone who is NOT a "[U.S. person](#)".

7. You can be a "[foreign person](#)" for withholding purposes WITHOUT being an "[individual](#)" if you are a "[nonresident alien](#)" but not an "alien" (foreign national) and you take no deductions as indicated by [26 U.S.C. §873](#). See [26 C.F.R. §1.1441-1\(c\)\(2\)](#) and [26 C.F.R. §1.1441-1\(c\)\(3\)](#). See:

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

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

8. Definitions of "person":

8.1. "[Person](#)" for general use is defined in [26 U.S.C. §7701\(a\)\(1\)](#).

8.2. "[Person](#)" for penalties is defined in [26 U.S.C. §6671\(b\)](#).

8.3. "[Person](#)" for criminal enforcement is defined in [26 U.S.C. §7343](#).

9. For proof that the courts and IRS MISUSE and MISAPPLY the term "[person](#)" to make AMERICAN NATIONALS the UNLAWFUL TARGET of enforcement in a constitutional state, see:

[Policy Document: IRS Fraud and Deception About the Statutory Word "Person"](#), Form #08.023

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

10. For proof that "individual" in [26 C.F.R. §1.1441-1\(c\)\(3\)](#) does not include "nationals of the United States" or American Nationals FOR WITHHOLDING PURPOSES only, see:

10.1. [META AI: Is a "NATIONAL OF THE UNITED STATES" A "FOREIGN PERSON" under 26 U.S.C. 1441?](#), FTSIG

<https://ftsig.org/meta-ai-is-a-national-of-the-united-states-a-foreign-person/>

10.2. [Lawfully Avoiding Foreign Person Withholding](#), Section 7, FTSIG

<https://ftsig.org/foreign-person-reporting-and-withholding-summary/>

10.3. [Microsoft Copilot: American Nationals are not "individuals" for foreign person withholding purposes](#), FTSIG

<https://ftsig.org/microsoft-copilot-american-nationals-are-not-individuals-for-foreign-person-withholding-purposes/>

- 10.4. *Proof of Facts: U.S. Department of the Treasury OFFICIALLY RECOGNIZES “non-resident non-persons” and “nontaxpayers”!*, FTSIG
<https://ftsig.org/u-s-department-of-the-treasury-officially-recognizes-non-resident-non-persons-and-nontaxpayers/>
- 10.5. The parties subject to withholding must be only aliens, because only through the foreign affairs functions of Congress in Article 1, Section 8, Clause 3 can aliens be reached in a constitutional state. “nationals of the United States” residing in a constitutional state cannot legislatively be reached through this authority.
- 10.6. W-8SUB, Form #04.231, FAQ 1, SEDM
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf>
11. If is therefore IMPERATIVE if you wish to challenge withholding as an American national, that you establish that:
- 11.1. Withholding is limited to "nonresident alien individuals".
- 11.2. You only BECOME an "individual" by pursuing privileges under 26 U.S.C. §873.
- 11.3. You are NOT pursuing such privileges and thus, are not an "individual" subject to such withholding.
12. If you want a way to PROVE you are not in receipt of privileges, see:
- How to Reject All Privileges in a Tax Return Filing*, FTSIG
<https://ftsig.org/how-to-reject-all-privileges-in-a-tax-return-filing/>

6.2 U.S. Department of the Treasury OFFICIALLY RECOGNIZES “non-resident non-persons” and “nontaxpayers”!¹

There are lots of government naysayers who try to slander our research with the following remarks.

1. There is NO SUCH THING as a “non-person” or a “nontaxpayer”. Don’t be ridiculous!
2. EVERYONE is a “person”. See:

IRS Fraud and Deception About the Statutory Word “Person”, Form #08.023
<https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>
3. EVERYONE is a “taxpayer“, whether they want to be or not.

Well, we found indisputable proof right from the mouth of the Secretary of the Treasury himself that all the above statements are FALSE!

26 C.F.R. §1.1-1 is a regulation written by the Secretary of the Treasury under the delegated authority of 5 U.S.C. §301. This regulation is often cited as the origin of the alleged OBLIGATION to pay income tax, along with 26 U.S.C. §6012. Below is the section imposing the liability and listing all those “liable TO” but not “liable FOR” the income tax. Are you “liable TO” go to the bathroom today? Does that mean you HAVE to go to the bathroom?

26 C.F.R. § 1.1-1 – Income tax on individuals.

§ 1.1-1 Income tax on individuals.

(a) General rule.

(1) Section 1 of the Code imposes an income tax on the income of every individual who is a citizen or resident of the United States and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien individual.

WHAT, pray tell, is MISSING from the above list?

DRUMROLL please.....

NONRESIDENT ALIENS NOT ENGAGED in the “trade or business” excise taxable franchise, such as those:

1. With ONLY Not Effectively Connected (NEC) income under 26 U.S.C. §871(a) and §877(a).
2. Those who do NOT DONATE their otherwise PRIVATE earnings to a PUBLIC use, a PUBLIC purpose, and a PUBLIC office by “effectively connecting them” in the process of ENTERING them on the 1040-NR return itself.

¹ SOURCE: *Non-Resident Non-Person Position*, Form #05.020, Section 1.3; <https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>.

And WHAT are these people called elsewhere in the code? Here it is:

[26 U.S. Code § 7701 – Definitions](#)

(31) Foreign estate or trust

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

(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.

If we examine the implementing regulation at [26 C.F.R. §1.6012-1](#) requiring the filing of tax returns to corroborate this information we find that:

1. Only nonresident alien INDIVIDUALS engaged in the “trade or business” excise taxable franchise are explicitly required to “make a return”. [26 C.F.R. §1.6012-1](#)(b)(1).
2. Nonresident alien individuals NOT engaged in the “trade or business” excise taxable franchise is EXPRESSLY NOT required to make a return if all tax obligations are fully paid at the source. [26 C.F.R. §1.6012-1](#)(b)(2)(i). If they have income “effectively connected” to a “trade or business” under the following, they must file a return:
 - 2.1. [26 U.S.C. §871](#)(c) and (d) and [26 C.F.R. §1.871-9](#) (relating to ALIEN students and trainees temporarily present in the “United States”).
 - 2.2. [26 C.F.R. §1.871-10](#) (relating to real property income). See [Form #05.028**](#) (Member Subscriptions) relating to FIRPTA. FIRPTA is VOLUNTARY for American Nationals.
 - 2.3. [26 C.F.R. §301.6402-3](#) relating to claim for refund of an overpayment. This happens mainly because third parties are engaging in “Backup Withholding” usually WRONGFULLY under [26 U.S.C. §3406](#). See:

[Lawfully Avoiding Backup Withholding under 26 U.S.C. §3406](#), FTSIG
<https://ftsig.org/lawfully-avoiding-backup-withholding/>

We identify [26 C.F.R. §1.871-9](#) (FIRPTA) and [26 C.F.R. §1.871-10](#) (ALIEN students and trainees temporarily present in the “United States”) as being INVOLUNTARILY “effectively connected” in the following. [26 C.F.R. §1.871-9](#) (FIRPTA) is voluntary for both aliens and nationals as we prove in [Form #05.028**](#) (Member Subscriptions), however:

[The Truth About “Effectively Connecting”, Form #05.056, Section 12](#)
<https://sedm.org/Forms/05-MemLaw/EffectivelyConnected.pdf>

SO, to NOT be subject to the I.R.C. and earn no gross income, the only criteria you need to meet are:

1. ELECT the “nonresident alien” status.
2. Not DONATE your property to a PUBLIC use, a PUBLIC purpose, and a PUBLIC office and thus a “trade or business” (functions of a public office) by calling it “effectively connected” on the 1040-NR tax return.
3. Make NO ELECTIONS, including a FIRPTA election for your real property. [Form #05.028**](#) (Member Subscriptions) relating to FIRPTA.
4. Only have earnings listed in [26 U.S.C. §871](#)(a) and [26 U.S.C. §877](#)(a) or no earnings in this category.

The above criteria are a LOT easier to meet than you think. Most Americans satisfy the above, in fact. TOGETHER, the above criteria LITERALLY and in EVERY RESPECT make you a:

1. Non-resident non-person. See:

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

2. Nontaxpayer. See:

[Your Rights as a “Nontaxpayer”](#), Publication 1a, Form #08.008
<https://sedm.org/LibertyU/NontaxpayerBOR.pdf>

3. Foreign. See:

Those who are never expressly made liable are purposefully excluded. This, they would not be within the meaning of "person" for the purposes of enforcement at:

1. [26 U.S.C. §6671](#)(b) for Civil enforcement.
2. [26 U.S.C. §7343](#) for Criminal enforcement

Still don't believe us? Look at the following proof of what the STATUTORY GEOGRAPHICAL "United States" is defined as in the Internal Revenue Code later in section 13.1. This section is also found at:

Proof of Facts: What the geographical "United States" means in 26 U.S.C. 7701(a)(9) and (a)(10), SEDM
<https://sedm.org/proof-of-facts-what-the-geographical-united-states-means-in-26-u-s-c-7701a9-and-a10/>

6.3 Why you have a RIGHT to declare "nonresident alien" status as an American National domiciled in a constitutional state

You as an American National born and domiciled within the exclusive jurisdiction of a constitutional state, have an absolute right to declare "nonresident alien" status purely as a matter of the First Amendment. But in doing so, it is extremely important to aver your status properly in court pleadings. Below is the reason why [our comments in brackets]:

*It is a general rule of public law, recognized and acted upon by the United States, that whenever political jurisdiction and legislative power over any territory are transferred from one nation [i.e., "United States"*P] or sovereign to another, the municipal laws [which apply to geographies within the "United States"*P] of the country, that is, laws which are intended for the protection of private rights, continue in force until abrogated or changed by the new government or sovereign. By the cession public property passes from one government to the other, but private property remains as before, and with it those municipal laws which are designed to secure its peaceful use and enjoyment. As a matter of course, all laws, ordinances, and regulations in conflict with the political character, institutions, and constitution of the new government are at once displaced. Thus, upon a cession of political jurisdiction and legislative power — and the latter is involved in the former — to the United States, the laws of the country [State, federal, and national] in support of an established religion, or abridging the freedom of the press, or authorizing cruel and unusual punishments, and the like, would at once cease to be of obligatory force without any declaration to that effect; and the laws of the country on other subjects would necessarily be superseded by existing laws of the new government upon the same matters. But with respect to other laws affecting the possession, use and transfer of property, and designed to secure good order and peace in the community, and promote its health and prosperity, which are strictly of a municipal character, the rule is general, that a change of government leaves them in force until, by direct action of the new government, they are altered or repealed. American Insurance Co. v. Canter, 1 Pet. 542; Halleck, International Law, ch. 34, § 14.*
[Chicago Pacific Railway Co. v. McGlinn, 114 U.S. 542, 546-47 (1885)]

The above language is also repeated by Justice Harlan's dissenting opinion in Downes v. Bidwell, 182 U.S. 244 (1901).

Notice it says, "and the latter is involved in the former — to the United States." It says INVOLVED. It does not say completely handed over, waived, etc. Thus, under the American system of federalism, and under the "equal footing" doctrine, the fifty States would be given their deference and would assume their position of possessing "residual and inviolable sovereignty" over the national power—that is, the United States, where such ability to do so exists. Again, there is no problem claiming to be a "United States citizen" in the political sense. But to avoid equivocation, and for the protection of private rights, thereby placing them in the municipal domain of the State and not the "United States"*G, one should always aver status like Brushaber: i.e., Citizen of the State of Florida, residing in Volusia County.

The risks on of not averring properly are that you will be confused with the "citizen" defined in 26 C.F.R. 1.1-1(c) who is subject to the EXCLUSIVE jurisdiction of Congress called "subject to ITS jurisdiction" because WITHOUT a constitutional state.

26 C.F.R. §1.1-1 - Income tax on individuals.

(c) Who is a citizen.

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

Notice that the Fourteenth Amendment is not included in the above description or within any part of the statutes cited in Title 8, and thus is purposefully excluded per the rules of statutory construction and interpretation. The case of *Downes v. Bidwell* recognized those above who are subject to the exclusive jurisdiction of Congress because not domiciled within the exclusive jurisdiction of a constitutional state as follows:

The Fourteenth Amendment provides 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 States wherein they reside;" and this court naturally held, in the *Slaughter House Cases*, 16 Wall. 36, that the United States included the District and the territories. Mr. Justice Miller observed: "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." And he said the question was put at rest by the Amendment, and the distinction between citizenship of the United States and citizenship of a State was clearly recognized and established. "Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union."

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

The "citizen" mentioned in 26 C.F.R. §1.1-1(c) is a territorial/political citizen, not a constitutional citizen, and is domiciled within the exclusive jurisdiction of Congress on federal territory.

However, that is not to say that a state domiciled political citizen* (Fourteenth Amendment) abroad may not be included in the definition of "citizen" above if and only if he or she ELECTS to be treated as such while abroad. That was the case, for instance, in the landmark case of *Cook v. Tait*, 265 U.S. 47 (1924), in which Cook was domiciled in Mexico but filed a 1040 and thus "elected" CIVIL/STATUTORY "citizen" status and thus became a "taxpayer". If he had NOT been abroad under 26 U.S.C. §911, there is no lawful method recognized in the Internal Revenue Code for a state domiciled American National who is NOT married to a CIVIL/STATUTORY "citizen" under the I.R.C. to ELECT to be treated as IF they are the CIVIL/DOMICILED "citizen" mentioned in the Internal Revenue Code above. See:

There is NO LAW that permits an American National as a Nonresident Alien to Elect to be a U.S. person if they are NOT married to one, SEDM
<https://sedm.org/there-is-no-law-that-permits-a-state-national-as-a-nonresident-alien-to-elect-to-be-a-u-s-person-if-they-are-not-married-to-one/>

6.4 How to aver your status as a nonresident alien in court pleadings²

Those claiming "nonresident alien" status must invoke it properly to be recognized by the court as a nonresident alien.

The most famous example of a state citizen recognized by the court as a nonresident alien was Frank Brusher in the famous case of *Brushaber v. Union Pacific R. Co.*, 240 U.S. 1 (1916). You can read about this case at:

1. Google scholar
https://scholar.google.com/scholar_case?case=5893140094506516673
2. *Brushaber v. Union Pacific R. Co.*, 240 U.S.1 (1916) Transcripts, Exhibit #09.031
<https://sedm.org/Exhibits/EX09.031.pdf>
3. *Frank R. Brushaber Genealogical Records*, SEDM Exhibit #09.034. Contains Treasury Decision 2313 recognizing Brushaber as a nonresident alien.

² Adapted from: *Nonresident Alien Position Course*, Section 21; <https://sedm.org/LibertyU/NRA.pdf>.

<https://sedm.org/Exhibits/EX09.034.pdf>

In the above case, Brushaber averred in his U.S. Supreme Court petition that he was a:

“citizen of the State of New York, and resident of the borough of Brooklyn in the City of New York”

Notice that from his averment:

1. Nobody can conclude that he's NOT a political "citizen" of the nation--A "citizen" that through [“U.S. person” \(Form #05.053\)](#) election is within the domestic civil jurisdiction of the "United States". That “U.S. person” has a domicile in the District of Columbia as an agent of the national government.
2. Rather, he protects his foreign status by regarding the residual and inviolable sovereignty of the state, keeping ITS political jurisdiction at the forefront, and thereby preserving his foreign civil status.

Of course, Brushaber was an American national. But that is irrelevant.

All Brushaber’s census records indicate that he is a POLITICAL and not CIVIL "citizen."

One’s averment must articulate both the political and civil jurisdiction aspects of this. Otherwise the government will equivocate to:

1. Violate your EXCLUSIVE right to declare and establish your CIVIL STATUS in violation of the First Amendment.

See:

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

2. Kidnap you into exclusive federal jurisdiction. See:

Identity Theft Affidavit, Form #14.020
https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf

3. Strip you of the civil protections of the state you live in.

4. Illegally enforce federal law against you as a PRESUMED public officer who works for them without compensation.

See:

Challenging Jurisdiction Workbook, Form #09.082
<https://sedm.org/Forms/09-Procs/ChalJurWorkbook.pdf>

We would NEVER use the phrase “resident” to describe ourself like Brushaber did because all “residents” in the Internal Revenue Code are aliens.

The U.S. Supreme Court gave a HINT about why and how to correctly aver your status as an American National in a Constitutional state when they held:

*“The next observation is more important in view of the arguments of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. 74*74 Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.”*

[*Slaughter-House Cases*, 83 U.S. 36, 73-74 (1873);

SOURCE: https://scholar.google.com/scholar_case?case=12565118578780815007”

What we want to AVOID calling ourself is someone who is a “citizen of the United States” while NOT being a “citizen of a State”, such as those in the District of Columbia, which by the way is what “United States” is geographically defined as in [26 U.S.C. §7701](#)(a)(9) and (a)(10).

Therefore, we would use:

“I am a political but not civil citizen of the State of _____, residing (but not necessarily DOMICILED) in _____ county.”

If you do the above, you:

1. Make your allegiance divided between state and national.
2. Force the court to recognize the inviolable sovereignty of your state.
3. Establish that you are not the exclusive jurisdiction of the national government or domiciled on federal territory.
4. Recognize the complementary nature of the federal system described on the next page.

QUESTION:

Under the American system of federalism, if a United States citizen is completely subject to the nation's political jurisdiction per the Supreme Court in Elk v. Wilkins, then how would the fifty states retain or invoke any political jurisdiction at all?

META AI ANSWER:

1. The concept you're referring to is known as "divided sovereignty" or "dual sovereignty," which is a fundamental aspect of the American federal system. Even though the Supreme Court established in Elk v. Wilkins (1884) that the United States has sovereign authority over its citizens, the fifty states retain significant political jurisdiction through the principles of federalism.
2. Here's how it works:
 - 2.1. The US Constitution grants the federal government authority over matters of national concern, such as foreign policy, national defense, and interstate commerce.
 - 2.2. Meanwhile, the states retain jurisdiction over local matters, such as law enforcement, education, healthcare, and local governance.
 - 2.3. The Tenth Amendment to the Constitution ensures that any powers not delegated to the federal government are reserved for the states or the people.
 - 2.4. This division of power allows states to exercise significant autonomy and jurisdiction within their respective territories, even as their citizens are also subject to federal authority.
 - 2.5. In summary, the fifty states retain political jurisdiction over matters within their sphere of authority, while the federal government exercises sovereignty over matters of national concern. This balance of power is a hallmark of the American federal system.

Note that:

1. Political status = "citizen" + allegiance
 - 1.1. This is national.
 - 1.2. See 8 C.F.R. §337.1
<https://www.law.cornell.edu/cfr/text/8/337.1>
2. Civil status = "citizen" + domicile
 - 2.1. This is municipal.
 - 2.2. See:
 - 2.2.1. Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>
 - 2.2.2. Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

For the distinction between NATIONAL and MUNICIPAL, see:

U.S. v. Wong Kim Ark, 169 U.S. 649 (1897) https://scholar.google.com/scholar_case?case=3381955771263111765
--

Here's the conundrum.

1. The states are within the political jurisdiction of the United States. Yet if you agree to that, there is an implication that one is completely subject legislatively too (equivocation).
2. Thus, we have to assert status consistent with the state's residual and inviolable sovereignty in order to retain the foreign status.

Method in a nutshell:

1. GOVERNMENT QUESTION: Are you in the house (statutory geographical United States)? Y or N?
2. YOUR PROPER ANSWER: I'm in the kitchen (a state of the Union).
3. IMPROPER ANSWER: YES

This is the ONLY way out of The Matrix, Neo or the Government Farm! See:

1. *Choices*, Family Guardian Fellowship
<http://famguardian.org/Media/Choices.mp3>
2. *How to Leave the Government Farm*, Form #12.020
<https://sedm.org/how-to-leave-the-government-farm-form-12-020/>

This method of averment is consistent with:

1. The separation of powers doctrine. See:

<i>Government Conspiracy to Destroy the Separation of Powers</i> , Form #05.023 https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf
--
2. What Sandra Day O'Connor as a retired Supreme Court Justice told one of our members about how to aver their status as a nonresident alien.
3. Precedents of the U.S. Supreme Court in:
 - 3.1. *Minor v. Happersett*, 88 U.S. 162, 21 Wall 162 (1875)
https://scholar.google.com/scholar_case?case=5117525999793250938
 - 3.2. *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1897)
https://scholar.google.com/scholar_case?case=3381955771263111765
 - 3.3. *Elk v. Wilkins*, 112 U.S. 94 (1884)
https://scholar.google.com/scholar_case?case=15118083235858813035

How NOT to do it:

1. I'm a "state citizen"
 - 1.1. Why?: In *Minor v. Happersett*, 88 U.S. 162, 21 Wall 162 (1875), the U.S. Supreme Court held that all state citizens are, ipso facto, NATIONAL citizens.
2. I'm NOT a "U.S. citizen"
 - 2.1. Why?: You can't prove a negative.
3. I'm a natural born citizen of _____ (State name)
 - 3.1. Why?:
 - 3.1.1. You didn't define the term.
 - 3.1.2. No statute, regulation, or court ruling defines the term.
4. I'm sovereign!
 - 4.1. Why?: Because politically, they will say that only governments can be sovereign.

The above are examples of "SOVEREIGN CITIZEN" BULLSHIT!

1. We don't advocate being a "sovereign citizen".
2. Our *Member Agreement, Form #01.001* forbids members from even using that term when interacting with the government or legal profession!
3. Get with the program, people!

Handling an example IRS Criminal Investigation Division (CID) deposition about your citizenship status:

IRS-CID: "So....are you a U.S. citizen?"

NRA: "I'm a citizen of the State of Florida, residing in Volusia county."

IRS-CID: "So you're a "State" citizen?"

WRONG ANSWER

1 NRA: "Yes."
2 (This results in a status of "citizen" of the "United States"*G)

3 ****CORRECT ANSWER****

4 NRA: "Like I said, I'm a citizen of the State of Florida, residing in Volusia county."
5 (This results in a status of "nonresident alien."

6 **WARNING!:**

7 Just agreeing to be a generic "State" citizen in the context of Federal law without articulating which state exactly results in a
8 claim of "D.C. citizenship," thereby imputing a "necessary domicile" of "United States"*G(geographical) for tax purposes.

9 [26 U.S.C. §7701](#)(a)(9) and (a)(10) serve two different purposes with potentially the same result if not handled properly.

10 See how sneaky this can be? Never answer "Yes"/"No" questions. Always come back with the more correct accurate answer
11 like Jesus did.

12 The whole election scheme is based on the logical fallacy of the inapposite question. And that question is disguised to look
13 like a benign inquiry into national citizenship (not to be confused with nationality). Instead, it constitutes an invitation to elect
14 a "necessary domicile" in the "United States"*G, thereby creating a waiver of foreign status in favor of a domestic one. And
15 this domestic status election creates a steward/trustee connection with Federal government property, as the status imputes
16 rights and obligations. This creates a franchise arrangement subjecting the steward/trustee to statutorily created obligations
17 to pay tax on worldwide income incurred through ALL income generation in concert with said property (the U.S. person
18 status).

19 It requires a very specific averment that if not followed every time will result in equivocation and prima facie evidence of a
20 domestic status. The scheme is so DEVIOUS and SUBTLE that the perpetrators don't even recognize what's happening. They
21 think they're "doing good" when in reality they are useful dupes.

22 That's the power of the scheme. If presented properly, inherently good people like former IRS agents Joe Banister and Sherry
23 Peal Jackson will abandon ship.

24 Once their tactics are explained and understood, and responded to appropriately, the house of cards collapses.

25 Otherwise dupes enforce it unwittingly because they do not understand the difference between the U.S. in its political and
26 geographical senses. Nor do they understand how national citizenship serves as a common denominator to political status
27 (nationality) and civil status (imputed through jurisdiction of domicile).

28 They are PREDATORS, not PROTECTORS. Most of them are unwitting accomplices. And because they are of weak
29 character and almost certainly not saved, they do the bidding of the evil one under the guise of believing they are right. Totally
30 deceived!!!

31 For more rebutted arguments about sovereignty, see:

- 32 1. [Rebutted False Statements About Sovereignty In The News](#), Form #08.027
33 <https://sedm.org/category/rebutted-false-arguments/rebutted-false-statements-about-sovereignty-in-the-news/>
34 2. [Rebutted False Arguments About Sovereignty](#), Form #08.018
35 <https://sedm.org/Forms/08-PolicyDocs/RebFalseArgSovereignty.pdf>

36 **QUESTION:** Why do the courts have to make this so bloody complicated?

37 **ANSWER:** Because it's a THIRD RAIL ISSUE! They don't want to crack the damn and cause a flood of people leaving
38 the system! See:

Third Rail Government Issues , Form #08.032 https://sedm.org/Forms/08-PolicyDocs/ThirdRailIssues.pdf
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Remember:

1. Doing this WRONG can be life threatening and should not be up to conjecture. Judges should explain what they mean much more accurately, along with it's implication.
2. We think because we have to guess about this and explain it to people after years of researching the subject, the system fails to give constitutionally required reasonable notice and is void for vagueness! It fails the smell test. See:

Requirement for Reasonable Notice, Form #05.022

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

3. When and how did you get notice that this is how it works. Not in public school. Not in government publications. Not in statutes or regulations. Not even in getting a law degree!

THIS IS BULLCRAP! And we are dedicated students of the law. What about Joe Sixpack?

Is it SUCH a dangerous third rail issue to government revenue that no one can tell me this who works for the government? It clearly must be a matter of national security to keep this truth OUT of the hands of people like you!

This sort of corruption of the government is despicable!

If you would like to learn more about the critical distinctions between POLITICAL and CIVIL citizenship discussed here, see:

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

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

If you want PROOF that you are not the SUBCLASS of "citizen" mentioned in the Internal Revenue Code and regulations, see section 6 of the above presentation.

For those interested in properly averring their state domiciled constitutional/political citizen status as a nonresident alien, see also the following sources:

1. *Nonresident Alien Position Course*, Form #12.045, Section 21
<https://sedm.org/LibertyU/NRA.pdf>
2. *Non-Resident Non-Person Position*, Form #05.020, Section 11.1
<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

6.5 Description of the mandatory legal status of Members who are Compliant and "nonresident aliens"

6.5.1 Things that Complaint Members ARE

1. Use the following withholding form for opening all financial accounts:

W-8SUB, Form #04.231

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

2. A Constitutional "citizen of the United States" under the Fourteenth Amendment by virtue of birth within the CONSTITUTIONAL geographical "United States".
 - 2.1. The CONSTITUTIONAL geographical "United States" includes areas within the exclusive jurisdiction of the constitutional State.
 - 2.2. The CONSTITUTIONAL geographical "United States" EXCLUDES the statutory geographical "United States" defined in 26 U.S.C. §7701(a)(9) and (a)(10).
3. A "national" under 8 U.S.C. §1101(a)(21) owing allegiance to a "state" by virtue of nationality acquired in a legislatively foreign Constitutional "state". This is just like the lower case "state" rather than "State" mentioned in the presence test in 26 U.S.C. §7701(b)(1). In this document, such a "national" is also referred to a common law "national" or "U.S. national" as described by the courts without referencing any specific statute.
4. A "national of the United States" owing allegiance to the PEOPLE constituting the STATE called "United States" rather than the government that serves them. GOVERNMENT and STATE are NOT synonymous. See *Poindexter v. Greenhow*, 114 U.S. 270 (1885).
5. Described by the Department of State as a "U.S. national" in 22 C.F.R. §51.2 by virtue of eligibility to receive a USA passport.

5.1. The ONLY criterion for eligibility for a USA passport is “allegiance” in 22 U.S.C. §212.

22 U.S. Code § 212 - Persons entitled to passport

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.

5.2. The only CIVIL STATUTORY legal status equated ONLY with allegiance and not domicile is “national”, not CITIZEN.

8 U.S. Code §1101 - Definitions

(a)As used in this chapter—

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

6. Although as a “national” I am ELIGIBLE for protection when abroad by virtue of their allegiance, I:

6.1. Declare that my allegiance is NOT permanent when “abroad” and eligible for protection while abroad. The definition of “permanent” in 8 U.S.C. §1101(a)(31) allows those possessing it to specify under what circumstances it is warranted, and under which they desire protection as a “CUSTOMER” of protection of the national government when abroad.

6.2. REJECT any and all such CIVIL protection services when abroad by the national government or the corresponding legal or moral obligation to pay for them through income tax. YOU’RE FIRED!

7. Not an “alien”, meaning someone who is NEITHER a “national” NOR a “citizen” as defined in:

7.1. 26 C.F.R. §1.1441-1(c)(3)(i) and

7.2. 8 U.S.C. §1101(a)(3) .

8. Domiciled OUTSIDE the legislatively foreign statutory geographical “United States” defined in 26 U.S.C. §7701(a)(9) and (a)(10). See:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002

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

9. Because I am domiciled outside the legislatively foreign statutory geographical “United States”:

9.1. I am a “nonresident” in relation to the exclusive jurisdiction of the national rather than federal government.

9.2. Federal Rule of Civil Procedure 17 dictates that the choice of civil law to protect me derives from the Constitutional state within whose exclusive jurisdiction I am domiciled or physically present within.

9.3. The Rules of Decision Act, 28 U.S.C. §1652 dictates state and not federal law.

9.4. Under these circumstances, ONLY if government/public property were involved could the case be lawfully removed to a federal court. I certify under penalty of perjury that no such property IS involved in my case.

10. Does not share ownership of any of their property with any government. All property is absolutely owned. Ownership of all property is not “qualified ownership” and is not shared with any government. See Form #12.025.

10.1. There is therefore NO property that is absolutely owned or whose ownership is shared with the national government.

10.2. Article 4, Section 3, Clause 2 jurisdiction over federal property WHEREVER IT IS FOUND IN THE WORLD does not apply. Such property INCLUDES the legislatively created civil offices or civil legal statuses of “person”, “resident”, “citizen”, “taxpayer”, etc. under the Internal Revenue Code.

11. Not physically present on federal territory.

12. Not consenting or assenting to any government franchise, public right, or privilege and thus waive sovereign immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97. See:

Government Instituted Slavery Using Franchises, Form #05.030

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

13. Not claiming any statutory civil status or any of the “benefits” of such status under any act of any government. See:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008

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

14. Terms on all forms submitted to any government have the meaning indicated here and are not interpreted in their statutory or regulatory context.

15. A “Merchant” under U.C.C. §2-104(1) but not a “Buyer” under U.C.C. §2-103(1)(a) in relation to said government. This is the ONLY relation that God allows with any government, and it is a violation of the Biblical delegation of authority for Christians to consent to any change in this relationship. It therefore would also be a violation of the First Amendment to require otherwise. See:

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

16. A victim of criminal identity theft if any aspect of my civil or legal status documented herein is disregarded or not enforced. See:

Identity Theft Affidavit, Form #14.020
https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf

17. Invoking the Injury Defense Franchise and Agreement, Form #06.027 for all commercial relations with any government. This makes all governments waive official, judicial, and sovereign immunity for any commercial uses of the name or status of the member that would "benefit" any government.
18. Not allowed BY LAW to consent (Form #05.003) to alienate unalienable organic or private rights to any government per the Declaration of Independence, which was enacted into positive law by the first official act of Congress on Page 1 of the Statutes at Large. See:

Unalienable Rights Course, Form #12.038
<https://sedm.org/LibertyU/UnalienableRights.pdf>

6.5.2 Things that Compliant Members are NOT

There are many different ways that people inaccurately characterize their legal status as Members which we DO NOT approve of and which are FORBIDDEN for Members to use. Below is a list of the most common ways that ignorant Members can VIOLATE our policies by doing this and in some cases subject themselves to CRIMINAL consequences for their stupidity and ignorance. These false arguments are listed in order with the first being the most frequent false claim:

1. The most frequent method is to claim that someone born in a constitutional state of the Union is NOT "citizens of the United States":

- 1.1. This idiotic claim is a product of a fundamental misunderstanding of the TWO separate and mutually exclusive contexts for the word "citizen of the United States": CONSTITUTIONAL v. Statutory as exhaustively described in:

Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

- 1.2. The "citizens of the United States" subject to tax in 26 C.F.R. §1.1-1 are STATUTORY citizens DOMICILED within the exclusive jurisdiction of Congress within the statutory geographical "United States" defined in 26 U.S.C. §7701(a)(9) and (a)(10).
- 1.3. The income tax is upon DOMICILE of those who are CIVIL STATUTORY "citizens", not CONSTITUTIONAL citizens. CONSTITUTIONAL citizens in the laws of the national government are called "nationals", not STATUTORY "citizens".
- 1.4. CONSTITUTIONAL "citizens of the United States" have a domicile OUTSIDE the statutory geographical "United States".
- 1.5. Our members MUST be ONLY Fourteenth Amendment CONSTITUTIONAL "citizens of the United States" at birth". We don't allow our "tax information and services" to be used by any other group! We call this group "state nationals" on our website, in fact. "State nationals" are defined in:

SEDM Disclaimer, Section 4.24: "State National"
https://sedm.org/disclaimer.htm#4.24_State_National

- 1.6. For the reasons for this policy, see:

Why the Fourteenth Amendment is Not a Threat to Your Freedom, Form #08.015
<https://sedm.org/Forms/08-PolicyDocs/FourteenthAmendNotProb.pdf>

For an article that addresses this subject in reference to SEDM, see:

Rebutted False Arguments About Sovereignty, Form #08.018, Section 1.7: Court Defines What a "Sovereign Citizen" is and Proves that SEDM Does not Advocate That Status
<https://sedm.org/Forms/08-PolicyDocs/RebFalseArgSovereignty.pdf>

2. The next most common error people make that is forbidden for Members to engage in is to CLAIM they are "nonresident aliens" but never or seldom ACT like one. For instance, when criminally indicted for failure to file, they will claim to be "nonresident aliens" but never actually BELIEVED what they claimed by:
- 2.1. Refusing to file our Path to Freedom, Form #09.015, Section 2 process and thus NOT correct their administrative records to correctly reflect their civil statutory or legal status. See:

Path to Freedom, Form #09.015, Section 2
<https://sedm.org/Forms/09-Procs/PathToFreedom.pdf>

2.2. Checking the box on federal government forms asking if they are a “U.S. citizen. Every question on FEDERAL forms presupposes CIVIL STATUTORY status, not CONSTITUTIONAL status, as we point out in:

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

2.3. ACTING like a “nonresident alien” by correctly filing a 1040-NR tax return for years after they changed their status. Instead, they file the privileged “RESIDENT” tax return form, the 1040.

2.4. Filing the standard Form W-8BEN and mischaracterizing their status as a “beneficial owner” earning statutory “gross income”. You don’t have to be a “beneficial owner” to be a “nonresident alien”. The following form PREVENTS this problem:

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

2.5. Not going back for prior years and filing an amended return to change the status of the prior tax year from U.S. person” under 26 U.S.C. §7701(a)(30) to “nonresident alien”. The following document describes how to do this:

How to File Returns, Form #09.074
<https://sedm.org/product/filing-returns-form-09-074/>

2.6. ACTING like one by opening their financial accounts as a “nonresident alien”. Or if they already had “U.S. person” accounts, they will not go back and close them all and reopen them as “nonresident aliens” using the following form on our website:

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

If you want to be TREATED like a DUCK, you have to ACT like one and QUACK like one by consistently filing the correct tax return that in fact DESCRIBES you as a duck. In other words, your WALK and your TALK must match. Consistency between these two is called INTEGRITY.

3. Another frequent false claim is that as “nonresident aliens” they are not subject to federal law:

3.1. Below is an example of this false claim:

*“By all accounts, the Defendant is an intelligent, educated individual. He [*3] is a licensed orthodontist and has maintained his own orthodontic practice in Buncombe County, North Carolina for several years. Despite his intelligence and education, the Defendant has persisted in asserting the frivolous argument that he is not a citizen of the United States and thus not subject to federal income tax laws. The Defendant’s persistence in this flawed line of reasoning has resulted in the imposition of civil penalties and monetary fines; state criminal convictions; civil judgments; and professional discipline. His fruitless claims have now lead to potential federal criminal liability.”*
*[United States v. Macalpine, 2018 U.S. Dist. LEXIS 212404 *; 2019-1 U.S. Tax Cas. (CCH) P50,108; 122 A.F.T.R.2d (RIA) 2018-7040; 2018 WL 6620889]*

3.2. DOMICILE as a national or RESIDENCY as an alien is what makes a person subject to the income tax franchise codes, not their nationality or even their status as a Fourteenth Amendment citizen. Domicile/residence on the one hand and NATIONALITY/CONSTITUTIONAL citizenship on the other hand are TWO COMPLETELY DIFFERENT AND MUTUALLY EXCLUSIVE THINGS and the defendant above CLEARLY did not understand the differences between these two:

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

“This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or naturalized citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if he breaks them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in the same way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly all respects, his and their condition as to the duties and burdens of Government are undistinguishable.”
[Fong Yue Ting v. United States, 149 U.S. 698 (1893)]

3.3. Just by filing a tax return and even a 1040-NR return, one subjects themselves to federal law. The form contains a perjury statement placing them INCORRECTLY within the exclusive jurisdiction of the national government:

Sign Here	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.			
	Your signature	Date	Your occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.)
	Phone no.	Email address		

3.4. If you look at 28 U.S.C. §1746, there are TWO options in the perjury statement:

28 U.S. Code § 1746 - Unsworn declarations under penalty of per-jury

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

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).

(Signature)".

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

(Signature)".

3.5. Therefore, as a bare minimum, the filer is subject to federal law for the accuracy of the 1040-NR tax return submitted.

3.6. It is true that there are two types of jurisdictions used by courts to enforce the tax franchise codes:

3.6.1. In rem: Jurisdiction over property owned by the "taxpayer". This is exercised over statutory "nonresident aliens" as well as statutory "U.S. persons".

3.6.2. In personam: Jurisdiction over the PERSON of the "taxpayer". This is exercised against statutory "U.S. persons" but not over "nonresident aliens".

3.7. It is also true that courts have no personal jurisdiction over the nonresident alien:

"In the case of the federal government where the individual is either a United States citizen or an alien residing in the taxing jurisdiction, the tax under section 1 of the Code is based upon jurisdiction over the person; **where the individual is an alien [LEGISLATIVELY OR CONSTITUTIONALLY "foreign", INCLUDING states of the Union] not residing in the taxing jurisdiction [the "geographical United States", meaning the District of Columbia per 26 U.S.C. §7701(a)(9) and (a)(10)], the tax under section 871 of the Code is based upon jurisdiction over the [PUBLIC] property or income of the nonresident individual [GEOGRAPHICALLY and PHYSICALLY] located or earned in the taxing jurisdiction"**
[*Great Cruz Bay, Inc., St. John v. Wheatley*, 495 F.2d. 301, 307 (3d Cir. 1974)]

3.7.1. It is equally true that jurisdiction over nonresident aliens is in rem jurisdiction over their property physically situated within the territorial jurisdiction that they are a nonresident in relation to, regardless of where they are physically located or actually doing business from.

"The fact that it required the personal skill and management of appellant to bring his income from producing property in Oklahoma to fruition, and that his management was exerted from his place of business in another State, did not deprive Oklahoma of jurisdiction to tax the income which arose within its own borders. The personal element cannot, by any fiction, oust the jurisdiction of the State within which the income actually arises and whose authority over it operates in rem.

[...]

"The entire jurisdiction of the State over appellant's property and business and the income that he derived from them -- the only jurisdiction that it has sought to assert -- is a jurisdiction in rem; and we are clear that the State acted within its lawful power in treating his property interests and business as having both unity and continuity. **HN14** Its purpose to impose income taxes was declared in its own constitution, and the precise nature of the tax and the measures to be taken for enforcing it were plainly set forth in the Act of 1915; and plaintiff **[***460]** having thereafter proceeded, with notice of this law, to manage the property and conduct the business out of which proceeded the income now taxed, the State did not exceed its power or authority in treating his property

interests and his business as a single entity, and enforcing payment of the tax by the imposition of a lien, to be followed by execution or other appropriate process, upon all property employed in the business.
[Shaffer v. Carter, 252 U.S. 37 (1920)]

4. Litigants also frequently erroneously claim any citizenship status in Title 8 of the U.S. Code OTHER than 8 U.S.C. §1101(a)(21). Title 8 governs citizenship in U.S. territories and possessions, but NOT in the CONSTITUTIONAL status of the Union.

"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)]

"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 an 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)]

6.6 STATUTORY "Gross income" by entity type³

"The Sixteenth Amendment simply does not authorize the Congress to tax as "incomes" every sort of revenue a taxpayer may receive. As the Supreme Court noted long ago, the "Congress cannot make a thing income which is not so in fact." Burk-Waggoner Oil Ass'n v. Hopkins, 269 U.S. 110, 114, 46 S.Ct. 48, 70 L.Ed. 183 (1925). Indeed, because the "the power to tax involves the power to destroy," McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316, 431, 4 L.Ed. 579 (1819), it would not be consistent with our constitutional government, and the sanctity of property in our system, merely to rely upon the legislature to decide what constitutes income."
[Murphy v. I.R.S., 460 F.3d. 79, 87-88 (D.C. Cir. 2006)]

³ SOURCE: *Gross Income Worksheet-Nonresident Alien*, Form #09.080, Section 6.2; <https://sedm.org/product/gross-income-worksheet-nonresident-alien-form-09-080/>.

1 **Table 2: STATUTORY "gross income" by entity type**

#	Description	"Foreign Person"		"U.S. Person" under 26 U.S.C. §7701(a)(30) (either a "citizen" or "resident" of the "United States")
0	Column Number	1	2	3
1	Entity Type(s)	Nonresident alien not engaged in a "trade or business"	Nonresident alien engaged in a "trade or business"	Individual Corporation
2	"Individual" under 26 U.S.C. §7701(a)(1)? (Note 6)	No if no privileges. Yes if anything "effectively connected" because in custody of government/public property.		Yes (public officer)
3	"Individual" under 26 U.S.C. §6671(b) and §7343? (Note 6)	No		Yes (public officer)
4	Described in	Non-Resident Non-Person Position, Form #05.020 https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf Nonresident Alien Position Course, Form #12.045 https://sedm.org/LibertyU/NRA.pdf		U.S. Person Position, Form #05.053 https://sedm.org/Forms/05-MemLaw/USPersonPosition.pdf
5	Geography	States of the Union or Abroad	Statutory geographical "United States" under 26 U.S.C. §7701(a)(9) and (a)(10) or those domiciled there or representing an entity domiciled there under Federal Rule of Civil Procedure 17	
6	Connected to a "trade or business" under 26 U.S.C. §7701(a)(26)?	No	Yes (earnings under 26 U.S.C. §872(a)(1)). "Effectively connected" (DONATED) per Form #05.056; https://sedm.org/Forms/05-MemLaw/EffectivelyConnected.pdf	Yes, by virtue of "U.S. person" status, which is a public office by virtue of taking 26 U.S.C. §162 "trade or business" deductions against ALL earnings.
7	"Foreign estate"?	Yes (26 U.S.C. §7701(a)(31))	No	
8	Subject to the Presence Test in 26 U.S.C. §7701(b)(1)?	Only if an ALIEN (someone who is NEITHER a national NOR a citizen per 26 C.F.R. §1.1441-1(c)(3)(i))		No
9	SSN/TIN Requirement	26 C.F.R. §301.6109-1(b)		26 C.F.R. §301.6109-1(a)
10	Withholding Requirement (Note 1)	26 U.S.C. §1441, 26 C.F.R. §1.1441-1, 26 U.S.C. §3406. Foreign person withholding only applies to aliens per 26 C.F.R. §1.1441-1(c)(3)		26 U.S.C. §1441, 26 C.F.R. §1.1441-1, I.R.C. Subtitle C
11	Withholding Form(s)	Form W-8 . Not an "individual" if not engaged in a privileged "trade or business" and therefore not a "foreign person" under 26 C.F.R. §1.1441-1(c)(3) subject to withholding.		Form W-9, Form W-4
12	Reporting Requirement	26 U.S.C. §6041 (See Form #04.001)		
13	Tax imposed	Individual: 26 U.S.C. §871(a) Corporation: 26 U.S.C. §881	Individual: 26 U.S.C. §871(b) Corporation: 26 U.S.C. §882	Individual: 26 U.S.C. §1 Corporation: 26 U.S.C. §11
14	Gross income	26 U.S.C. §872(a)(1)	26 U.S.C. §872(a)(2)	26 U.S.C. §61 26 U.S.C. §861(a) 26 U.S.C. §862(a)
15	Exclusions (all references are ADDITIVE)	Individual: 26 U.S.C. §872(b) Foreign Corporation: 26 U.S.C. §883 Generally: 26 U.S.C. Subtitle-A, Chapter-1, Subchapter-B, Part-III (26 U.S.C. §§101-140)		Generally: 26 U.S.C. Subtitle-A, Chapter-1, Subchapter-B, Part-III (26 U.S.C. §§101-140)
16	Inclusions	Generally: 26 U.S.C. Subtitle-A, Chapter-1, Subchapter-B, Part-II (26 U.S.C. §§71-91)		
17	Taxable income	26 U.S.C. §63	26 U.S.C. §63	26 U.S.C. §63 26 U.S.C. §861(b) 26 U.S.C. §862(b)
18	Private/Public?	Private (protected by the Bill of Rights)	Public PROPERTY (Protected ONLY by statutes. See the Constitutional Avoidance Doctrine of the U.S. Supreme Court, Litigation Tool #10.020)	Public OWNER (Protected ONLY by statutes. See the Constitutional Avoidance Doctrine of the U.S. Supreme Court, Litigation Tool #10.020)

#	Description	“Foreign Person”		“U.S. Person” under 26 U.S.C. §7701(a)(30) (either a “citizen” or “resident” of the “United States”)
19	Owner of “gross income”	You	U.S. Inc. federal corporation under 28 U.S.C. §3002(15)(A) by virtue of you donating it by calling it “effectively connected” in order to get deductions you don’t need because all your earnings are usually excluded anyway under 26 U.S.C. §872.	U.S. Inc. federal corporation under 28 U.S.C. §3002(15)(A) by virtue of you “electing” yourself into “U.S. person” status and public office. The office is their creation and property and using it is a taxable privilege. See Forms #05.008, #05.042
20	Domicile of owner?	Your domicile in a legislatively “foreign state”	Office is domiciled in District of Columbia per Federal Rule of Civil Procedure 17(b)(2) and (d).	
21	Jurisdiction to enforce tax (Note 2)	In rem over property		In personam over the OWNER of the property (the “Straw man” you volunteer for by calling yourself a statutory “U.S. person”)
22	Regulatory authority (Note 3)	5 U.S.C. §553(a)(1). Comes from foreign affairs function.	5 U.S.C. §553(a)(2). Comes from use of public property, “benefits”, and privileges and management of federal personnel (the office of “U.S. person” is federal personnel)	
23	Applicable forms	Schedule NEC	1040NR	1040

NOTES:

1. Any attempt by withholding agents or employers to move you or your earnings between Columns 1-3 without your express consent constitutes CRIMINAL identity theft in violation of 18 U.S.C. §912.

1.1. Identity theft is done by one of two methods:

1.1.1. Change the civil status of the PROPERTY involuntarily. This usually happens by filing a FALSE information return against it or you voluntarily calling it “effectively connected”. See the following for the rules on lawfully converting property from PRIVATE to PUBLIC:

Separation Between Public and Private Course, Form #12.025

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

1.1.2. Change the civil status of the OWNER of the property involuntarily. This happens based usually on the tax form you file. 1040 is a “U.S. person” election. 1040-NR is a “nonresident alien” election.

1.2. Use the following form to report identity theft connected to converting EITHER your civil status or that of your property:

Identity Theft Affidavit, Form #14.020

https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf

2. Jurisdiction over owner of “income” or “gross income” described below:

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

[Great Cruz Bay, Inc., St. John v. Wheatley, 495 F.2d. 301, 307 (3d Cir. 1974)]

See also: *Shaffer v. Carter*, 252 U.S. 37 (1920), *Pennoyer v. Neff*, 95 U.S. 714 (1878). To challenge jurisdiction to enforce, see:

Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052

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

3. See: *Citizenship Status v. Tax Status*, Form #10.011, Section 15.2; <https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>

4. For further information on withholding, see:

4.1. *Income Tax Withholding and Reporting Course*, Form #12.004

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

1 4.2. *Federal and State Tax Withholding Options for Private Employers*, Form #09.001

2 <https://sedm.org/Forms/09-Procs/FedStateWHOOptions.pdf>

3 5. Usually, false third-party information returns can switch the earnings from PRIVATE to PUBLIC and from CONSTITUTIONAL “income” to STATUTORY
4 “gross income” if left unrebutted. Make SURE you rebut them with the following:

Correcting Erroneous Information Returns, Form #04.001

<https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf>

5 6. For information on what a “person” is, see:

Policy Document: IRS Fraud and Deception About the Statutory Word “Person”, Form #08.023

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

6

7

6.7 DOMESTIC TAXATION: “Foreign” means foreign DOMICILE, not foreign NATIONALITY

From the perspective of constitutional states and DOMESTIC taxation, the U.S. Supreme Court has admitted that income tax is based on DOMICILE and not NATIONALITY:

The obligation of one domiciled within a state to pay taxes there, arises from unilateral action of the state government in the exercise of the most plenary of sovereign powers, that to raise revenue to defray the expenses of government and to distribute its burdens equably among those who enjoy its benefits. Hence, domicile in itself establishes a basis for taxation. Enjoyment of the privileges of residence within the state, and the attendant right to invoke the protection of its laws, are inseparable from the responsibility for sharing the costs of government. See Fidelity & Columbia Trust Co. v. Louisville, 245 U.S. 54, 58; Maguire v. Trefry, 253 U.S. 12, 14, 17; Kirtland v. Hotchkiss, 100 U.S. 491, 498; Shaffer v. Carter, 252 U.S. 37, 50. The Federal Constitution imposes on the states no particular modes of taxation, and apart from the specific grant to the federal government of the exclusive 280*280 power to levy certain limited classes of taxes and to regulate interstate and foreign commerce, it leaves the states unrestricted in their power to tax those domiciled within them, so long as the tax imposed is upon property within the state or on privileges enjoyed there, and is not so palpably arbitrary or unreasonable as to infringe the Fourteenth Amendment. *Kirtland v. Hotchkiss*, *supra*.
[*Lawrence v. State Tax Commission*, 286 U.S. 276 (1932); SOURCE: https://scholar.google.com/scholar_case?case=10241277000101996613]

Since DOMICILE is the basis for state income taxation and domicile is consensual, then one must VOLUNTEER for a domicile to become a statutory “taxpayer” as we establish in the following:

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

Further, note that they did NOT mention NATIONALITY as a basis for taxation. Thus, what “citizens” and “residents” have in common is a DOMICILE within the specific venue, and not a domestic NATIONALITY. Everyone who does NOT have such a DOMICILE is referred to as a “nonresident”. This includes “nonresident aliens”.

Domicile, in turn, is ALWAYS geographical and relies on the STATUTORY GEOGRAPHICAL definition of “United States” and “State” in the Internal Revenue Code.

The OTHER context for the terms “United States” and “State” that is NOT defined in the Internal Revenue Code is that of CORPORATE fictions. When one is “in” these types of entities, it means they are serving in a VOLUNTARY OFFICE within the fiction rather than serving in a physical geographical place. The code word to designate those serving in such civil statutory offices is “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. All such offices within the government have a domicile INDEPENDENT of the PHYSICAL OFFICER serving WITHIN the office who is legal surety for the office. Taxation on the OFFICE is also based on domicile per Federal Rule of Civil Procedure 17(b).

Included in the DOMESTIC category based on domicile is taxation of the District of Columbia acting in a similar capacity of a Constitutional state.

“Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. It was insisted that Congress could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the

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

17 **6.8 INTERNATIONAL AND INTERSTATE TAXATION: Based on CONSENT**

18 We have discussed DOMESTIC taxation within the COUNTRY United States*, but what about:

- 19 1. INTERNATIONAL taxation of either citizens, residents, or aliens abroad.
- 20 2. INTERSTATE taxation of citizens or residents from another state of the Union or territory.

21 INTERNATIONAL or INTERSTATE taxation of parties is NOT based on domicile, but upon CONSENT in some form.
22 That consent manifests itself as:

- 23 1. INTERSTATE: Voluntarily conducting BUSINESS within another Constitutional state or territory and thereby
- 24 waiving sovereign immunity under the Longarm Statutes of the state in question.
- 25 2. INTERNATIONAL
- 26 2.1. A voluntary choice of CIVIL STATUS such as "citizen" or "resident" in 26 U.S.C. §911.
- 27 2.2. Voluntarily conducting BUSINESS within the "United States" the COUNTRY as an alien and thereby waiving
- 28 sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97.

29 The U.S. Supreme Court describes INTERSTATE jurisdiction to tax as follows:

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

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

46 Voluntarily electing the civil statutory status of "citizen" or "resident" is the method by which we join the body politic and
47 corporate and consent to be regulated by the state granting that status. It is also the method by which taxation of property
48 and business OUTSIDE the granting state can be taxed and regulated.

49 *Taxation at the place of domicile of tangibles located elsewhere has been thought to be beyond the jurisdiction*
50 *of the state, Union Refrigerator Transit Co. v. Kentucky, 199 U.S. 194; Frick v. Pennsylvania, 268 U.S. 473, 488-*
51 *489; but considerations applicable to ownership of physical objects located outside the taxing jurisdiction, which*
52 *have led to that conclusion, are obviously inapplicable to the taxation of intangibles at the place of domicile or*
53 *of privileges which may be enjoyed there. See Foreign Held Bond Case, 15 Wall. 300, 319; Frick v. Pennsylvania,*
54 *supra, p. 494. And the taxation of both by the state of the domicile has been uniformly upheld. Kirtland v.*
55 *Hotchkiss, supra; Fidelity & Columbia Trust Co. v. Louisville, supra; Blodgett v. Silberman, 277 U.S. 1; Maguire*

v. Trefry, supra; compare *Farmers Loan & Trust Co. v. Minnesota*, 280 U.S. 204; *First National Bank v. Maine*, 284 U.S. 312.
[*Lawrence v. State Tax Commission*, 286 U.S. 276 (1932); SOURCE:
https://scholar.google.com/scholar_case?case=10241277000101996613]

One NEED NOT consent to be a STATUTORY citizen or resident with a domicile within the state they live. If you decide to select a domicile outside of the state you live in or have no domicile at all, you would be called a “non-resident”. Unlike STATUTORY citizens or residents domiciled in a specific place, there is no personal jurisdiction or extraterritorial tax jurisdiction over intangibles outside the place of physical presence of nonresidents because they are private and retain their constitutional protections. Likewise, there can be no double taxation of extraterritorial “income” either by BOTH the state you live in and the other states you conduct business in. In our mind, the costs of accepting a privileged civil statutory status of “person”, “U.S. person”, “citizen”, “resident”, etc outweigh the benefits identified above.

We don’t object to paying the costs of delivering privileges by any specific government. Our main if not only objection is BUNDLING more than one “civil service” with multiple others, so that you can’t choose to procure and pay for only ONE service at a time. Governments must never be allowed to bundle services you don’t want with those you do in a process we call “weaponization of government”. Bundling and weaponization always leads to inefficiency in delivering services, undermines the accountability of local government, and implements adhesion contracts that act as a weapon of mass destruction for your constitutional rights.

More on the subject of extraterritorial jurisdiction at:

Sources of Extraterritorial Jurisdiction, SEDM
<https://sedm.org/sources-of-extraterritorial-jurisdiction-domicile-contract-or-merely-consent-comity/>

6.9 There is NO LAW that permits an American National as a Nonresident Alien to Elect to be a U.S. person if they are NOT married to one⁴

If all citizens of foreign nations can participate in the tax system, then so can ALL POLITICAL/TERRITORIAL citizens* of the United States** can do so but not all “citizens* of the United States***” in states of the Union are authorized BY LAW to do so:

1. For the purpose of the I.R.C., American nationals (Citizens*) are not “U.S. persons”, however, but nonresident aliens ONLY, unless they volunteer for the PRIVILEGES associated with statutory citizenship.
2. American Nationals (Citizen*) not domiciled within exclusive geographical jurisdiction of the national government in [26 U.S.C. §7701](#)(a)(9) and (a)(10):
 - 2.1. Do fall within the definition of “nonresident alien” under [26 U.S.C. §7701](#)(b)(1)(B) and [26 C.F.R. §1.1441-1\(c\)\(3\)](#).
 - 2.2. DO NOT fall in the definition of “U.S. person” anywhere in [26 U.S.C. §7701](#)(a)(30) or [8 U.S.C. §1401](#) and are therefore purposefully excluded.
3. Does the law EXPRESSLY PERMIT those who are nonresident aliens such as American nationals not domiciled within exclusive geographical jurisdiction (Citizens*) to make an “election” to be treated as STATUTORY “U.S. person” for any circumstance OTHER than when they are married to a STATUTORY “U.S. person” in [26 U.S.C. §6013](#)(g) and (h)? NO! So it isn’t EXPRESSLY authorized.
4. There is also NO definition of “U.S. Person” anywhere in the I.R.C. or regs or title 8 that expressly includes states of the Union. Therefore they are PURPOSEFULLY excluded
5. Judges are not legislators and therefore cannot remedy the exclusion of states of the Union from “United States Person” within the I.R.C. It also fails the constitutional requirement for “reasonable notice” if the law does not expressly include them.
6. Since the presence test at [26 U.S.C. §7701](#)(b) includes only “alien individuals”, then American nationals can never be anything BUT “nonresident” everywhere in the WORLD that they are and “nonresident aliens”.

HOWEVER, in the famous U.S. Supreme Court case of [Cook v. Tait](#), 265 U.S. 47 (1924) heard by no less than former President Taft, SCOTUS acknowledged the ability of ANYONE, including an American national such as Cook domiciled

⁴ Source: *There is NO LAW that permits an American National as a Nonresident Alien to Elect to be a U.S. person if they are NOT married to one*, SEDM; <https://sedm.org/there-is-no-law-that-permits-a-state-national-as-a-nonresident-alien-to-elect-to-be-a-u-s-person-if-they-are-not-married-to-one/>

abroad in Mexico to ELECT a CIVIL “citizen**+D” status for the purposes of PROCURING protection while abroad under 26 U.S.C. §911. For the tax year in question, Cook DID in fact file a 1040 tax return and checked the box on the form “Are you a citizen or resident of the United States?” and lined out “resident”. Anything done by consent (Form #05.003), such as in this case, cannot form the basis for an injury. It may have been PURE STUPIDITY on Cook’s part to do this, because he could have filed as a nonresident alien and owed no tax, but he didn’t. When he made the election, he agreed to represent an OFFICE domiciled in the District of Columbia and act as a “non-resident agent” for that office, in effect.

At the time the Cook case was heard, there was no 1040-NR return (Form #09.077) form and the 1040 return form was used by both “citizens” and “nonresident aliens”. The nonresident alien filers at the time had to answer the question on the 1040 return “Are you a citizen or resident of the United States?” with the answer of NO to be treated as a foreign person. You can verify this yourself by reading the following article:

Tax Return History: Citizenship, Family Guardian Fellowship
<https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm>

This ministry, by the way, PRESUPPOSES that NO ONE using our materials makes any “elections” whatsoever or ever consents to ANYTHING that any government does or wants to do from a civil perspective. Therefore, the supposition the title of this article is built on is that no consent is given. For the reason, see the following link on our opening page:

The Problem in Modern Day America, SEDM
<https://sedm.org/the-problem-in-modern-day-america/>

For further proof of this fact, see:

SEDM Disclaimer, Section 4.33: “Citizen*” and “Citizen*++D” and “Citizenship”, SEDM
<https://sedm.org/disclaimer.htm#4.33. Citizen and CitizenD and Citizenship>

So for those who advocate that American nationals who are nonresident aliens can LAWFULLY make an “election” to be treated as “U.S. persons” when they are NOT married to a statutory U.S. Citizen under 26 U.S.C. §6013(g) and (h), this is FALSE! The U.S. Supreme Court BY PURE FIAT has set a precedent in the Cook case that this is allowed, but in doing so, they exercised legislative powers in effect to extend the reach of the I.R.C. to those who are not subject.

It makes NO SENSE WHATSOEVER to try to do what people are calling a “Revocation of Election” in a case where there is no express statutory authority to even MAKE such an election. See:

Frivolous Subject: Revocation of Election SCAM-SEDM STRONGLY discourages members from pursuing anything called a “revocation of election”. The ONLY method endorsed by this website to correct your civil status is our Path to Freedom, Form #09.015, section 2 process. That process requires filing the CORRECT tax return, the 1040-NR, as a way to change your civil status from “U.S. person” (Form #05.053) to “nonresident alien” (Form #12.045).
<https://sedm.org/frivolous-subject-revocation-of-election-r-o-e/>

Lastly, our definition of “law” in the title of this article reflects the fact that:

1. Judges CANNOT make law. See:

How Judges Unconstitutionally “Make Law”, Litigation Tool #01.009-how by VIOLATING the Rules of Statutory Construction and Interpretation, judges are acting in a POLITICAL rather than JUDICIAL capacity and unconstitutionally “making law”.
<http://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>

2. The “making of law” by judges is FORBIDDEN by the constitution. Only CONGRESS can “make law” under Article I.
<https://youtu.be/avXHXxeT-UU?si=ogQTKye6rn-MRMyG>

3. BECAUSE judges cannot “make law”, then THERE IS no “law” that authorizes a nonresident alien to ELECT to become a U.S. person.

More on this subject at:

Proof of Facts: Why the “citizen” the income tax is imposed upon is NOT a political citizen or NATIONAL, but a DOMICILED citizen, SEDM
<https://sedm.org/proof-of-facts-why-the-citizen-the-income-tax-is-imposed-upon-is-not-a-political-citizen-or-national-but-a-domiciled-citizen/>

REBUTTED FALSE ARGUMENTS ABOUT THE ABOVE:

FALSE STATEMENT 1:

That which is not prohibited is permitted. What law prohibits such a choice, especially in the context of contract and the lack of impairment to engage in contract?

REBUTTAL 1:

False. The office of U.S. person is property. You need EXPRESS permission of the owner to do ANYTHING and EVERYTHING with the property. If you don't you are STEALING.

Only when the property is YOUR property and PRIVATE property is your assertion correct. Nonresident alien is NOT PUBLIC or someone else's property. Thus you are private if you are a nonresident alien.

Only PUBLIC officers can use, handle, or benefit from PUBLIC property. That is the very essence of what a public officer is defined as:

*“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]*

U.S. person is PUBLIC property, meaning SOMEONE ELSE'S property. So you need permission to take custody of it or use it for your benefit. And they NEVER gave you statutory permission to do so, so you don't have it.

7 Definition of “Nonresident Alien”

“Aliens” are foreign in respect to the jurisdiction that they are in, but there are two types of being “foreign”: domicile or nationality. Unfortunately, the Internal Revenue Code does not define the term “alien”, thus making it difficult to determine if “alien” implies nationality or domicile . It also defines the term “foreign” only in the context of corporations and partnerships:

26 U.S. Code § 7701 - Definitions

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

(4) DOMESTIC

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

(5) FOREIGN

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

This complicates trying to understand what a “nonresident alien” is, and we believe this is deliberate in order to discourage people from claiming the status. In the following subsections we shall examine the context of the 9,500 page Internal Revenue Code to determine what a “nonresident alien” is and how it is obfuscated to keep you from claiming it.

Why doesn’t the government want you claiming it, you might ask? It is the only status you can have that allows you to completely avoid:

1. Income tax withholding.
2. Income tax reporting.
3. The need to provide a Social Security Number or Taxpayer Identification Number.
4. Personal jurisdiction over you in a federal district court. This is called “in personam” jurisdiction.

The only type of jurisdiction that courts have over nonresident aliens is in rem jurisdiction over property owned by the nonresident alien physically situated within the territory of the court or venue, which in this case is the statutory geographical “United States”, meaning the District of Columbia. Every other status, whether “citizen” or “resident” does not accomplish this. This is why it is important to define and understand what it means.

7.1 STATUTORY “nonresident alien” under 26 U.S.C. §7701(b)(1)(B)

The STATUTORY term “nonresident alien” is defined as follows:

26 U.S. Code § 7701 - Definitions

(b) DEFINITION OF RESIDENT ALIEN AND NONRESIDENT ALIEN

(1) IN GENERAL

(B) Nonresident alien

An individual is a nonresident alien if such individual is neither a citizen of the United States nor a resident of the United States (within the meaning of subparagraph (A)).

The first thing we notice about the above is that it describes what a statutory “nonresident alien” IS NOT, and not what it IS. A true legal definition defines a term so as to expressly describe ALL things that are INCLUDED rather than EXCLUDED. You can tell that they don’t want you to be able to PROVE in court that you are a “nonresident alien” because the term is NOT even legally defined! Proof that this is not a definition can be had by simply looking over all the historical versions of the Form 1040-NR and Form W-8 and looking at all the entity types that can claim it. At present, just examining these IRS forms, we see that the following and more are allowed to claim “foreign person” or file “nonresident alien”:

1. Single.
2. Married filing separately.
3. Qualifying surviving spouse
4. Trusts.
5. Estates.
6. Beneficial owners.

NONE of the above entity types are even listed in the NON-DEFINITION of a STATUTORY “nonresident alien” above. They are there on a whim and can include whatever the IRS subjectively wants. The important thing to remember, however, is that IRS has NO PERSONAL jurisdiction over ANY of the above entity types. By that we mean NONE of them can be prosecuted for a tax crime or be targeted for penalties:

*“In the case of the federal government where the individual is either a United States citizen or an alien residing in the taxing jurisdiction, the tax under section 1 of the Code is based upon jurisdiction over the person; **where the individual is an alien [LEGISLATIVELY OR CONSTITUTIONALLY “foreign”, INCLUDING states of the Union] not residing in the taxing jurisdiction [the “geographical United States”, meaning the District of Columbia per 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d)], the tax under section 871 of the Code***

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

4 The term “nonresident alien INDIVIDUAL” is defined as follows:

5 [26 C.F.R. § 1.1441-1 - Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

6 (c) Definitions.

7 The following definitions apply for purposes of sections 1441 through 1443, 1461, and regulations under those
8 sections. For definitions of terms used in these regulations that are defined under sections 1471 through 1474,
9 see subparagraphs (43) through (56) of this paragraph.

10 (3) Individual—

11 (i) Alien individual.

12 The term alien individual means an individual who is not a citizen or a national of the [United States](#). See [§ 1.1-](#)
13 [1\(c\)](#).

14 (ii) Nonresident alien individual.

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

22 The term “United States” as used above is defined as follows:

23 [26 U.S. Code § 7701 - Definitions](#)

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

26 (9) UNITED STATES

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

29 (10) STATE

30 The term “[State](#)” shall be construed to include the District of Columbia, where such construction is necessary to
31 carry out provisions of this title.

32
33 [26 C.F.R. §301.7701-7 - Trusts—domestic and foreign.](#)

34 §301.7701-7 Trusts—domestic and foreign.

35 (c) The court test—

36 (1) Safe harbor.

37 A trust satisfies the court test if—

38 (i) Court.

39 The term court includes any federal, [state](#), or local court.

(ii) *The United States.*

The term the United States is used in this section [section 7701] in a geographical sense. Thus, for purposes of the court test, the United States includes only the States and the District of Columbia. See section 7701(a)(9). Accordingly, a court within a territory or possession of the United States or within a foreign country is not a court within the United States.

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.*

26 U.S.C. §872(b)(8) identifies “possessions” indicated above as a “foreign country” and thus not part of the statutory geographical “United States”. Thus, statutory “U.S. nationals” under 8 U.S.C. §1408 such as American Samoa and Swain’s Island are “nonresident aliens”. 26 U.S.C. §2209 also identifies even statutory “citizens of the United States” under 8 U.S.C. §1401 born in Puerto Rico as “nonresident not a citizen of the United States” and therefore “nonresident aliens” also. Therefore, the statutory geographical “United States” in the term “citizen of the United States” within the Internal Revenue Code does not include anything BUT the District of Columbia and no part of the exclusive jurisdiction of any state of the Union. The term “United States” cannot be extended by the consent of the reader either, because that would unconstitutionally enlarge a definition and allow the reader to in effect exercise a legislative function reserved only to Congress.

"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)]

"As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated'"
[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]

These inferences are also consistent with the definition of “United State” in the regulations under I.R.C. §7701:

26 C.F.R. §301.7701-7 - Trusts—domestic and foreign.

§301.7701-7 Trusts—domestic and foreign.

(c) *The court test—*

(1) *Safe harbor.*

A trust satisfies the court test if—

(i) *Court.*

The term court includes any federal, state, or local court.

(ii) *The United States.*

The term the United States is used in this section [section 7701] in a geographical sense. Thus, for purposes of the court test, the United States includes only the States and the District of Columbia. See section 7701(a)(9). Accordingly, a court within a territory or possession of the United States or within a foreign country is not a court within the United States.

Lower case “states” are legislatively foreign, and these states include constitutional states of the Union and possessions:

*“It is to be noted that the statute [**3] differentiates between States of the United States and foreign states by the use of a capital S for the word when applied to a State of the United States. Subdivision (c), therefore, in dealing with the place of incorporation refers only to a corporation incorporated in a State of the United States. When subdivision (c) goes on to deal with principal place of business it refers to the same corporation and thus only to a corporation incorporated in a State of the United States. The subdivision is not susceptible of the construction as if it read ‘all corporations shall be deemed citizens of the States by which they have been incorporated and of the States where they have their principal places of business.’ Unless a corporation is incorporated by a State of the United States it will not be deemed a citizen of the State where it has its principal place of business.
[Eisenberg v. Commercial Union Assurance Company, 189 F.Supp. 500 (1960)]*

Note that the above statutory geographical “United States” does not EXPRESSLY include areas within the exclusive jurisdiction of constitutional states of the Union. Therefore, per the Rules of Statutory Construction and Interpretation, they are PURPOSEFULLY excluded:

*“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)]*

*“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”
[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]*

Note that “United States” is defined DIFFERENTLY from the above in the case of ONLY the “presence test” applicable ONLY to “aliens” found 26 U.S.C. §7701(b)(1) . Such a test does NOT apply to citizens or nationals.

26 U.S. Code § 7701 - Definitions

(b) DEFINITION OF RESIDENT ALIEN AND NONRESIDENT ALIEN

(1) IN GENERAL

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

(A) Resident alien

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

(i) Lawfully admitted for permanent residence

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

(ii) Substantial presence test

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

(iii) **First year election**

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

(B) **Nonresident alien**

An individual is a nonresident alien if such individual is neither a citizen of the United States nor a resident of the United States (within the meaning of subparagraph (A)).

26 C.F.R. §301.7701(b)-1 - Resident alien.

(c) **Substantial presence test—**

(1) In general.

An **alien individual** is a resident alien if **the individual** meets the substantial presence test. An individual satisfies this test if he or she has been present in the United States on at least 183 days during a three year period that includes the current year. For purposes of this test, each day of presence in the current year is counted as a full day. Each day of presence in the first preceding year is counted as one-third of a day and each day of presence in the second preceding year is counted as one-sixth of a day. For purposes of this paragraph, any fractional days resulting from the above calculations will not be rounded to the nearest whole number. (See § 301.7701(b)-9(b)(2) for transitional rules for calendar years 1985 and 1986.)

(2) **Determination of presence—**

(i) Physical presence.

For purposes of the substantial presence test, an individual shall be treated as present in the United States on any day that he or she is physically present in the United States at any time during the day. (But see § 301.7701(b)-3 relating to days of presence that may be excluded.)

(ii) **United States.**

For purposes of section 7701(b) and the regulations thereunder, **the term United States when used in a geographical sense includes the states and the District of Columbia.** It also includes the territorial waters of the United States and the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. It does not include the possessions and territories of the United States or the air space over the United States.

(3) **Current year.**

The term current year means any calendar year for which an alien individual is determining his or her resident status.

(4) **Thirty-one day minimum.**

If an individual is not physically present for more than 30 days during the current year, the substantial presence test will not be applied for that year even if the three-year total is 183 or more days. For purposes of the substantial presence test, it is irrelevant that an individual was not present for more than 30 days in the first or second year preceding the current year.

Thus, the statutory geographical “United States” for the purposes of the presence test applicable ONLY to “aliens” and never citizens or nationals expressly includes the legislatively foreign “states”, meaning the exclusive jurisdiction of constitutional states of the Union.

NOTE that citizens and nationals are not subject to the presence test. Thus, it is IMPOSSIBLE for them to be “resident in the United States”, INCLUDING both federal territory within the exclusive jurisdiction of Congress AND areas within the exclusive jurisdiction of constitutional states. Thus, the only way to accurately describe BOTH “citizens”, “nationals”, and “U.S. persons” is as “nonresidents” for the purpose of the entire Internal Revenue Code. The ONLY status in the Internal

Revenue Code which is associated with BEING a “nonresident” is “nonresident alien” as defined in this section. Courts have been known to FALSELY state that citizens and nationals can be “resident in the United States” because they want to hide Third Rail issues.

NOTE also that although “nationals” are not expressly included in the definition of “nonresident alien”:

1. The so-called “definition” of “nonresident alien” is not a definition at all, because it defines what it IS NOT, and not what it IS. In order to be a true legal definition, it would need to expressly define ALL the things that are included. The government doesn’t provide a valid legal definition of “nonresident alien” because they clearly DO NOT want you to know all the things that are included or allowed.
2. “Citizens” not domiciled in the statutory geographical “United States” are nonresidents. People in this condition are often called “U.S. nationals” when abroad, but can also be called “U.S. nationals” when domiciled outside the statutory geographical “United States” in 26 U.S.C. §7701(a)(9) and (a)(10) as well. This is the condition of everyone born within and domiciled or present within the exclusive jurisdiction of a constitutional “State”, for instance.
3. The Department of State confirms that all “citizens” are also “nationals” and “U.S. nationals”.

22 U.S.C. §212

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States

Title 22: Foreign Relations

PART 51—PASSPORTS

Subpart A—General

§51.2 Passport issued to nationals only.

(a) A United States passport shall be issued only to a national of the United States (22 U.S.C. 212).

(b) Unless authorized by the Department no person shall bear more than one valid or potentially valid U.S. passport at any one time.

[SD–165, 46 FR 2343, Jan. 9, 1981]

22 C.F.R. §51.1 - Definitions.

U.S. national means a U.S. citizen or a U.S. non-citizen national.

8 FAM 300 U.S. CITIZENSHIP AND NATIONALITY
8 FAM 301 U.S. CITIZENSHIP
8 FAM 301.1 ACQUISITION BY BIRTH IN THE UNITED STATES
8 FAM 301.1-1 INTRODUCTION

[. . .]

b. National vs. citizen:

While most people and countries use the terms “citizenship” and “nationality” interchangeably, U.S. law differentiates between the two. Under current law all U.S. citizens are also U.S. nationals, but not all U.S. nationals are U.S. citizens. The term “national of the United States”, as defined by statute (INA 101 (a)(22) (8 U.S.C. 1101(a)(22)) includes all citizens of the United States, and other persons who owe allegiance to the United States but who have not been granted the privilege of citizenship:

(1) Nationals of the United States who are not citizens owe allegiance to the United States and are entitled to the consular protection of the United States when abroad, and to U.S. documentation, such as U.S. passports with appropriate endorsements. They are not entitled to voting representation in Congress and, under most state laws, are not entitled to vote in Federal, State, or local elections except in their place of birth. (See [7 FAM 012](#) and [7 FAM 1300 Appendix B](#) Endorsement 09.);

(2) Historically, Congress, through statutes, granted U.S. non-citizen nationality to persons born or inhabiting territory acquired by the United States through conquest or treaty. At one time or other natives and certain other residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama Canal Zone were U.S. non-citizen nationals. (See [7 FAM 1120](#) and [7 FAM 1100 Appendix P.](#));

(3) Under current law, only persons born in American Samoa and Swains Island are U.S. non-citizen nationals (INA 101(a)(29) (8 U.S.C. 1101(a)(29) and INA 308(1) (8 U.S.C. 1408)). (See [7 FAM 1125.](#)); and

(4) See [7 FAM 1126](#) regarding the citizenship/nationality status of persons born on the Commonwealth of the Northern Mariana Islands (CNMI).

[SOURCE: <https://fam.state.gov/FAM/08FAM/08FAM030101.html>]

The above refer ONLY to STATUTORY “nationals” under 8 U.S.C. §1408. One can be a common law “national” under 8 U.S.C. §1101(a)(21) while not be a STATUTORY “U.S. non-citizen national” under 8 U.S.C. §1408 by having a domicile and presence OUTSIDE the statutory geographical “United States” under any title of the U.S. Code OTHER than Title 8. Title 8 is POLITICAL law. Every other Title of the Code other than Title 18 is CIVIL statutory law that regulates PRIVILEGES available only to officers and domiciliaries within the exclusive jurisdiction of the national government. Congress CANNOT regulate or control the civil statutory status of those domiciled outside of its exclusive jurisdiction, such as STATUTORY “citizen” under 8 U.S.C. §1401 and it is CIVIL STATUTORY status, not POLITICAL status that is the origin of the ability to tax within status of the Union.

In Udry v. Udry (1869), L.R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the question whether the domicile of the father was in England or in Scotland, he being in either alternative a British subject. Lord Chancellor Hatherley said: **'The question of naturalization and of allegiance is distinct from that of domicile.'** Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by saying: **'The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some particular country, binding him by the tie of natural allegiance, and which may be called his political status; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status.'** And then, while maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the criterion established by international law for the purpose of determining civil status, and the basis on which 'the personal rights of the party—that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy—must depend,' he yet distinctly recognized that a man's political status, his country (patria), and his 'nationality,—that is, natural allegiance,—'may depend on different laws in different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects. [*United States v. Wong Kim Ark*, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ; SOURCE: http://scholar.google.com/scholar_case?case=3381955771263111765]

"In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is its province and its duty to forbid interference by another state as well as by any foreign power with the [CIVIL] status of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have an established domicile in the state which resents such interference with matters which disturb its social serenity or affect the morals of its inhabitants." [*Roberts v. Roberts*, 81 Cal.App.2d. 871, 879 (1947); https://scholar.google.com/scholar_case?case=13809397457737233441]

Also note that you have a First Amendment right of freedom from compelled association and a right as the owner of yourself under the Thirteenth Amendment to choose whatever legal status you want that produces the best protection for you and your property. “Legal status” and “civil status” and both are a product EXCLUSIVELY of your VOLUNTARY choice of legal domicile.

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

Lastly, absolute ownership of yourself and your private, constitutionally protected property always implies absolute control of who can use or “benefit” from it, who can write CIVIL legal definitions that regulate it, and being able to choose the law system that best protects your property. See:

1. *Laws of Property*, Form #14.018, Section 8: Choice of Law
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>
2. *Hot Issues: Laws of Property*, Section 6: Choice of Law, SEDM
<https://sedm.org/laws-of-property/>
3. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

7.2 **NONSTATUTORY “nonresident alien”**

In addition to STATUTORY “nonresident aliens” described but not defined in 26 U.S.C. §7701(b)(1)(B), we also have STATUTORY “alien individuals” as defined in 26 C.F.R. §1.1441-1(c)(3)(i) (neither citizens nor nationals) who are NOT “resident aliens” under 26 U.S.C. §7701(b)(1)(A) because they do not meet the presence test. IRS tries to conflate or equivocate about these people by ALSO calling them “nonresident aliens” but technically, these people are aliens who are non-resident. Below is an example of this deception from the IRS website:

Nonresident aliens

An alien is any individual who is not a U.S. citizen or U.S. national. A nonresident alien is an alien who has not passed the green card test or the substantial presence test.

If you are a nonresident alien at the end of the tax year, and your spouse is a resident alien, your spouse can choose to treat you as a U.S. resident alien for tax purposes and file Form 1040 using the filing status “Married Filing Jointly.”

[Nonresident aliens, IRS Website; <https://www.irs.gov/individuals/international-taxpayers/nonresident-aliens/>]

The context for the above is “International taxpayers”, which means foreign nationals. This is NOT the only context for the term “nonresident alien”. States of the Union, like foreign COUNTRIES, are also legislatively foreign because of the separation of powers between the states and the federal government under the Constitution. To avoid confusion, the above article should have referred to these people by any one of the following names:

1. NON-STATUTORY “nonresident aliens”.
2. “Aliens who are non-resident”.
3. “Non-resident aliens”.

Courts seem to recognize the distinctions between STATUTORY “nonresident aliens” and NONSTATUTORY “nonresident aliens” such as the following court:

*“According to Ms. Walby, she “became a non-resident alien (a.k.a. U.S. National)” by the act of submitting the affidavit. Compl. Ex. [*6] 1 at 2; Compl. Ex. 2 at 4.”*
[Walby v. United States, 144 Fed.Cl. 1, 122 A.F.R.T.2d (RIA) 2019-5227 (2019)]

The above sort of equivocation and obfuscation seems designed to deceive the average American National into believing that they cannot file as a STATUTORY “nonresident alien” and therefore, that the ONLY choice of status they have is either STATUTORY “citizen” or STATUTORY “resident”.

The ONLY type of “nonresident alien” described in this document is the STATUTORY type because we only talk about “nationals”, whether statutory or common law, who are “non-resident” to the statutory geographical “United States”.

This type of equivocation and deception by the IRS between STATUTORY “nonresident aliens” and NONSTATUTORY “nonresident aliens” is also found in the Treasury Regulations, as is explained in the next section.

7.3 **Proving that you are a “nonresident alien”**

As we previously pointed out, the description of a “nonresident alien” in 26 U.S.C. §7701(b)(1)(B) is a NON-DEFINITION. It describes what a STATUTORY “nonresident alien” IS NOT, and not what it IS:

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

2 *An individual is a nonresident alien if such individual is **neither a citizen of the United States nor a resident of***
3 ***the United States** (within the meaning of subparagraph (A)).*

4 The fact that the above is a NON-DEFINITION is problematic, because it is nearly impossible to “prove a negative”, as the
5 following Tax Court ruling points out:

6 *“..the taxpayer can not be left in the unpardonable position of having to prove a negative”*
7 *[Elkins v. United States, 364 U.S. 206, 218, 80 S.Ct. 1437, 1444, 4 L.Ed.2d. 1669 (1960) ; Flores v. U.S., 551*
8 *F.2d. 1169, 1175 (9th Cir. 1977); Portillo v. CIR, 932 F.2d. 1128 (Court of Appeals, 5th Circuit 1991), Affirming,*
9 *reversing and remanding 58 TCM 1386, Dec 46, 373 (M), TC Memo, 1990-68 [91-2 USTC P50, 304];*
10 *Weimerschirch [79-1 USTC P9359], 596 F.2d. at 361]*

11 We would argue that the above explains EXACTLY why the term “nonresident alien” is described the way it is in 26 U.S.C.
12 §7701(b)(1)(B), which is to make filing with the status impossible to defend, prove, or justify in court!

13 We must also ask ourselves why WE have the burden of proving ANYTHING when accused of a tax liability:

- 14 1. Our legal system is based on INNOCENT until proven guilty.
- 15 2. The GOVERNMENT is the moving party that has that burden of proof, not YOU, when asserting or enforcing a tax
- 16 liability.
- 17 3. To be “innocent” means being a “non-citizen”, a “nonresident”, and a “nontaxpayer” until THEY prove that you are
- 18 NOT any of these things with a preponderance of probative credible evidence.

19 Yet being the lazy usurpers they are, they flip the above burden of proof upside down and try to force YOU to prove a
20 NEGATIVE, which is nearly impossible. HYPOCRISY!

21 Those who therefore want to file as a “nonresident alien” are sometimes tasked by courts with the “unpardonable”,
22 exasperating, and unfortunate burden of proving a negative:

23 *“An individual is a nonresident alien if such individual is neither a citizen of the United States nor a resident of*
24 *the United States (within the meaning of subparagraph A).” 26 U.S.C. §7701(b)(1)(B). Subparagraph (A) defines*
25 *a resident “alien individual.” Plaintiff has submitted no proof demonstrating that he is neither a citizen nor a*
26 *resident of the United States.”*
27 *[Rand v. U.S., 818 F.Supp. 566, 570 n.1 (W.D.N.Y. 1993)]*

28 Another example of the above phenomenon in a criminal case:

29 *First, the Defendant cites [United States v. Slater, 545 F.Supp. 179 \(D. Del. 1982\)](#), for the proposition that the IRS*
30 *cannot enforce a tax liability if a defendant can prove he is not a citizen [*6] of the United States. The Slater*
31 *decision, however, is of no benefit to the Defendant. In Slater, the defendant objected to a summons issued by the*
32 *IRS which directed the defendant to appear and produce tax records. Specifically, the defendant argued that he*
33 *was not a “person” within the meaning of the Internal Revenue Code and thus not liable to pay federal taxes. The*
34 *court quickly disposed of the defendant’s argument, noting:*

35 *[Subtitle A of the Internal Revenue Act of 1954, Title 26 of the United States Code](#), was*
36 *enacted in accordance with Congress’ constitutional power to lay and collect an income*
37 *tax. There is a tax imposed, in [26 U.S.C. §1](#), on the income of “every individual.” No*
38 *provision exists in the tax code exempting from taxation persons who, like Slater,*
39 *characterize themselves as somehow standing apart from the American polity, and the*
40 *defendant cites no authority supporting his position. Slater’s protestations to the effect*
41 *that he derives no benefit from the United States government have no bearing on his legal*
42 *obligation to pay income taxes. Unless the defendant can establish that he is not a citizen*
43 *of the United States, the IRS possesses authority to attempt to determine his federal tax*
44 *liability.*

45 *[Slater, 545 F. Supp. at 182](#) (emphasis added). Finding [*7] that the defendant had not raised any valid objection,*
46 *the court granted the IRS’s motion to enforce its summons. [Id. at 183](#).*
47 *[United States v. Macalpine, 2018 U.S. Dist. LEXIS 212404 *; 2019-1 U.S. Tax Cas. (CCH) P50,108; 122*
48 *A.F.T.R.2d (RIA) 2018-7040; 2018 WL 6620889]*

Most people, like the above criminal defendant Macalpine, respond like a deer in the headlights when presented with the impossible burden of proving a negative, which is that they are NEITHER a STATUTORY “citizen” (26 C.F.R. §1.1-1(c)) nor a STATUTORY “resident” (alien, 26 U.S.C. §7701(b)(1)(A)).

It’s easy to prove that one is not a “resident” (alien, 26 U.S.C. §7701(b)(1)(A)) by simply producing your birth certificate or passport. It’s harder, however, to prove that you are not THE STATUTORY “citizen” made “LIABLE TO” rather than “LIABLE FOR” the income tax in 26 C.F.R. §1.1-1(c).

How might one go about proving they are NOT the “citizen” made subject to the income tax in the simplest possible way? Our approach is to start with the definition of this STATUTORY “citizen” in 26 C.F.R. §1.1-1(c):

26 C.F.R. § 1.1-1 - Income tax on individuals.

§ 1.1-1 Income tax on individuals.

(c) Who is a citizen.

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

So, the criteria that this “citizen” must meet that we must prove we don’t satisfy is:

1. Physically present in the following location at the time of birth:

26 U.S. Code § 7701 - Definitions

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

(9) UNITED STATES

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

(10) STATE

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

26 C.F.R. §301.7701-7 - Trusts—domestic and foreign.

§301.7701-7 Trusts—domestic and foreign.

(c) The court test—

(1) Safe harbor.

A trust satisfies the court test if—

(i) Court.

The term court includes any federal, state, or local court.

(ii) *The United States.*

The term the United States is used in this section [section 7701] in a geographical sense. Thus, for purposes of the court test, the United States includes only the States and the District of Columbia. See section 7701(a)(9). Accordingly, a court within a territory or possession of the United States or within a foreign country is not a court within the United States.

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.

2. Born or naturalized in the STATUTORY GEOGRAPHICAL "United States" defined in 26 U.S.C. §7701(a)(9) and (a)(10). An act of birth is ALWAYS physical and geographical and the ONLY geographical definition of ANYTHING in Subtitle A is that in section 7701.
3. Born pursuant to the statutes at 8 U.S.C. §1401-1459.
4. "Subject to ITS jurisdiction" rather than "subject to THE jurisdiction".
 - 4.1. "ITS" implies domicile rather than nationality.
 - 4.2. "THE" implies nationality, political allegiance, or constitutional citizenship in the Fourteenth Amendment, which uses similar wording.

For the nuances between "ITS" and "THE", see:

<p><u>Legal Deception, Propaganda, and Fraud</u>, Form #05.014, Section 16.1.6 https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf</p>
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Next, we must visit the definition of "national and citizen of the United States at birth" in 8 U.S.C. §1401, which is within the range of statutes cited above. What we are looking for is some mention of the CONSTITUTIONAL geographical "United States" or the Fourteenth Amendment, such that the "citizen" they are describing EXPRESSLY includes CONSTITUTIONAL citizens.

8 U.S. Code § 1401 - Nationals and citizens of United States at birth

The following shall be nationals and citizens of the United States at birth:

(a) a person born in the United States, and subject to the jurisdiction thereof;

(b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(c) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

(d) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

(e) a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;

(f) a person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;

(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years: Provided, That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States

Government or with an international [organization](#) as that term is defined in [section 288 of title 22](#) by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent [unmarried son or daughter](#) and a member of the household of a person (A) honorably serving with the Armed Forces of the [United States](#), or (B) employed by the [United States](#) Government or an international [organization](#) as defined in [section 288 of title 22](#), may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date; and

(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the [United States](#) of an [alien](#) father and a mother who is a citizen of the [United States](#) who, prior to the birth of such person, had resided in the [United States](#).

If the “citizen” above included CONSTITUTIONAL or Fourteenth Amendment citizens, then it would need to:

1. Geographically define “United States” to EXPRESSLY include areas within the exclusive jurisdiction of constitutional statutes of the Union. If these areas are NOT expressly described, then they are “purposefully excluded” per the Rules of Statutory Construction and Interpretation.

“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)]

“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated” [Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]

2. Actually, and expressly invoke or mention the Fourteenth Amendment as the origin of the status.
3. Use the same language as the Fourteenth Amendment to describe the status:

[Fourteenth Amendment of the US Constitution -- Rights Guaranteed: Privileges and Immunities of Citizenship, Due Process, and Equal Protection](#)

Section 1. Rights Guaranteed

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Let's now apply the above burden of proof:

1. The geographical definitions with Title 8 of the U.S. Code do NOT expressly include the exclusive jurisdiction of the Constitutional States of the Union and thus they are PURPOSEFULLY excluded per the Rules of Statutory Construction and Interpretation:

[8 U.S. Code § 1101 - Definitions](#)

(a)As used in this chapter—

(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.

(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, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

1.1. The “chapter” mentioned above does include 8 U.S.C. §1401.

1.2. The term “continental United States” is defined as follows:

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

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

1.3. The “States” mentioned above are described in 8 U.S.C. §1101(a)(38) as NOT expressly including areas within the exclusive jurisdiction of the Constitutional geographical states of the Union.

1.4. The only anomaly is the mention of Alaska and Hawaii in the STATUTORY definition of “United States” at 8 U.S.C. §1101(a)(38).

1.4.1. Everything else is the federal zone.

1.4.2. We also know that Alaska and Hawaii were the last two states of the Union added, and that they became states of the Union on January 3, 1959 and August 21, 1959 respectively. It could be that the definition of “United States” was not properly updated to remove these TERRITORIAL states from the definition after they joined.

1.4.3. An examination of the legislative notes under the definition of “United States” in 8 U.S.C. §1101(a)(38) reveals that no changes to the statutory definition of “United States” were made after Alaska and Hawaii joined the constitutional Union. This indicates that the definition was not properly updated after they joined. See:

<https://www.law.cornell.edu/uscode/text/8/1101>

1.4.4. After Alaska and Hawaii joined in 1959, what should have happened is that they were:

1.4.4.1. Removed from the definition of STATUTORY “State” in 8 U.S.C. §1101(a)(36).

1.4.4.2. Added to the definition of the STATUTORY “United States” in 8 U.S.C. §1101(a)(38).

1.4.4.3. Added to the definition of “continental United States” in 8 C.F.R. §215.1.

1.4.5. The legislative history of 8 U.S.C. §1101 and 8 C.F.R. §215.1 above indicates that NONE of the things required to be done when Alaska and Hawaii joined were actually done. Thus, they continue to LOOK like territories rather than constitutional states for the purposes of nationality and citizenship at least based on the current condition of Title 8.

1.5. Based on all the above, it appears that there is some statutory DECEPTION surrounding the geographical limits of the STATUTORY “State” and “United States”. More on this deception at:

[Tax Deposition Questions](https://truthintaxationhearings.famguardian.org/IRSDeposition/Section%2014.htm), Section 14: Citizenship, We the People Foundation for Constitutional Education
<https://truthintaxationhearings.famguardian.org/IRSDeposition/Section%2014.htm>

2. 8 U.S.C. §1401(a) does use the same language as the Fourteenth Amendment.

[8 U.S. Code § 1401 - Nationals and citizens of United States at birth](#)

The following shall be nationals and citizens of the United States at birth:

(a) a person born in the United States, and subject to the jurisdiction thereof;

3. Next we see that the Fourteenth Amendment is NOT expressly invoked in 8 U.S.C. §1401(a) for its authority, and thus is presumed to originate instead from the exclusive authority of Congress to manage government property and territory instead of its relationship to the states of the Union.

Next, we must look at case law distinguishing CONSTITUTIONAL (Fourteenth Amendment) and STATUTORY (8 U.S.C §1401). The GEOGRAPHY we are talking about citizenship within is the STATUTORY geographical “United States” in 26 U.S.C. 7701(a)(9) and (a)(10) versus the exclusive jurisdiction of CONSTITUTIONAL states of the Union. Since the STATUTORY geographical “United States” in Section 7701 includes only the District of Columbia, the caselaw must address the citizenship of those types of “citizens” within the Internal Revenue Code. The following cases are instructive:

1 *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited,*
2 *opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the states.*
3 *No such definition was previously found in the Constitution, nor had any attempt been made to define it by act*
4 *of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the*
5 *public journals. It had been said by eminent judges that no man was a citizen of the United States[***] except*
6 *as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided*
7 *always in the District of Columbia or in the territories, though within the United States[*], were not citizens.*
8 *Whether this proposition was sound or not had never been judicially decided."*
9 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

10 *"Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as*
11 *a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico,*
12 *Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon*
13 *their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-*
14 *11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes*
15 *would have been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality,*
16 *such a practice requires special scrutiny before being set aside. See, e.g., Jackman v. Rosenbaum Co., 260 U.S.*
17 *22, 31 (1922) (Holmes, J.) ("If a thing has been practiced for two hundred years by common consent, it will need*
18 *a strong case for the Fourteenth Amendment to affect it[.]."); Walz v. Tax Comm'n, 397 U.S. 664, 678 (1970) ("It*
19 *is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use .*
20 *. . . Yet an unbroken practice . . . is not something to be lightly cast aside."). And while Congress cannot take*
21 *away the citizenship of individuals covered by the Citizenship Clause, it can bestow citizenship upon those not*
22 *within the Constitution's breadth. See U.S. Const. art. IV, § 3, cl. 2 ("Congress shall have Power to dispose of*
23 *and make all needful Rules and Regulations respecting the Territory belonging to the United States[***]."); id.*
24 *at art. I, § 8, cl. 4 (Congress may "establish a uniform Rule of Naturalization . . ."). To date, Congress has*
25 *not seen fit to bestow birthright citizenship upon American Samoa, and in accordance with the law, this Court*
26 *must and will respect that choice.¹⁶*
27 *[Tuaua v. U.S.A., 951 F.Supp.2d. 88 (2013)]*

28 We can see from the above cases that:

- 29 1. Citizens of the District of Columbia are NOT CONSTITUTIONAL citizens within the meaning of the Fourteenth
30 Amendment. This geographical area is the ONLY geographical area expressly included in the statutory geographical
31 "United States" within the Internal Revenue Code, at least by default.
32 2. From Tuaua above, we see that STATUTES describing citizenship are UNNECESSARY among those who are
33 CONSTITUTIONAL (Fourteenth Amendment) citizens.

34 *"If the Citizenship Clause [of the FOURTEENTH AMENDMENT] guaranteed birthright citizenship in*
35 *unincorporated territories, these statutes would have been unnecessary."*

- 36 3. Thus, according to the D.C. District Court, from whom U.S. Supreme Court justices are usually selected:
37 3.1. The CONSTITUTION (Fourteenth Amendment) does NOT confer any kind of citizenship to people in
38 unincorporated territories, including the District of Columbia.
39 3.2. If the Constitution in the Fourteenth Amendment prescribes citizenship by birth, no statute, INCLUDING 8
40 U.S.C. §1401, is necessary to CONFER such citizenship.
41 3.3. Thus, to confer "citizen" status to people in the STATUTORY geographical United States defined in 26 U.S.C.
42 §7701(a)(9) and (a)(10) such as the District of Columbia, ONLY statutes can do so.

43 Next, we must look at whether the STAUTORY "citizen" mentioned in 26 C.F.R. §1.1-1(c) is a POLITICAL citizen or a
44 DOMICILED/CIVIL citizen:

- 45 1. There are TWO components of citizenship: NATIONALITY and DOMICILE.

46 *In Udny v. Udny (1869), L.R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the*
47 *question whether the domicile of the father was in England or in Scotland, he being in either alternative a British*
48 *subject. Lord Chancellor Hatherley said: 'The question of naturalization and of allegiance is distinct from that*
49 *of domicile.' Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by*
50 *saying: 'The law of England, and of almost all civilized countries, ascribes to each individual at his birth two*
51 *distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some*
52 *particular country, binding him by the tie of natural allegiance, and which may be called his political status;*
53 *another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as*
54 *such is possessed of certain municipal rights, and subject to certain obligations, which latter*
55 *character is the civil status or condition of the individual, and may be*
56 *quite different from his political status.'* And then, while maintaining that the civil status is

universally governed by the single principle of domicile (domicilium), the criterion established by international law for the purpose of determining civil status, and the basis on which 'the personal rights of the party—that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy—must depend,' he yet distinctly recognized that a man's political status, his country (patria), and his 'nationality,—that is, natural allegiance,—'may depend on different laws in different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects. [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;SOURCE: http://scholar.google.com/scholar_case?case=3381955771263111765]

2. NATIONALITY deals with POLITICAL status.
3. DOMICILE deals with CIVIL and STATUTORY status.
4. Courts derive CIVIL jurisdiction based on your DOMICILE pursuant to Federal Rule of Civil Procedure 17.
5. The origin of CIVIL statutory jurisdiction has NOTHING TO DO with your nationality or political status.
6. The STATUTORY “national and citizen of the United States at birth” at 8 U.S.C. §1401 recognizes these TWO components of citizenship:
 - 6.1. “national” is the political status.
 - 6.2. “citizen” is the CIVIL statutory status.
7. Real constitutional Courts CANNOT deal with “political questions”, meaning they cannot entertain cases involving ONLY one’s political status or nationality, except possibly to CONFER such nationality under the rules of naturalization. See:

Political Jurisdiction, Form #05.004
<https://sedm.org/Forms/05-MemLaw/PoliticalJurisdiction.pdf>

To be “subject to ITS jurisdiction in 26 C.F.R. §1.1-1(c) INSTEAD of “subject to THE jurisdiction” in the Fourteenth Amendment, a predicate domicile is necessary in order to confer CIVIL STATUTORY jurisdiction under Federal Rule of Civil Procedure 17. “ITS” is singular. “THE is plural and refers to the ENTIRE “State” consisting of every human being acting as a constitutional citizen or resident.

“State. A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. United States v. Kusche, D.C.Cal., 56 F.Supp. 201 207, 208. The organization of social life which exercises sovereign power in behalf of the people. Delany v. Moralitis, C.C.A.Md., 136 F.2d. 129, 130. In its largest sense, a “state” is a body politic or a society of men. Beagle v. Motor Vehicle Acc. Indemnification Corp., 44 Misc.2d 636, 254 N.Y.S.2d. 763, 765. A body of people occupying a definite territory and politically organized under one government. State ex re. Maisano v. Mitchell, 155 Conn. 256, 231 A.2d. 539, 542. A territorial unit with a distinct general body of law. Restatement, Second, Conflicts, §3. Term may refer either to body politic of a nation (e.g. United States) or to an individual government unit of such nation (e.g. California).

[...]

***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 cause, “The State vs. A.B.”*

[Black’s Law Dictionary, Sixth Edition, p. 1407]

“State” means PEOPLE, not GOVERNMENTS. “Domicile” means allegiance to the CIVIL government protecting a territory and not necessarily the “State” it serves. Domicile is voluntary, NATIONALITY often isn’t. You don’t get to choose where you are BORN. This is explained in:

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

Since according to the Declaration of Independence, all just government authority derives from CONSENT, and an act of birth is not an act of consent, then domicile which is voluntary always has to be a prerequisite for tax liability or else unconstitutional slavery is the result, in violation of the Thirteenth Amendment. This is exhaustively proven above. Courts have also agreed with this assessment:

“Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth

Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course, the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration being a tax on realty laid by the state in which the realty is located.”
[Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

“This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or naturalized citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if he breaks them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in the same way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly all respects, his and their condition as to the duties and burdens of Government are undistinguishable.”
[Fong Yue Ting v. United States, [149 U.S. 698](#) (1893)]

Based on this exhaustive analysis and evidence presented, we can therefore safely conclude that:

1. The basis for income tax is ALWAYS domicile, and not NATIONALITY.
2. Domicile is ALWAYS geographical.
3. NATIONALITY after birth is NOT GEOGRAPHICAL. It affixes to someone at the time of birth and does not change based on location.
4. Nationality is equivalent to allegiance. See 8 U.S.C. §1101(a)(21).
5. NATIONALITY is the basis for issuing a USA passport, not DOMICILE. 22 U.S.C. §212.
6. Nationality establishes one’s POLITICAL status and ELIGIBILITY for membership in a political community.

“There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.”

“For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words ‘subject,’ ‘inhabitant,’ and ‘citizen’ have been used, and the choice between them is sometimes made to depend upon the form of the government. Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States[***]. When used in this sense it [the word “citizen”] is understood as conveying the idea of membership of a nation, and nothing more.”

“To determine, then, who were citizens of the United States[***] before the adoption of the amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.”
[Minor v. Happersett, [88 U.S. 162](#) (1874)]

7. Birth alone does not make one a member of a political community. That would be a violation of the First Amendment. Some form of consent BEYOND birth is necessary to establish such membership. That consent manifests itself by a VOLUNTARY civil domicile within a specific geographical locale. If one does not choose or does not WANT a domicile, they would be described as any one of the following:
 - 7.1. “Stateless person”.
 - 7.2. “Nonresident”.
 - 7.3. “Transient foreigner”.
 - 7.4. “In transitu”.
8. Consistent with the above, you cannot register to vote or serve on jury duty WITHOUT a voluntary civil domicile.
9. Because political participation is predicated upon DOMICILE and not NATIONALITY, and because obligation to pay income tax ATTACHES to DOMICILE and not NATIONALITY, then in effect, the income tax functions as the equivalent of an UNCONSTITUTIONAL POLL TAX. See:

Proof of Facts: That the Income Tax is an UNCONSTITUTIONAL Poll Tax, SEDM https://sedm.org/proof-that-the-income-tax-is-a-poll-tax/
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1 10. The “citizens” and “residents” described in 26 C.F.R. §1.1-1 as persons “LIABLE TO” rather than “LIABLE FOR” the
2 income tax have in common a VOLUNTARY CIVIL DOMCILE within the statutory geographical “United States” in
3 26 U.S.C. §7701(a)(9) and (a)(10).

4 11. You can only have ONE domicile at a time.

5 11.1. The separation of powers doctrine forbids state and federal civil jurisdiction to overlap geographically. See:

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

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

6 11.2. Thus, you can only owe income tax to ONE entity at a time absent your consent: State or Federal.

7 11.3. You can therefore owe income tax based on domicile to ONE of the two entities. Only if you CONSENT to be a
8 “taxpayer” in the one you are not domiciled within can you be liable to income tax to that party.

9 12. The description (but not “definition”) of “nonresident alien” in 26 U.S.C. §7701(b)(1)(B) could have been VASTLY
10 simplified by stating the following without losing any degree of accuracy:

11 26 U.S.C. §7701(b)(1)(B) Nonresident alien

12 An individual is a nonresident alien if such individual *is not domiciled in the statutory geographical United*
13 *States* (within the meaning of subparagraph (A)).

14 13. The Treasury Department did not write the definition as above because they didn’t want to make the exit door to the
15 income tax scam too obvious. Doing so would render their revenue almost zero and their services unnecessary:



16 14. To DISGUISE and disable the exit door to the scam income tax system, the Treasury therefore:

17 14.1. Added “alien” to the end of the term “nonresident” so that most Americans would not think that it includes them.
18

- 14.2. Made the description of “nonresident alien” into a NEGATIVE by describing what it IS NOT, rather than what it IS, which is simply someone NOT DOMICILED within the statutory geographical “United States”.
- 14.3. Used the word “citizenship” to describe the type of “citizen” subject to income tax. “citizenship” is usually synonymous with DOMICILE in federal court:

“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)]

- 14.4. Avoided using the terms “nationality” or “domicile” to describe the “citizen” that is the subject of the tax so that the reader cannot quickly determine the exact ORIGIN of the liability to tax. They want people to FALSELY believe that an act of BIRTH which is not voluntary is the origin of tax liability and that death and taxes are therefore UNAVOIDABLE, except possibly by expatriation.

Put together, this section therefore documents a CONSPIRACY to commit criminal identity theft, and transport your legal identity to a legislatively foreign jurisdiction and make you an involuntary officer of the national government who has a duty to perform without pay. That identity theft is described in:

1. Identity Theft Affidavit, Form #14.020
https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf
2. Government Identity Theft, Form #05.046
<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

The ENTIRE Babylonian system of usury, exploitation, and conquest that is the income tax DEPENDS on three tactics according to the following sermon, all of which are described here:

1. Isolation.
 - 1.1. Refuse to issue you state identification which is mandatory in order to conduct large financial transactions. State identification then always has DOMICILE bundled with it. If you refuse state identification, you in effect are targeted with what politicians call “economic sanctions” at an international level. The ONLY way to prevent this sort of malicious destruction of constitutional rights is to ensure that the state issues identification to BOTH domiciliaries and NONRESIDENTS as well and does not make domicile a prerequisite to obtaining any kind of identification.
 - 1.2. “Cancel you” or punish you financially if you refuse to legally or politically associate with a domicile or by becoming a political citizen.
 - 1.3. Deprive you of work unless you sign a Form W-4 falsely declaring you are a government public officer “employee” under 26 U.S.C. §3401(c).
 - 1.4. Reject your W-8SUB, Form #04.231 protecting your freedom and autonomy and threaten to not hire or fire you or not promote you if you insist on filing it.
 - 1.5. “Dox” you so that people will come to your house and deny you business privately.
 - 1.6. Involuntarily expatriate dissidents like England does to terrorists. This is illegal in this country per Afroyim v. Rusk, 387 U.S. 253 (1967).
2. Indoctrination.
 - 2.1. LIE to the public in your publications using mainly logical fallacies, equivocation, and disclaimers of all liability for telling the truth. The courts and the IRS both agree that you can’t rely on the accuracy of anything they say or publish, including on their forms, unless THEY sign under penalty of perjury, which of course they would NEVER do. See:
 - 2.1.1. Reasonable Belief About Income Tax Liability, Form #05.007
<https://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>
 - 2.1.2. Legal Deception, Propaganda, and Fraud, Form #05.014
<https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
 - 2.2. Judicially invent an arbitrary doctrine NOT found in the constitution (unconstitutional) called “sovereign immunity” so that the government is completely immune from lawsuit against it for violations of constitutional

rights. This has the effect of repealing all constitutional protections in suits against the government collective. It also demoralizes people from seeking judicial remedy for violations of rights. See:

Rebutted False Arguments About Sovereignty, Form #08.018, Section 2.1

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

- 2.3. Annually, parade a famous personality into the public square who refuses to volunteer to become a STATUTORY domiciled "citizen" or "resident". This amounts to public terrorism no unlike public executions that the Muslims routinely engage in. Wesley Snipes is one such example. And by the way, he used SEDM materials in his defense!
- 2.4. Flood you with FALSE legal and government propaganda to make you think that it's legal to make you a slave without your consent.
- 2.5. Filter the media so you aren't allowed to learn Third Rail Issues in this document.
- 2.6. Illegally enjoin organizations like ours to shut them up about Third Rail Issues such as those in this document.
- 2.7. Remove civics and legal education from all public schools so that the average American is helpless in court and has to hire a priest of a civil religion called an "attorney" to represent not them, but the straw man office they have been compelled at gunpoint to fill called civil statutory "citizen" or "resident". These attorneys will never talk about the Third Rail Issues in this document because they fear losing their license and literally starving to death. See:

Petition for Admission to Practice, Family Guardian Fellowship

<https://famguardian.org/Subjects/LawAndGovt/LegalEthics/PetForAdmToPractice-USDC.pdf>

- 2.8. For more on Third Rail Issues, see:

Third Rail Government Issues, Form #08.032

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

3. Identity alteration.

- 3.1. Call EVERYONE a statutory "taxpayer", "citizen", and "resident" and treat them like one, even though all these statuses are voluntary. This is called "marketing". See:

Your Rights as a "Nontaxpayer", Publication 1a, Form #08.008

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

- 3.2. Change your legal status to that of a VOLUNTARY DOMICILIARY so that you can be controlled and regulated with civil statutory law.
- 3.3. Because you VOLUNTEERED for the civil status by "electing" a civil domicile, you are by definition a STATUTORY civil "citizen" and "resident". You can't become one any other way.
- 3.4. Because you volunteered for the civil statutory status of "citizen" and "resident", they can attach ANY obligation they want without compensation. This is because you cannot claim an injury for anything you consent to. You have no standing in court to do so as described in:

Requirement For Consent, Form #05.002

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

The BIBLICAL version of the above is:

1. Isolation. Jeremiah 1. The Israelites were placed in exile and isolated from their people. In modern times, this is what the "cancel culture" does: Cut people off economically from their support system until they assimilate into the group that is attacking them.
2. Indoctrination. Dan 1:1-4. The Israelites were taught to believe and think like the conquerors. In modern times, this is done with legal deception and media propaganda. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

3. Compelled to accept the King's privileges. Dan. 1:5. This is done to keep them in fear of losing something they value so that they will not disobey. In modern times, this is done with benefits, privileges, and franchises. See:

Government Instituted Slavery Using Franchises, Form #05.030

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

4. Identity alteration. Dan. 1:7. The captives were renamed. The names were created by the conqueror and whatever they create they literally own as property. In modern times, this is done by assigning fictional civil statuses to people, such as "person", "citizen", "resident", etc. to in effect appoint them into service of the government under a state sponsored franchise. See:

Government Identity Theft, Form #05.046

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

You can watch an entire Christian sermon on how the above process works biblically below:

Thriving in Babylon: Exile, Newbreak.church
https://youtu.be/RM_0U92DNsM

You can also see diagrams of how this program of conquest and exploitation works within any society by reading the following:

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

Now that you understand how the IDENTITY THEFT program of the usurpers works in destroying the separation of powers and enslaving us all, you will understand the following warning at the bottom of the opening page of the SEDM 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 Opening Page; <http://sedm.org>]

Lastly, if you want additional techniques of either proving that you are a "nonresident alien" or proving that you are NOT a STATUTORY 8 U.S.C. §1401 or 26 C.F.R. §1.1-1 "citizen", then see:

1. The next section.
2. Section 7.4 later.
3. *Citizenship Diagrams*, Form #10.010
<https://sedm.org/Forms/10-Emancipation/CitizenshipDiagrams.pdf>
4. *Citizenship Status v. Tax Status*, Form #10.011
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
5. *Property View of Income Taxation Course*, Form #12.046, Section 11: How American Nationals Born in States of the Union become "citizens" under 26 C.F.R. §1.1-1.
<https://sedm.org/LibertyU/PropertyViewOfIncomeTax.pdf>
6. *Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

7.4 Proof that the "citizen of the United States" in 26 C.F.R. §1.1-1(a) is a GEOGRAPHICAL citizen and not a POLITICAL or FOURTEENTH AMENDMENT citizen

The regulation at 26 C.F.R. §1.1-1 mentions TWO types of "citizens":

1. 26 C.F.R. §1.1-1(c) describes a Political/Territorial Citizens* in 26 U.S.C. §1401.
2. 26 C.F.R. §1.1-1(a) describes a CIVIL/DOMICILED Citizen**+D domiciled within the exclusive jurisdiction of Congress. Our site defines THIS type of "citizen**+D of the United States**" as a STATUTORY citizen. See:

SEDM Disclaimer, Section 4.17
<https://sedm.org/disclaimer.htm#4.17>. **Statutory Citizen**

NEITHER of the above types of “citizens” include POLITICAL/CONSTITUTIONAL citizens described in the Fourteenth Amendment. Further, there is NO EXPRESS AUTHORITY for a POLITICAL/CONSTITUTIONAL Citizen* under the Fourteenth Amendment domiciled within the exclusive jurisdiction of a constitutional state to make an “election” that might cause them to be treated “AS IF” they fit in EITHER of the above two categories. This section will address that issue further.

The definition of statutory geographical “United States” as used in the phrase “citizen**+D of the United States**” at 26 C.F.R. §1.1-1(a), is as follows. Note that CONSTITUTIONAL states of the Union are purposefully excluded per the rules of statutory construction.

26 U.S. Code § 7701 - Definitions

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

(9) UNITED STATES

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

(10) STATE

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

4 U.S. Code § 110 – The States

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

26 U.S.C. §872(b)(8) identifies “possessions” indicated above as a “foreign country” and thus not part of the statutory geographical “United States”. Thus, statutory “U.S. nationals” under 8 U.S.C. §1408 such as American Samoa and Swain’s Island are “nonresident aliens”. 26 U.S.C. §2209 also identifies even statutory “citizens of the United States” under 8 U.S.C. §1401 born in Puerto Rico as “nonresident not a citizen of the United States” and therefore “nonresident aliens” also. Therefore, the statutory geographical “United States” in the term “citizen of the United States” within the Internal Revenue Code does not include anything BUT the District of Columbia and no part of the exclusive jurisdiction of any state of the Union. The term “United States” cannot be extended by the consent of the reader either, because that would unconstitutionally enlarge a definition and allow the reader to in effect exercise a legislative function reserved only to Congress.

“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)]

“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”
[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]

These inferences are also consistent with the definition of “United State” in the regulations under I.R.C. §7701:

[26 C.F.R. §301.7701-7 - Trusts—domestic and foreign.](#)

§301.7701-7 Trusts—domestic and foreign.

(c) The court test—

(1) Safe harbor.

A trust satisfies the court test if—

(i) Court.

The term court includes any federal, [state](#), or local court.

(ii) The United States.

The term the United States is used in this section [section 7701] in a geographical sense. Thus, for purposes of the court test, the United States includes only the States and the District of Columbia. See section 7701(a)(9). Accordingly, a court within a territory or possession of the United States or within a foreign country is not a court within the United States.

26 C.F.R. §1.911-2(g) describes which “citizen” is the subject of the Internal Revenue Code:

[26 C.F.R. § 1.911-2 - Qualified individuals.](#)

(g) United States.

The term “United States” when used in a geographical sense includes any territory under the sovereignty of the United States. It includes the states, the District of Columbia, the possessions and territories of the United States, the territorial waters of the United States, the air space over the United States, and the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources.

Note that for the purposes of the word “territory” as used above, it EXCLUDES any part of a constitutional state of the Union.

“§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 C.J.S. [Corpus, Juris, Secundum, Legal Encyclopedia], Territories]

For clarification, the term “state” in the Internal Revenue Code is always in lower case when it refers to a legislatively but not constitutionally “foreign” state such as a state of the Union, as it does in the case of the presence text in that it applies ONLY to aliens and never Fourteenth Amendment citizens.

1 [26 C.F.R. §301.7701\(b\)-1 - Resident alien.](#)

2 (c) Substantial presence test—

3 (1) In general.

4 *An alien individual is a resident alien if the individual meets the substantial presence test. An individual satisfies*
5 *this test if he or she has been present in the United [States](#) on at least 183 days during a three year period that*
6 *includes the current year. For [purposes](#) of this test, each day of presence in the current year is counted as a full*
7 *day. Each day of presence in the first preceding year is counted as one-third of a day and each day of presence*
8 *in the second preceding year is counted as one-sixth of a day. For [purposes](#) of this paragraph, any fractional*
9 *days [resulting](#) from the above calculations will not be rounded to the nearest whole number. (See [§ 301.7701\(b\)-](#)*
10 *9(b)(2) for [transitional rules](#) for calendar years 1985 and 1986.)*

11 (2) Determination of presence—

12 (i) Physical presence.

13 *For [purposes](#) of the substantial presence test, an individual shall be treated as present in the United [States](#) on*
14 *any day that he or she is physically present in the United [States](#) at any time during the day. (But see [§ 301.7701\(b\)-](#)*
15 *3 relating to days of presence that may be excluded.)*

16 (ii) United States.

17 *For [purposes](#) of section 7701(b) and the regulations thereunder, **the term United States when used in a***
18 ***geographical sense includes the states [LOWER case and therefore legislatively foreign] and the District of***
19 ***Columbia**. It also includes the territorial waters of the United [States](#) and the seabed and subsoil of those*
20 *submarine areas which are adjacent to the territorial waters of the United States and over which the United States*
21 *has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of*
22 *natural resources. It does not include the possessions and territories of the United [States](#) or the air space over*
23 *the United States.*

24 The above is the presence test for ONLY “alien individuals” and never citizens nor nationals nor Fourteenth Amendment
25 “citizens of the United States”. Unlike Fourteenth Amendment citizens, Congress has jurisdiction over aliens within the
26 legislatively foreign Constitutional states as a foreign affairs function. Therefore, the “citizen” the tax is imposed upon is a
27 STATUTORY privileged fiction domiciled on federal territory and not a POLITICAL or CONSTITUTIONAL Fourteenth
28 Amendment citizen born within the exclusive jurisdiction of a constitutional state.

29 Bing ChatGPT attempts to LIE about this subject, as you can see from the article below:

Bing ChatGPT: Proof that ChatGPT is LYING about what a “U.S. citizen” is in the Internal Revenue Code, SEDM
<https://sedm.org/bing-chatgpt-proof-that-chatgpt-is-lying-about-what-a-u-s-citizen-is-in-the-internal-revenue-code/>

30 Individual has a VERY specific meaning depending on context:

- 31 1. **DOMESTIC TAXATION:** an alien that satisfies the presence test in 26 U.S.C. §7701(b)(1).
32 2. **FOREIGN TAXATION:** A “qualified individual” acting as an alien in a foreign country and coming under a tax treaty
33 under the presence test at 26 C.F.R. §1.911-1(c). This person claims the VOLUNTARY status of “citizen of the
34 United States” as United States is defined geographically and not corporately in 26 U.S.C. §7701(a)(9) and includes no
35 part of a state of the Union.

36 It is therefore IMPOSSIBLE to BE a statutory “individual” without being a privileged alien, either at home or abroad and
37 there is NO presence test for those NOT acting as aliens in some capacity. Thus, all citizens and nationals DOMESTICALLY
38 are ALWAYS nonresidents. This is also confirmed by the Presence Test in 26 U.S.C. §7701(b), which applies ONLY to
39 “alien individuals” and NEVER to Fourteenth Amendment “citizens of the United States***”. Fourteenth Amendment
40 POLITICAL/CONSTITUTIONAL Citizens* are NONRESIDENTS everywhere in the WORLD. They can only become
41 subject to the exclusive jurisdiction of the national government by PHYSICALLY residing on federal territory AND
42 consensually ELECTING a civil domicile. It is FRAUD to claim a domicile in a physical place you don’t ACTUALLY
43 reside in. AND you can only have a domicile in ONE place at a time, so you can’t simultaneously be domiciled within the
44 exclusive jurisdiction of a Constitutional state and the exclusive jurisdiction of the national government. No one can FORCE
45 that domicile or force you to have TWO domiciles and if they do, they are committing criminal identity theft. See:

Notice that "citizen" used in 26 C.F.R. §1.911-2 is GEOGRAPHICAL. In *Walby v. United States*, 144 Fed.Cl. 1, 122 A.F.R.T.2d (RIA) 2019-5227 (2019), the Court of Claims INCORRECTLY treated what it admitted was Fourteenth Amendment citizen as an ALIEN by INCORRECTLY applying the presence test in 26 U.S.C. §7701(b)(1) that only applies to "alien individuals". This was either FRAUD or an indirect admission that constitutional citizens are not "nationals" from the perspective of I.R.C. "national" used in the definition of "alien individual" in 26 C.F.R. §1.1441-1(c)(3)(i) is nowhere defined. HOWEVER, "national" means ALLEGIANCE, and that allegiance is to the GOVERNMENT and not the sovereigns in the states of the Union. So, it's a different kind of allegiance than that resulting from constitutional citizenship. And remember that allegiance is NONGEOGRAPHICAL ALWAYS, unlike "citizen" status which is always GEOGRAPHICAL.

Additional evidence supporting this section:

1. *You're not a STATUTORY "citizen" under the Internal Revenue Code*, Family Guardian Fellowship
<https://famguardian.org/Subjects/Taxes/Citizenship/NotACitizenUnderIRC.htm>
2. *How You are Illegally Deceived or Compelled to Transition from Being a Constitutional Citizen/Resident to a Statutory Citizen/Resident: By Confusing the Two Contexts*, Family Guardian Fellowship
<https://famguardian.org/Subjects/LawAndGovt/Citizenship/HowCitObfuscated.htm>
3. *Citizenship Status v. Tax Status*, Form #10.011
<http://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
4. *Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

8 Nonresident Alien v. U.S. Person⁵

This ministry takes the position that the only acceptable method of filing is Form 1040-NR or Form 1040-NR-EZ. Most Americans, on the other hand, if they file, will file a Form 1040. The following subsections will show you the differences between how most Americans normally file, and how members of this ministry must file so you see the changes that are ahead if you want to be compliant.

We would argue that the main reason most Americans file the Form 1040 is legal ignorance and the fact that it is much simpler than the Form 1040-NR. This is a VERY costly approach in terms of money and freedom.

8.1 Tabular Comparison of Nonresident Alien Position to U.S. Person Position⁶

The following table compares the two major approaches to taxation:

Table 3: Nonresident Alien Position v. U.S. Person Position

#	Characteristic	Nonresident Alien Position	U.S. Person Position
1	Described in what form #?	Form #09.081 Form #05.020 Form #12.045	Form #05.053
2	Parties tax imposed on but NEVER "made liable" (See Form #08.024 for proof it's voluntary)	"nonresident aliens" engaged in a "trade or business". "Foreign estate" if no "trade or business" earnings per 26 U.S.C. §7701(a)(31)	Citizens of the United States** (federal zone) Residents of the United States** (federal zone)
3	Geographical area where it applies	1. Worldwide for 26 U.S.C. §871(b) "trade or business" earnings upon GROSS RECEIPTS. 2. Geographical "United States" upon PROFIT under 26 U.S.C. §871(a).	Worldwide but parties are domiciled on federal territory. "Taxpayer" office and "officer" have two different domiciles.

⁵ Source: *Non-Resident Non-Person Position*, Form #05.020, Section 2.3; <https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>.

⁶ Source: *"U.S. Person" Position*, Form #05.053, Section 12; <https://sedm.org/Forms/FormIndex.htm>.

#	Characteristic	Nonresident Alien Position	U.S. Person Position
4	Status established by	Filing 1040NR (changes status of SSN to “foreign person” per 26 C.F.R. §301.6109-1(g)(1)(i))	Filing 1040 (changes status of SSN to “U.S. person” per 26 C.F.R. §301.6109-1(g)(1)(i))
5	Popular among	Private humans	Those practicing law who are worried about losing their license
6	Amount of education/confrontation with withholding agents	High	Low
7	Allows for substitute forms in the regulations?	Yes	Yes
8	Citizenship of those who use it	POLITICAL citizens*	CIVIL/DOMICILED citizens**+D
9	Complexity	Very complex	Very simple
10	Requires modification of forms or defining terms to properly use for state domiciled parties?	Yes	Yes
11	Requires accepting a civil privilege?	No	Yes (CIVIL/DOMICILED “citizen**+D of the United States” and SSN/TIN)
12	Withholding form to use	Form W-8 (modified because not a statutory “individual” or “alien”)	Modified W-9 (modified to define “U.S.” to exclude that in 26 U.S.C. §7701(a)(9) and (a)(10)). DO NOT use W-4!
13	Tax Return Form	1. Form 1040NR modified or with attachment. 2. No tax return required if not engaged in a public office and no income from “sources within the United States**” (federal zone)	1040 modified or custom form
14	Subject to information return reporting? (See Form #04.001)	No	No
15	A STATUTORY “citizen of the United States” under 8 U.S.C. §1401?	No	Yes
16	A “national of the United States***”	Yes, in the case of those born and domiciled in a Constitutional state of the Union.	No
17	A “a person who, though not a citizen of the United States, owes permanent allegiance to the United States” per 8 U.S.C. §1101(a)(22)(B)	Yes, in the case of those born and domiciled in a U.S. possession	No
18	A STATUTORY “nonresident alien”?	1. No for those not engaged in a public office. 2. Yes for those lawfully engaged in a public office.	No
19	A STATUTORY “individual” or “person”?	Not always. 1. 26 U.S.C. §873(b)(4) in the case of “nationals” taking privileged deductions and 2. 26 C.F.R. §1.1441-1(c)(3) in the case of aliens	Yes, but only when abroad per 26 U.S.C. §911(d)(1) as a “qualified individual”
20	Domiciled on federal territory?	No	Yes
21	Required to Use SSN or TIN on withholding documents?	No. 31 C.F.R. §306.10, Note 2, 31 C.F.R. §1020.410(b)(3)(x), 26 C.F.R. §301.6109-1(b)(2)	Yes. 26 C.F.R. §1.1441-1, 26 C.F.R. §301.6109-1(b)(1)
22	“gross income” subject to tax	Only earnings from the statutory geographical “United States” in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d). Collectively called “the federal zone” or connected to a “trade or business” worldwide. See 26 U.S.C. §871.	Worldwide earnings. See: 1. Cook v. Tait, 265 U.S. 47 (1924). 2. 26 C.F.R. §1.1-1(b).
23	Deductions and exemptions on “gross income”	Only in the case of “effectively connected income” pursuant to 26 U.S.C. §871(b), 26 U.S.C. §873, and 26 U.S.C. §162.	1. All earnings subject to deductions (because EVERYTHING earned is “trade or business” pursuant to 26 C.F.R. §1.1-1(b)) 2. Foreign earned income exclusion if abroad under 26 U.S.C. §911(b)(2).

#	Characteristic	Nonresident Alien Position	U.S. Person Position
24	Examples of U.S. sourced payments subject to withholding and reporting	1. Social Security (26 U.S.C. §873(a)(3)) 2. Earnings from federal corporations including "U.S. Inc" (see Brushaber v. Union Pacific Railroad, 240 U.S. 1 (1916))	None. See: 1. 26 U.S.C. §1441(d)(1). 2. Treasury Decision (T.D.) 8734: <u>"To the extent withholding is required under chapter 3 of the Code, or is excused based on documentation that must be provided, none of the information reporting provisions under chapter 61 of the Code apply, nor do the provisions under section 3406."</u> [Treasury Decision 8734, 62 F.R. 53391, (October 14, 1997); SEDM Exhibit #09.038]
25	Income from "employment" within the "United States" not subject to reporting or withholding	None if not connected with a "trade or business" or not "wages" (no W-4). 26 C.F.R. §31.3401(a)(6)-1.	Everything (see 26 U.S.C. §1441(d)(1) and T.D. 8734 in previous item)
26	Required to use a Social Security Number?	Only if engaged in a "trade or business", or filing as a resident alien. See 26 C.F.R. §301.6109-1(b)(2).	Always. 26 C.F.R. §301.6109-1(b)(1).
27	Subject to Affordable Care Act? ⁷	No	Yes
28	Subject to FATCA reporting? ⁸	No	Yes
29	Can take deductions on tax return?	Only on earnings "effectively connected with a trade or business" under 26 U.S.C. §162 and entered on 1040-NR return. Schedule NEC can't take deductions	Yes (for EVERYTHING on return)
30	Tax imposed by	26 U.S.C. §871 Tax on Nonresident alien individuals 26 U.S.C. §872 Gross Income 26 U.S.C. §873 Deductions	26 U.S.C. §1 Tax imposed 26 U.S.C. §61 Gross income defined 26 U.S.C. §861 Income from sources within the United States 26 U.S.C. §862 Income from sources without the United States
31	Status defined in	26 U.S.C. §7701(b)(1)(B)	26 U.S.C. §7701(a)(30)
32	Subject to backup withholding?	Only in the case of "reportable payments" under 26 U.S.C. §3406(b) connected to the "trade or business" franchise.	No

8.2 How does a STATUTORY "U.S. Person" become a "Nonresident Alien"?

A STATUTORY "U.S. Person" ceases to have that status when they terminate their domicile on federal territory, which is called the "United States" in federal statutes:

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

(a) *Definitions*

(9) *United States*

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

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

(a) *Definitions*

(10) *State*

⁷ See: Patient Protection and Affordable Care Act, Wikipedia; https://en.wikipedia.org/wiki/Patient_Protection_and_Affordable_Care_Act

⁸ See: Foreign Account Tax Compliance Act (FATCA), IRS; <https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca>.

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.

The principle of civil status is universally governed by the domicile of the party, which is entirely voluntary. You may change your domicile at any time. If you don't have a domicile in a specific place, then you are a "non-resident non-person" under the civil and tax statutes of that place. Domicile is exhaustively described in the following memorandum of law on our site:

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

The law of domicile is the exclusive means of determining one's "civil status" under the civil statutory laws of a given territory:

§ 29. Status

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 domicil. The older jurists, whose opinions are fully collected by Story I and Burge, 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, thus states the doctrine broadly: "The civil status is governed by one single principle, namely, that of domicil, 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, 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 domicil; 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."
[A Treatise on the Law of Domicil, National, Quasi-National, and Municipal, M.W. Jacobs, Little, Brown, and Company, 1887, p. 89]

We have already established that civil law attaches to one's VOLUNTARY choice of civil domicile. Civil law, in turn, enforces and thereby delivers certain "privileges" against those who are subject to it. In that sense, the civil law acts as a voluntary franchise or "protection franchise" that is only enforceable against those who voluntarily consent to avail themselves of its "benefits" or "protections". Those who voluntarily and consensually avail themselves of such "benefits" and who are therefore SUBJECT to the "protection franchise" called domicile, in turn, are treated as public officers within the government under federal law, as is exhaustively established in the following memorandum:

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

The key thing to understand about all franchises is that the Congressionally created privileges or "public rights" they enforce attach to specific STATUSES under them. An example of such statuses include:

1. "Person" or "individual".
2. "Alien"
3. "Nonresident alien"
4. "Driver" under the vehicle code of your state.
5. "Spouse" under the family code of your state.
6. "Taxpayer" under the Internal Revenue Code at 26 U.S.C. §7701(a)(14).
7. "Citizen", "resident", or "inhabitant" under the civil laws of your state.

The above civil statutory statuses:

1 Are contingent for their existence on a DOMICILE in the geographical place or territory that the law applies to.
2 Hence, a "nonresident alien" or even "alien" civil status within the Internal Revenue Code, for instance, only applies if
3 one is PHYSICALLY PRESENT on federal territory or consensually domiciled there. If you are not physically on
4 federal territory and not domiciled there and not representing a public office domiciled there, you CANNOT be
5 ANYTHING under the Internal Revenue Code.
6 2 Are TEMPORARY, because your domicile can change.
7 3 Extinguish when you terminate your domicile and/or your presence in that place.
8 4 Are the very SAME "statuses" you find on ALL government forms and applications, such as voter registrations,
9 drivers' license applications, marriage license applications, etc. The purpose of filling out all such applications is to
10 CONTRACT to PROCURE the status indicated on the form and have it RECOGNIZED by the government grantor
11 who created the privileges you are pursuing under the civil law franchises that implement the form or application.

12 The ONLY way to AVOID contracting into the civil franchise if you are FORCED to fill out government forms is to:

- 13 1. Define all terms on the form in a MANDATORY attachment so as to EXCLUDE those found in any government law.
14 Write above your signature the following:

15 *"Not valid, false, fraudulent, and perjurious unless accompanied by the SIGNED attachment entitled*
16 *_____, consisting of ___ pages."*

- 17 2. Indicate "All rights reserved, U.C.C. §1-308" near the signature line on the application.
18 3. Indicate "Non assumpsit" on the application, or scribble it as your signature.
19 4. Indicate "duress" on the form.
20 5. Resubmit the form after the fact either in person or by mail fixing the application to indicate duress and withdraw your
21 consent.
22 6. Ask the government accepting the application to indicate that you are not qualified because you do not consent and
23 consent is mandatory. Then show that denial to the person who is trying to FORCE you to apply.
24 7. Submit a criminal complaint against the party instituting the duress to get you to apply.
25 8. Notify the person instituting the unlawful duress that they are violating your rights and demand that they retract their
26 demand for you to apply for something.

27 Below is an authority proving this phenomenon as explained by the U.S. Supreme Court:

28 *In Udny v. Udny (1869) L. R., 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the*
29 *question whether the domicile of the father was in England or in Scotland, he being in either alternative a British*
30 *subject. Lord Chancellor Hatherley said: 'The question of naturalization and of allegiance is distinct from that*
31 *of domicile.' Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by*
32 *saying: 'The law of England, and of almost all civilized countries, ascribes to each individual at his birth two*
33 *distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some*
34 *particular country, binding him by the tie of natural allegiance, and which may be called his political status;*
35 *another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as*
36 *such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the*
37 *civil status or condition of the individual, and may be quite different from his political status.' And then, while*
38 *maintaining that the civil status is universally governed by the single principle*
39 *of domicile (domicilium), the criterion established by international law*
40 *for the purpose of determining civil status, and the basis on which 'the*
41 *personal rights of the party—that is to say, the law which determines his*
42 *majority or minority, his marriage, succession, testacy, or intestacy—*
43 *must depend,' he yet distinctly recognized that a man's political status, his*
44 *country (patria), and his 'nationality,—that is, natural allegiance,'—'may*
45 *depend on different laws in different countries.'* Pages 457, 460. He evidently used the
46 word 'citizen,' not as equivalent to 'subject,' but rather to 'inhabitant'; and had no thought of impeaching the
47 established rule that all persons born under British dominion are natural-born subjects.
48 [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;
49 SOURCE: http://scholar.google.com/scholar_case?case=3381955771263111765]

50 The protections of the Constitution and the common law, on the other hand, attach NOT to your STATUTORY status, but to
51 the LAND you stand on at the time you receive an injury from either the GOVERNMENT or a PRIVATE human being,
52 respectively:

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

4 The things that we wish to emphasize about this important subject are the following VERY IMPORTANT facts:

- 5 1. Your STATUS under the civil STATUTORY law is exclusively determined by the exercise of your PRIVATE,
6 UNALIENABLE right to both contract and associate, which are protected by the First Amendment to the United States
7 Constitution.
- 8 2. The highest exercise of your right to sovereignty is the right to determine and enforce the STATUS you have
9 CONSENSUALLY and VOLUNTARILY acquired under the civil laws of the community you are in.
- 10 3. Anyone who tries to associate a CIVIL statutory status with you absent your DEMONSTRATED, EXPRESS,
11 WRITTEN consent is:
 - 12 3.1. Violating due process of law.
 - 13 3.2. STEALING property or rights to property from you. The "rights" or "public rights" that attach to the status are
14 the measure of WHAT is being "stolen".
 - 15 3.3. Exercising eminent domain without compensation against otherwise PRIVATE property in violation of the state
16 constitution. The property subject to the eminent domain are all the rights that attach to the status they are
17 FORCING upon you. YOU and ONLY YOU have the right to determine the compensation you are willing to
18 accept in exchange for your private rights and private property.
 - 19 3.4. Compelling you to contract with the government that created the franchise status, because all franchises are
20 contracts.
 - 21 3.5. Kidnapping your legal identity and moving it to a foreign state, if the STATUS they impute to you arises under
22 the laws of a foreign state. This, in turn is an act of INTERNATIONAL TERRORISM in criminal violation of 18
23 U.S.C. §2331(1)(B)(iii).
- 24 4. All de jure government civil law is TERRITORIAL in nature and attaches ONLY to the territory upon which they have
25 EXCLUSIVE or GENERAL jurisdiction. It does NOT attach and CANNOT attach to places where they have only
26 SUBJECT matter jurisdiction, such as in states of the Union.

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

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

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

- 37 5. The prerequisite to having ANY statutory STATUS under the civil law of any de jure government is a DOMICILE
38 within the EXCLUSIVE jurisdiction of that specific government that enacted the statute.
- 39 6. You CANNOT lawfully acquire a statutory STATUS under the CIVIL laws of a foreign jurisdiction if you have either:
 - 40 6.1. Never physically been present within the exclusive jurisdiction of the foreign jurisdiction.
 - 41 6.2. Never EXPRESSLY consented to be treated as a "citizen", "resident", or "inhabitant" within that jurisdiction,
42 even IF physically present there.
 - 43 6.3. NOT been physically present in the foreign jurisdiction LONG ENOUGH to satisfy the residency requirements of
44 that jurisdiction.
- 45 7. Any government that tries to REMOVE the domicile prerequisite from any of the franchises it offers by any of the
46 following means is acting in a purely private, commercial capacity using PRIVATE and not PUBLIC LAW and the
47 statutes then devolve essentially into an act of PRIVATE contracting. Methods of acting in such a capacity include,
48 but are not limited to the following devious methods by dishonest and criminal and treasonous public servants:
 - 49 7.1. Treating EVERYONE as "persons" or "individuals" under the franchise statutes, INCLUDING those outside of
50 their territory.
 - 51 7.2. Saying that EVERYONE is eligible for the franchise, no matter where they PHYSICALLY are, including in
52 places OUTSIDE of their exclusive or general jurisdiction.

7.3. Waiving the domicile prerequisite as a matter of policy, even though the statutes describing it require that those who participate must be “citizens”, “residents”, or “inhabitants” in order to participate. The Social Security does this by unconstitutional FIAT, in order to illegally recruit more “taxpayers”.

8. When any so-called “government” waives the domicile prerequisite by the means described in the previous step, the following consequences are inevitable and MANDATORY:

8.1. The statutes they seek to enforce are “PRIVATE LAW”.

8.2. It is FRAUD to call the statutes “PUBLIC LAW” that applies equally to EVERYONE.

“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]

8.3. They agree to be treated on an equal footing with every other PRIVATE business.

8.4. Their franchises are on an EQUAL footing to every other type of private franchise such as MacDonald’s franchise agreements.

8.5. They implicitly waive sovereign immunity and agree to be sued in the courts within the extraterritorial jurisdiction they are illegally operating under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Part IV, Chapter 97. Sovereign immunity is ONLY available as a defense against DE JURE government activity in the PUBLIC interest that applies EQUALLY to any and every citizen.

8.6. They may not enforce federal civil law against the party in the foreign jurisdiction that they are illegally offering the franchise in.

8.7. If the foreign jurisdiction they are illegally enforcing the franchise within is subject to the constraint that the members of said community MUST be treated equally under the requirements of their constitution, then the franchise cannot make them UNEQUAL in ANY respect. This would be discrimination and violate the fundamental law.

Consistent with the above, below is how the U.S. Supreme Court describes attempts to enforce income taxes against NONRESIDENT parties domiciled in a legislatively foreign state, such as either a state of the Union or a foreign country:

“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 domicil 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)]

An example of how the government cannot assign the statutory status of “taxpayer” upon you per 26 U.S.C. §7701(a)(14) is found in 28 U.S.C. §2201(a), which reads:

*United States Code
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART VI - PARTICULAR PROCEEDINGS
CHAPTER 151 - DECLARATORY JUDGMENTS*

2 (a) In a case of actual controversy within its jurisdiction, **except** with respect to Federal taxes other than
3 actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or
4 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a
5 class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of
6 1930), as determined by the administering authority, any court of the United States, upon the filing of an
7 appropriate pleading, may declare the rights and other legal relations of any interested party seeking such
8 declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and
9 effect of a final judgment or decree and shall be reviewable as such.

10 Consistent with the federal Declaratory Judgments Act, 28 U.S.C. §2201, federal courts who have been petitioned to declare
11 a litigant to be a “taxpayer” have declined to do so and have cited the above act as authority:

12 Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to “whether
13 or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14).” (See Compl. at 2.) This
14 Court lacks jurisdiction to issue a declaratory judgment “with respect to Federal taxes other than actions
15 brought under section 7428 of the Internal Revenue Code of 1986,” a code section that is not at issue in the
16 instant action. See 28 U.S.C. §2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991)
17 (affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability).
18 Accordingly, defendant’s motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED.
19 [*Rowen v. U.S., 05-3766MMC, (N.D.Cal. 11/02/2005)*]

20 The implications of the above are that:

- 21 1. The federal courts have no lawful delegated authority to determine or declare whether you are a “taxpayer”.
- 22 2. If federal courts cannot directly declare you a “taxpayer”, then they also cannot do it indirectly by, for instance:
 - 23 2.1. Presuming that you are a “taxpayer”. This is a violation of due process of law that renders a void judgment.
24 Presumptions are not evidence and may not serve as a SUBSTITUTE for evidence.
 - 25 2.2. Calling you a “taxpayer” before you have called yourself one.
 - 26 2.3. Arguing with or penalizing you if you rebut others from calling you a “taxpayer”.
 - 27 2.4. Quoting case law as authority relating to “taxpayers” against a “nontaxpayer”. That’s FRAUD and it also violates
28 Federal Rule of Civil Procedure 17(b).
 - 29 2.5. Quoting case law from a franchise court in the Executive rather than Judicial branch such as the U.S. Tax Court
30 against those who are not franchisees called “taxpayers”.
 - 31 2.6. Treating you as a “taxpayer” if you provide evidence to the contrary by enforcing any provision of the I.R.C.
32 Subtitle A “taxpayer” franchise agreement against you as a “nontaxpayer”.

33 “Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national
34 Government] and not to non-taxpayers [non-resident non-persons domiciled within the exclusive jurisdiction of
35 a state of the Union and not subject to the exclusive jurisdiction of the national Government]. The latter are
36 without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of
37 their Rights or Remedies in due course of law.”
38 [*Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)*]

39 Authorities supporting the above include the following:

40 “It is almost unnecessary to say, that what the legislature cannot do directly, it cannot do indirectly. The stream
41 can mount no higher than its source. The legislature cannot create corporations with illegal powers, nor grant
42 unconstitutional powers to those already granted.”
43 [*Gelpcke v. City of Dubuque, 68 U.S. 175, 1863 W.L. 6638 (1863)*]

44
45 “Congress cannot do indirectly what the Constitution prohibits directly.”
46 [*Dred Scott v. Sandford, 60 U.S. 393, 1856 W.L. 8721 (1856)*]

47
48 “In essence, the district court used attorney’s fees in this case as an alternative to, or substitute for, punitive
49 damages (which were not available). The district court cannot do indirectly what it is prohibited from doing
50 directly.”
51 [*Simpson v. Sheahan, 104 F.3d. 998, C.A.7 (Ill.) (1997)*]

"It is axiomatic that the government cannot do indirectly (i.e. through funding decisions) what it cannot do directly."

[Com. of Mass. v. Secretary of Health and Human Services, 899 F.2d. 53, C.A.1 (Mass.) (1990)]

"Almost half a century ago, this Court made clear that the government "may not enact a regulation providing that no Republican ... shall be appointed to federal office." Public Workers v. Mitchell, 330 U.S. 75, 100, 67 S.Ct. 556, 569, 91 L.Ed. 754 (1947). What the *78 **First Amendment precludes the government**2739 from commanding directly, it also precludes the government from accomplishing indirectly. See Perry, 408 U.S., at 597, 92 S.Ct., at 2697 (citing Speiser v. Randall, 357 U.S. 513, 526, 78 S.Ct. 1332, 1342, 2 L.Ed.2d. 1460 (1958)); see supra, at 2735."**

[Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, U.S. Ill. (1990)]

"Similarly, **numerous cases have held that governmental entities cannot do indirectly that which they cannot do directly. See *841 Board of County Comm'rs v. Umbehr, 518 U.S. 668, 674, 116 S.Ct. 2342, 135 L.Ed.2d. 843 (1996) (holding that the First Amendment protects an independent contractor from termination or prevention of the automatic renewal of his at-will government contract in retaliation for exercising his freedom of speech); El Dia, Inc. v. Rossello, 165 F.3d. 106, 109 (1st Cir.1999) (holding that a government could not withdraw advertising from a newspaper which published articles critical of that administration because it violated clearly established First Amendment law prohibiting retaliation for the exercising of freedom of speech); North Mississippi Communications v. Jones, 792 F.2d. 1330, 1337 (5th Cir.1986) (same). The defendants violated clearly established Due Process and First Amendment law by boycotting the plaintiffs' business in an effort to get them removed from the college."** [Kinney v. Weaver, 111 F.Supp.2d. 831, E.D.Tex. (2000)]

If you would like further evidence proving that it is a violation of your constitutional rights for the government to associate any civil status against you without your consent, see:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008

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

9 An example of a STATUTORY "nonresident alien" who earns nothing BUT excluded earnings⁹

9.1 Definition

We do not claim our methods or processes make people "exempt". Please do not confuse "exempt" with "excluded". Below is an excerpt from our Member Agreement proving this:

SEDM Member Agreement

1.1 My Status and Standing

13. By seeking the information and services of SEDM, I do not seek to "exempt" my earnings from taxation or to reduce my existing tax liability as a "taxpayer" through deductions or exemptions, but rather to EXCLUDE earnings that never were subject to taxation to begin with under **26 U.S.C. §872(b)**. In that sense, I am not seeking a "**tax shelter**", which is a device used by a statutory "**taxpayer**" to REDUCE an existing liability. Pursuant to **26 C.F.R. §1.6662-4(b)(2)(ii)**, neither SEDM nor I can therefore be subject to accuracy related penalties for tax shelters.

"Initially, it is important to bear in mind the distinction between a tax exclusion and a tax exemption. Tax exemptions are items which the tax payer is entitled to excuse from the operation of a tax and, as such, are to be strictly construed against the tax payer. Tax exclusions, on the other hand, are items which were not intended to be taxed in the first place and, thus, to the extent there is any doubt about the meaning of the statutory language, exclusionary provisions are to be strictly construed against the taxing body. In fact, tax laws in general (with the exception of exemption clauses) are construed in favor of the tax payer and against imposition of the tax unless the legislative intent is clear and unambiguous."

[In re Twisteroo Soft Pretzel Bakeries, Inc., 21 B.R. 665, 667 (Bankr. E.D. Pa. 1982)]

⁹ Source: Excluded Earnings and People, Form #14.019, Section 7; <https://sedm.org/Forms/14-PropProtection/ExcludedEarningsAndPeople.pdf>

More at: Excluded Earnings and People, Form #14.019; <https://sedm.org/Forms/14-PropProtection/ExcludedEarningsAndPeople.pdf>.
[SEDM Member Agreement, Form #01.001, Section 1.1; <https://sedm.org/participate/member-agreement/>]

Our [SEDM Disclaimer, Section 4.25](#) defines someone who earns nothing BUT excluded earnings as follows. This is the condition of our compliant members:

SEDM Disclaimer

4. Meaning of Words

4.25 “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 themself" of commerce with any government. Therefore, they do not waive sovereign immunity under the [Foreign Sovereign Immunities Act \(F.S.I.A.\), 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

1 privilege with income taxation, because the tax is imposed upon STATUTORY "citizen" and "resident" in 26
2 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
3 REALLY equal (Form #05.033) as the Constitution requires?

- 4 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
5 under 26 U.S.C. §7701(b)(1)(A)), "U.S. citizen" (not defined in any statute), "U.S. resident" (not defined in any
6 statute), or "U.S. person" (26 U.S.C. §7701(a)(30)).
- 7 5.3. Identifies themselves as a "national" per 8 U.S.C. §1101(a)(21) and per common law by virtue of birth or
8 naturalization within the CONSTITUTIONAL "United States***".
- 9 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
10 "U.S. national" under 22 C.F.R. §51.1 owing allegiance to a state of the Union and not the national or federal
11 government. Thus, they are not subject to the presence test under 26 U.S.C. §7701(b) and may not lawfully be
12 kidnapped into exclusive national government jurisdiction as a privileged alien "resident" or have a privileged
13 "residence" (26 C.F.R. §1.871-2(b)) within the EITHER the statutory geographical "United States" in 26 U.S.C.
14 §7701(a)(9) and (a)(10) or "United States*" the COUNTRY in 26 C.F.R. §301.7701(b)-1(c)(2).
- 15 5.5. Is legislatively but not constitutionally "foreign" and "alien" to the national government by virtue of not having a
16 domicile (for nationals under 8 U.S.C. §1101(a)(21)) or "residence" (for "alien individuals" under 26 C.F.R.
17 §1.871-2(b)) within the exclusive legislative jurisdiction of the national government. The words "foreign" and
18 "alien" by themselves are NOT defined within the Internal Revenue Code. This is MALICIOUSLY deliberate so
19 as to DECEIVE the American public in states of the Union into FALSELY declaring a domicile or residence
20 within the exclusive jurisdiction of the national government. By using "and subject to ITS jurisdiction" after the
21 word "citizen" in 26 C.F.R. §1.1-1(c), the average American in states of the Union is deceived using equivocation
22 into VOLUNTEERING for a civil STATUTORY office under the Secretary of the Treasury called "citizen" and
23 "resident" subject to exclusive national government jurisdiction. The "citizen" in this regulation is NOT the
24 POLITICAL citizen mentioned in the Fourteenth Amendment to the Constitution, but a STATUTORY citizen
25 legislatively created and owned by Congress and thus a PRIVILEGE. Those in states of the Union who have
26 neither a domicile nor residence within the exclusive jurisdiction of the national government and are not "subject
27 to ITS jurisdiction" and who FALSELY CLAIM on a government form (Form #12.023) such as a W-9 that they
28 are STATUTORY "U.S. persons" have in practical effect VOLUNTEERED to become privileged STATUTORY
29 "taxpayers" and uncompensated officers of the national government EVERYWHERE IN THE WORLD who are
30 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
31 process of volunteering to be invisible in order to VICTIMIZE the Americans into becoming surety to pay off an
32 endless mountain of public debt that there is NO LIMIT on. That's criminal peonage in violation of 18 U.S.C.
33 §1581 if you knew you could unvolunteer and aren't allowed to. It's also criminal human trafficking. You can't
34 UNVOLUNTEER and leave the system until you know HOW you volunteered in the first place. See "Hot Issues:
35 Invisible Consent" for details on how your consent was procured INVISIBLY. That process of volunteering to
36 pay income tax that state nationals don't owe is exhaustively described in: How American Nationals Volunteer to
37 Pay Income Tax, Form #08.024; <https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>.
- 38 6. Earnings originate from outside:
 - 39 6.1. The STATUTORY "United States**" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) (federal zone) and
 - 40 6.2. The U.S. government federal corporation as a privileged legal fiction.
- 41 Thus, their earnings are expressly EXCLUDED rather than EXEMPTED from "gross income" under 26 U.S.C. §871
42 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.
43 §1.871-7(a)(4) and 26 U.S.C. §861(a)(3)(C)(i) for proof.
- 44 7. Earnings are expressly EXCLUDED rather than EXEMPTED from STATUTORY "wages" as defined in 26 U.S.C.
45 §3401(a) because all services performed outside the STATUTORY "United States**" as defined in 26 U.S.C.
46 §7701(a)(9) and (a)(10) (federal zone) and the CORPORATION "United States" as a legal fiction. Therefore, not
47 subject to "wage" withholding of any kind for such services per:
 - 48 7.1. 26 C.F.R. §31.3401(a)(6)-1(b) in the case of income tax.
 - 49 7.2. 26 C.F.R. §31.3121(b)-3(c)(1) in the case of Social Security.
- 50 8. Expressly EXCLUDED rather than EXEMPTED from income tax reporting under:
 - 51 8.1. 26 C.F.R. §1.1441-1(b)(5)(i).
 - 52 8.2. 26 C.F.R. §1.1441-1(e)(1)(ii)(A)(1).
 - 53 8.3. 26 C.F.R. §1.6041-4(a)(1).
- 54 9. Expressly EXCLUDED rather than EXEMPTED from backup withholding because earnings are not reportable by 26
55 U.S.C. §3406 and 26 C.F.R. §31.3406(g)-1(e). Only "reportable payments" are subject to such withholding.
- 56 10. Because they are EXCLUDED rather than EXEMPTED from income tax reporting and therefore withholding, they
57 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. §912](#) for a private party to occupy a public office or to impersonate a public office.
11. Continue to be a ["national of the United States*" \(Form #05.006\)](#) and not lose their CONSTITUTIONAL citizenship while filing form 1040-NR. 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 International 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 1040-NR, 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 exempted 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/26/301.6109-1v>
- 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 benefiting 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; 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]

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 \(1877\)](#)]

*"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://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>) for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph."
[SEDM 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 (F.S.I.A.), 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.

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

6
7 “In this case, we hold that the “right to exclude,” so universally held to be a fundamental element of the property
8 right,[11] falls within this category of interests that the Government cannot take without compensation.”
9 [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

10
11 FOOTNOTES:

12 [11] See, e. g., United States v. Pueblo of San Ildefonso, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);
13 United States v. Lutz, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, “[a]n essential element
14 of individual property is the legal right to exclude others from enjoying it.” International News Service v.
15 Associated Press, 248 U.S. 215, 250 (1918) (dissenting opinion).

16 If you would like a W-8 form that ACCURATELY describes the withholding and reporting status of a “non-resident non-
17 person”, see:

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

18 **9.2 W-8 Foreign person status**

19 A withholding form correctly representing the withholding and reporting status of a person all of whose earnings are
20 EXCLUDED rather than exempt can be found at:

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

21 The following are the legal characteristics of the party described on the above form:

22 *Part II: Certification*

23 *Under penalties of perjury from without the “United States” as defined in 28 U.S.C. §1746(1) and 26 U.S.C.*
24 *§7701(a)(9) and (a)(10), and 4 U.S.C. §110(d), I declare that I have examined the information on this form and*
25 *to the best of my knowledge and belief it is true, correct, and complete. I further certify from without the “United*
26 *States” that:*

27 *1. I, the undersigned, am the foreign person (or am authorized to sign for the foreign person) under Title 26, to*
28 *whom this certificate relates.*

29 *2. I, the undersigned, am a “national” per 8 U.S.C. §1101(a)(21), and not an “alien” (foreign national) per 8*
30 *U.S.C. §1101(a)(3) or “alien individual” per 26 C.F.R. §1.1441-1(c)(3)(i), and am not subject to the presence*
31 *test found in 26 U.S.C. §7701(b) and 26 C.F.R. §301.7701(b)-1(c)(2). This test relates only to aliens and not to*
32 *“U.S. nationals” such as myself as defined in 22 C.F.R. §51.1.*

33 *3. I, the undersigned, am not a “United States person” pursuant to 26 U.S.C. §7701(a)(30).*

34 *4. I, the undersigned, am not engaged in the conduct of a United States “trade or business”/public office pursuant*
35 *to 26 U.S.C. §7701(a)(26).*

36 *4. I, the undersigned, am not effectively connected with the conduct of a “trade or business” (public office per 26*
37 *U.S.C. §7701(a)(26)) in the United States (government) pursuant to 26 U.S.C. §864(c).*

38 *5. I, the undersigned, am not a person required to furnish an identifying number pursuant to 26 C.F.R. §301.6109-*
39 *1(b)(2), 31 C.F.R. §1020.410(b)(3)(x); 31 C.F.R. §306.10; W-8BEN Inst. p. 1,2,4,5 (Cat. 25576H); W-8 Supp.*
40 *Inst. p. 1,2,6 (Cat. 26698G); Pub. 515 Inst. p. 7. Any identifying numbers already in your custody about the*

subject of the form must be DELETED because they are clearly legally unauthorized. Any numbers used in connection with the subject of this form, if NOT deleted, shall be deemed as NOT a statutory Social Security Number or Taxpayer Identification Number and protected by the following agreement if used for reporting, withholding, commercial, or civil enforcement purpose: Injury Defense Franchise and Agreement, Form #06.027; <https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>

6. I, the undersigned, am not a "beneficial owner" per 26 C.F.R. §1.1441-1(c)(6).

7. The foreign property to which this form relates does not constitute gross income under 26 U.S.C. §872, 26 C.F.R. §1.872-2(f), 26 C.F.R. §1.871-7(a)(4), and 26 U.S.C. §861(a)(3)(C)(i).

8. The foreign property to which this form relates is not earned from sources within the geographical "United States" defined in 26 U.S.C. §7701(a)(9) and (a)(10), and 4 U.S.C. §110(d) or from the "United States" federal corporation as a public officer and thus not statutory "wages" under 26 C.F.R. §31.3121(b)-3(c)(1) and 26 C.F.R. §31.3401(a)(6)-1(b).

9. The foreign property to which this form relates is part of a foreign estate pursuant to 26 U.S.C. §7701(a)(31).

10. The foreign property to which this form relates is not subject to reporting per 26 U.S.C. §6041(a), 26 C.F.R. §1.1441-1(b)(5)(i), 26 C.F.R. §1.1441-1(e)(1)(ii)(A)(1), and 26 C.F.R. §1.6041-4(a)(1) because not connected to a statutory "trade or business" (public office), not "gross income" per 26 U.S.C. §872 and 26 C.F.R. §1.872-2(f) and not "wages" per 26 C.F.R. §31.3121(b)-3(c)(1) and 26 C.F.R. §31.3401(a)(6)-1(b).

11. The foreign property to which this certificate relates is not subject to withholding or backup withholding under 26 U.S.C. §3406 because not "reportable" and therefore exempt per 26 C.F.R. §1.1441-1(b)(5)(i), not statutory "wages" per 26 C.F.R. §31.3121(b)-3(c)(1) and 26 C.F.R. §31.3401(a)(6)-1(b), and not "gross income" per 26 U.S.C. §872(f), 26 C.F.R. §1.872-2(f), 26 C.F.R. §1.871-7(a)(4), and 26 U.S.C. §861(a)(3)(C)(i).

12. The relationship documented herein does not constitute "employment" because services are rendered outside the "United States" by OTHER than a "citizen" or "resident" as documented in 26 U.S.C. §3121(b) and §3121(l)(1) and therefore amounts paid cannot be statutory "wages" per 26 U.S.C. §3401(a).

13. The foreign property to which this certificate relates is not subject to information reporting under Title 26, Subtitle F, 26 C.F.R. §1.1441-1(b)(5), 26 C.F.R. §1.1441-1(e)(1)(ii)(A)(1), and 26 C.F.R. §1.6041-4(a)(1).

14. I, the undersigned, am a common law "person" and a constitutional "person" and within the meaning of the Bill of Rights and do not consent to receive the privileges, benefits or protections of a civil statutory "person" or the civil obligations that deliver those privileges, being those connected with domicile. Any attempt to enforce the obligations of a civil statutory person shall constitute involuntary servitude (Thirteenth Amendment), human trafficking, and identity theft (18 U.S.C. §912).

15. If this form is used as legal evidence in any dispute, the following form must be MANDATORILY included: Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001, <https://sedm.org/Forms/02-Affidavits/AffCitDomTax.pdf>.

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

9.3 Answers to Frequently Asked Questions About the Status of Members Using the Nonresident Alien Position

IMPORTANT NOTE: The subject of use of the nonresident alien position by American Nationals is a subject of great disinformation and misunderstanding by the public. If these questions and answers don't answer all of your concerns, please read and rebut the following document and provide your rebuttal to the person who gave you this form so that those objections can be promptly addressed and any inaccuracies in this form can be corrected promptly.

1. Nonresident Alien Position Course, Form #12.045
<https://sedm.org/LibertyU/NRA.pdf>
2. Proof that American Nationals are Nonresident Aliens, Form #09.081
<https://sedm.org/Forms/09-Proofs/ProofAnNRA.pdf>
3. Rebutted False Arguments About the Nonresident Alien Position When Used by American Nationals, Form #08.031-
The rules for rebuttal are found in section 3 of the below document
<https://sedm.org/Forms/08-PolicyDocs/RebArgNRA.pdf>

1. QUESTION 1: Are you a "foreign person"?

ANSWER 1: Yes, but the term is NEVER actually DEFINED anywhere in the I.R.C., so it doesn't mean anything. [26 C.F.R. §1.1441-1\(c\)\(2\)\(i\)](#) doesn't define it either. It DESCRIBES but not DEFINES what it is NOT, but not what it IS. This is because Congress cannot define things it doesn't have jurisdiction over and some provable property interest in. I can therefore be a "foreign person" WITHOUT being:

(1) An "individual" for the purposes of WITHHOLDING under [26 C.F.R. §1.1441-1](#) because those parties are all "aliens" (foreign nationals) or

(2) A "person" under [26 U.S.C. §6671\(b\)](#) or [26 U.S.C. §7343](#) or even [26 U.S.C. §7701\(a\)\(1\)](#), because these people have to be VOLUNTARILY privileged either through a voluntary domicile or an election, which I am NOT. See:

IRS Fraud and Deception About the Statutory Word "Person", Form #08.023;

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

[26 C.F.R. §1.1441-1\(c\)\(3\)](#) limits "individuals" to aliens ONLY for [26 U.S.C. §1441](#) withholding and nowhere includes Fourteenth Amendment nationals of the United States in states of the Union. If you believe otherwise, please provide the proof NOW or forever be estopped from later challenging. This is because such withholding uses [Article 4, Section 3, Clause 2](#) FOREIGN AFFAIRS as its only authority that doesn't apply to American Nationals such as me. However, [26 U.S.C. §873](#) identifies "nationals of the United States*" (the federal zone, not me) as "nonresident alien individuals", but ONLY when they pursue PRIVILEGED deductions, which I am not doing here and which do NOT relate to foreign person withholding in [26 C.F.R. §1.1441-1](#). Thus, I REMAIN a "non-individual" and "foreign person" not a subject to withholding on ONLY "aliens" and not "nationals" under [26 C.F.R. §1.1441-1](#) as proven below:

<https://ftsig.org/lawfully-avoiding-foreign-person-withholding/>

2. QUESTION 2: Were you born in a foreign country?

ANSWER 2: No. See block 2 of the W-8SUB, Form #04.231.

3. QUESTION 3: Do you have a foreign passport?

ANSWER 3: No. See block 9 of the W-8SUB, Form #04.231. The states of the Union are legislatively but not constitutionally "foreign" with respect to the national government due to the separation of powers, but they don't issue their own unique passports. Some used to.

4. QUESTION 4: How can you be a "nonresident alien" if you were born in a state of the Union?

ANSWER 4: [22 C.F.R. §51.2](#) identifies everyone eligible to receive a USA passport such as people in constitutional states of the Union as "U.S. nationals". The IRS website says "U.S. nationals" are "nonresident aliens":

4.1. Internal Revenue Manual (I.R.M), Section 3.38.147.2 and 3.38.147.3.1 through 3.38.147.3.12 discusses "international taxpayers" and "nonresident aliens"; https://www.irs.gov/irm/part3/irm_03-038-147r#idm139636844616640.

4.2. I.R.M. 3.38.147.3.1(10) INCORRECTLY defines all "nonresident aliens" as including only aliens. HOWEVER, the IRS Form 1040-NR instructions at I.R.M. 3.38.147.3.3 (01-01-2022), 3.38.147.3.4 (01-01-2020), 3.38.147.3.5 (11-19-2019), and 3.38.147.8.3.1 (01-01-2022) identify "U.S. nationals" as "nonresident aliens".

4.3. Further, the IRS Form 1040-NR for years 1984 through 2017 itself recognized Americans living abroad in Mexico and Canada as "U.S. nationals". See:

Tax Return History: Citizenship, Family Guardian Fellowship,
<https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm>

4.4. I.R.M. 3.38.147.3.1(1) and [26 C.F.R. §1.1441-1\(c\)\(3\)\(i\)](#) identify an "alien individual" as someone who is NEITHER a "citizen" nor a "national". "U.S. nationals" from states of the Union do not satisfy this criterion and therefore are not "aliens" within the Internal Revenue Code for the purposes of withholding. This also proves that the definition of "nonresident alien" in I.R.M. 3.38.147.3.1(10) is incomplete and needs to have "U.S. nationals" ADDED to it. I think IRS incorrectly defines "nonresident alien" on their website to DECEIVE the average American into filing the WRONG tax return, the 1040, which makes them a WORLDWIDE SLAVE to pay off public debt in violation of the Thirteenth Amendment.

Further:

- 1) The inference is that if they will issue you a passport, [22 C.F.R. §51.2](#) implies that you are a "U.S. national", EVEN IF you are a Fourteenth Amendment or POLITICAL/CONSTITUTIONAL Citizen*.
- 2) The regulation that [22 C.F.R. §51.2](#) derives from the statute at [22 U.S.C. §212](#), which actually says allegiance is all that is required to bet a passport.
- 3) Allegiance is equivalent to NATIONALITY and "national of the United States". [8 U.S.C. §1101\(a\)\(21\)](#) defines such allegiance, but [8 U.S.C. §1401](#), [8 U.S.C. §1408](#), [8 U.S.C. §1101\(a\)\(22\)](#), and [22 C.F.R. §51.1](#) all limit that allegiance ONLY to areas within the exclusive jurisdiction of Congress, including territories and possessions and excluding states of the Union.
- 4) The only thing that CIVIL laws of Congress, including [Title 8](#), can relate to is areas within their exclusive jurisdiction or people voluntarily engaged in privileges extraterritorially. Areas within the exclusive jurisdiction of states of the Union are NOT within these areas because states of the Union are LEGISLATIVELY but not CONSTITUTIONALLY foreign because of the [separation of powers \(Form #05.023\)](#). That is why laws of Congress can only describe or define CIVIL "U.S.** Nationals" in [8 U.S.C. §1408](#) as being from possessions and not constitutional states.
- 5) So, you are a "national of the United States*" (the country) and a "U.S.*** national" under the common law but not any civil statute if they will issue you a passport as an American National from a state of the Union. The [22 C.F.R. §51.1](#) definition of "U.S.** national" only covers HALF of the "nationals of the United States*" (the COUNTRY), which are in the possessions and territories and who are "nationals of the United States***" (federal zone). The other half are in the states of the Union and are covered by COMMON LAW "nationals of the United States***" as POLITICAL/CONSTITUTIONAL Citizens*, who are NOT CIVIL STATUTORY "U.S. nationals" under [8 U.S.C. §1408](#) or [22 C.F.R. §51.1](#). They are, HOWEVER, "U.S. nationals" under [22 C.F.R. §51.2](#), which includes BOTH "U.S.* nationals" for the COUNTRY and "U.S.** nationals" of the territories and possessions mentioned in [22 C.F.R. §51.1](#).
- 6) No CIVIL statute of the national government can abrogate constitutional rights so they can't pass any statute that even recognizes people in states of the Union, either as STATUTORY CIVIL/DOMICILED "citizens**+D" or "non-citizen nationals". POLITICAL/CONSTITUTIONAL "citizens* of the United States***" in states of the Union therefore do not and cannot even appear in the CIVIL statutes of [Title 8 of the U.S. Code](#) because they are from a legislatively but not constitutionally FOREIGN state. That is why states of the Union are identified with a LOWER CASE "s" in federal statutes and regulations such as [26 C.F.R. §301.7701\(b\)-2\(c\)\(2\)\(ii\)](#). The CONSTITUTION alone establishes their POLITICAL Citizen* status and doesn't need and CAN'T HAVE ANY statute to implement enforce by congress. The "nationals of the United States[**]" identified as "individuals" in [26 U.S.C. §873](#) when pursuing privileged DEDUCTIONS therefore are the SAME "nationals of the United States* from territories and possessions mentioned in [8 U.S.C. §1101\(a\)\(21\)](#) and NOT those in the Fourteenth Amendment.

"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)]

"In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is its province and its duty to forbid interference by another state as well as by any foreign power with the status [under STATUTES of a foreign power] of its own citizens."
[Roberts v. Roberts, 81 Cal.App.2d. 871, 879 (1947);
https://scholar.google.com/scholar_case?case=13809397457737233441]

*"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 [UNDER THE COMMON LAW AND NOT STATUTE], 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)]**

- 7) Common law "nationals of the United States***" from states of the Union (who are NOT STATUTORY "U.S.

nationals” in [8 U.S.C. §1408](#) or “nationals of the United States***” in [8 U.S.C. §1101\(a\)\(22\)](#)) are described in:

- a) USA v. Michael Little, No. 12-cr-647(PKC), U.S.D.C. 2017 1 (2017)
Google Scholar: https://scholar.google.com/scholar_case?case=862310981064929702
- b) Coplin v. United States, 6 ClsCt 115 (1985);
Google Scholar: https://scholar.google.com/scholar_case?case=5422401643079916168&
Other cite: <http://famguardian.org/TaxFreedom/CitesByTopic/USNational-Paul H Coplin et ux Plaintiffs v The United States-6-ClcCt-115-1985-USNational.pdf>
- c) Xerox v. United States , 14 ClsCt 455 (1986)
Other cite: <http://famguardian.org/TaxFreedom/CitesByTopic/USNational-Xerox Corporation Plaintiff v The United States-14-Clc-455-1986-USNational.pdf>
- d) Readings and Bates Corporation and Subsidiaries v. United States, 40 Fed.Cl. 737 (1998)
Other cite: <http://famguardian.org/TaxFreedom/CitesByTopic/USNational-Reading amp Bates Corporation and Subsidiaries Plaintiff v The United States-40-FedCl-737-1998-USNational.pdf>
- e) Korn v. Commissioner, 32 T.C.M. 1220, 524 F.2d. 888 (1975)
Google Scholar: https://scholar.google.com/scholar_case?case=7529641744710388861
- f) Korn. v C.I.R., 425 F.2d. 888 (1975)
Google Scholar: https://scholar.google.com/scholar_case?case=13492524255712146582
Other cite: <http://famguardian.org/TaxFreedom/CitesByTopic/USNational-Michael Korn Petitioner-Appellant v Commissioner of Internal Revenue-524-F2d-888-1975-USNational.pdf>

5. QUESTION 5: How can you be a “foreign person” if you live and/or were born in the United States?

ANSWER 5: The statutory geographical definition of “United States” in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) does not expressly include states of the Union. Most people falsely presume that the geographical “United States” in the context of the Internal Revenue Code includes states of the Union. The geographical term “United States” in the context of the constitution and the term “United States” as used in the Internal Revenue Code are not equivalent and mutually exclusive. We refer to these respectively as the CONSTITUTIONAL “United States” and the STATUTORY “United States”. EACH of these two is legislatively “foreign” with respect to the OTHER because of the separation of powers. The term “United States” can also be used to refer to the government, but I’m not consensually serving within that context as a statutory “employee” or officer in the context of this transaction either per [5 U.S.C. §2105](#). See Tex-Air Helicopters, Inc. v. Galveston County Appraisal Review Board, 76 S.W.3d. 575, 585 (Tex. App. 2002) as an example of interpreting terms in their “legal context” instead of their geographical context. Those who (1) are NOT domiciled within or consensually doing business within the geographical “United States”, or (2) who DO NOT have “effectively connected” earnings from WITHIN the “United States” federal corporation as an officer but who NEVERTHELESS mistakenly CLAIM that either they or their earnings are from this place or fictional corporation on a tax form, by default are, through their usually legally ignorant actions, effectively donating their earnings to a public office, public use, and public purpose as a result, often unknowingly. The result is that such earnings are “effectively connected” to the voluntary “trade or business” excise taxable franchise. I just don’t happen to be someone STUPID enough to do that and shouldn’t be punished or denied an account or a business opportunity for not being STUPID. And such a mistake by most people in doing this, by the way, doesn’t constitute “CONSENT” as legally defined either, so it’s not really a lawful conversion from PRIVATE to PUBLIC in such a case either. See:

Separation Between Public and Private

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

The “Trade or Business” Scam

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

6. QUESTION 6: Isn’t a “nonresident alien” just an “alien” who is “nonresident”?

ANSWER 6: Absolutely not! “Nonresident alien” is legally described but NOT “defined” in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) as “neither a citizen of the United States nor a resident of the United States (within the meaning of subparagraph (A))”. That description describes what a “nonresident alien” is NOT, but not what it IS, so its not a legal definition. What CIVIL STATUTORY “citizens and residents” in [26 C.F.R. §1.1-1\(a\)](#) have in common is a domicile within the STATUTORY geographical “United States” defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) and [4 U.S.C. §110\(d\)](#) as federal territory not within the exclusive jurisdiction of any constitutional state of the Union. [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) is a DESCRIPTION rather than a LEGAL DEFINITION because a real legal definition would EXPRESSLY list all things that are included and the Rules of Statutory Construction and Interpretation would exclude everything NOT expressly listed. The reason they don’t provide a real LEGAL DEFINITION of “nonresident alien” in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) is because they don’t want

the average American to realize that they TOO are included in the definition. There are lots of things listed on the 1040-NR return NOT INCLUDED in the description of “nonresident alien” at [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) and those are permitted, as a national born in state of the Union. Financial institutions and companies have NO LEGAL AUTHORITY make up their own definition of “nonresident alien” and they must use this statutory description provided. If they don’t observe this limitation, then they are, in effect, exercising legislative functions reserved ONLY to the LEGISLATIVE BRANCH in violation of the separation of powers doctrine, and worst yet, doing so as a NON-GOVERNMENTAL entity. Since “nationals” such as those born in constitutional states are not purposefully excluded and since the description in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) is NOT a legal definition, financial institutions and companies cannot arbitrarily exclude these things.

There are four possible citizenship statuses one can have: alien, national, citizen, and resident. The first two are a product of birth and are found in the CONSTITUTION in the case of states of the Union. The last two are a product of CHOICE and CONSENT and are CIVIL and STATUTORY. Those who consent to NOTHING in terms of government become either “aliens” or “nationals”, both of which are a product of BIRTH rather than CHOICE. Everyone born in a country is a “national” of that country, whether they want to be or not. When you get a passport, in fact, you can’t get one WITHOUT “allegiance” as required to [22 U.S.C. §212](#), and the citizenship status associated with ONLY ALLEGIANCE and NOT CHOICE is that of a “national”, which is described in [8 U.S.C. §1101\(a\)\(21\)](#). A U.S.A. passport is legal evidence of NATIONALITY and “NATIONAL” status, not STATUTORY CIVIL “citizen” status under the Internal Revenue Code at [26 C.F.R. §1.1-1\(a\)](#) and (b). The POLITICAL “citizen” mentioned in [26 C.F.R. 1.1-1\(c\)](#) is, in fact, a territorial citizen, not a CONSTITUTIONAL citizen born in a state of the Union under the Fourteenth Amendment and the original constitution.

7. **QUESTION 7:** Doesn’t the presence test make you a “resident” because it includes states of the Union and your address is or might be within a constitutional state of the Union?

ANSWER 7: The presence test located at [26 U.S.C. §7701\(b\)](#) only pertains to “ALIEN INDIVIDUALS” (meaning people who are NEITHER CIVIL “citizen” nor “nationals”), which this submission clearly proves that I am not as someone born in a constitutional state who is a “national” per [8 U.S.C. §1101\(a\)\(21\)](#) and a “U.S. national” per [22 C.F.R. §51.1](#) such as myself. In the case of aliens ONLY for the purposes of the PRESENCE TEST ONLY, the geographical “United States” includes states of the Union. This is recognized in [26 C.F.R. §301.7701\(b\)-1\(c\)\(2\)](#), which says of “ALIEN INDIVIDUALS” ONLY and not “nationals” or people born in the country the following:

[26 C.F.R. §301.7701\(b\)-1\(c\)\(2\)](#)

(2) Determination of presence—

(i) Physical presence.

For purposes of the substantial presence test, an [alien per [26 U.S.C. §7701\(b\)](#)] individual shall be treated as present in the United States on any day that he or she is physically present in the United States at any time during the day. (But see §301.7701(b)-3 relating to days of presence that may be excluded.)

(ii) United States.

For purposes of section 7701(b) and the regulations thereunder, the term United States when used in a geographical sense includes the states and the District of Columbia. It also includes the territorial waters of the United States and the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. It does not include the possessions and territories of the United States or the air space over the United States.

The statutory geographical definition of “United States” at [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) and [4 U.S.C. §110\(d\)](#) supersedes this for all purposes OTHER than the presence test.

8. **QUESTION 8:** Prove to me as simply as possible that the STATUTORY POLITICAL/TERRITORIAL “citizen” mentioned in the Internal Revenue Code ([26 C.F.R. §1.1-1\(c\)](#)) is not a Fourteenth Amendment “citizen of the United States” (states of the Union ONLY)

ANSWER 8: Evidence in support:

8.1. For STATUTORY purposes, CIVIL “citizen” is always geographical rather than political. This is because the statutes only apply to those domiciled in the forum per [Federal Rule of Civil Procedure 17\(b\)](#) and domicile is always geographical and never political.

8.2. The ONLY STATUTORY definition of “U.S. citizen” at [26 U.S.C. §3121\(e\)](#) does not include states of the Union. Per the rules of statutory construction and interpretation, they are therefore PURPOSEFULLY EXCLUDED.

- 8.3. The regulation imposing the income tax at [26 C.F.R. §1.1-1\(c\)](#) does not mention the Fourteenth Amendment, and thus purposefully excludes CONSTITUTIONAL “citizens of the United States (states of the Union ONLY per the rules of statutory construction.
- 8.4. Since the liability to tax under [26 C.F.R. §1.1-1\(c\)](#) attaches to the civil statutory status of “citizen” and “resident”, and slavery is a criminal offense and a violation of the Thirteenth Amendment, the thing liable described in that regulation cannot be a human being, but an office within the national government created by act of Congress and property of Congress. The U.S. Supreme Court acknowledged that the office of “citizen” is an AGENT of the government: “Under either system, the term used is designed to apply to man in his individual character and to his natural capacities -- **to a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations. It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood.**” [Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 \(1852\)](#). Being a CIVIL/DOMICILED “citizen” is a PRIVILEGE that must be VOLUNTARY or else slavery and theft are the result. That fact is acknowledged by the U.S. Supreme Court as follows: “**The citizen cannot complain, because he has voluntarily submitted himself to such a form of government.**” [United States v. Cruikshank, 92 U.S. 542 \(1875\)](#). It can’t be voluntary unless there is a way to UNVOLUNTEER or remove consent. By removing consent to the PRIVILEGE and BENEFIT of CIVIL “citizen” status, we unvolunteer. To be subject to the obligations of the office of CIVIL “citizen” in [26 C.F.R. §1.1-1\(a\)](#) and (b), one must therefore VOLUNTEER, and I choose NOT to volunteer. I therefore avoid the civil statutory privileges, “benefits”, and corresponding civil obligations attached to the office of “citizen” and fall back to a mere unprivileged “U.S. national” by doing so. The corrupt and covetous government doesn’t WANT you to unvolunteer, but they have to give you this option or else they cease to act consistent with the Constitution and implement slavery and human trafficking.
- 8.5. The regulation imposing the income tax at [26 C.F.R. §1.1-1\(c\)](#) QUALIFIES the TYPE of POLITICAL “citizen” it mentions as “subject to ITS jurisdiction” rather than:
- “Subject to THEIR jurisdiction” (states of the Union) as the constitution does in the Thirteenth Amendment.
 - “subject to THE jurisdiction” (political jurisdiction) as used in the Fourteenth Amendment and by the U.S. Supreme Court in [U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 \(1898\)](#).
- The only way one can be “subject to ITS jurisdiction” is to: (1) be physically present on federal territory or; (2) to ACTUALLY and LAWFULLY work for the government as a public officer and statutory “employee” per [5 U.S.C. §2105](#). Thus, it uses the statutory geographical “United States” defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) as the locality this “citizen” is domiciled (as a national), physically present (as an ALIEN/foreign national), or working WITHIN as a fiction of law or public officer. That locality, in turn, can only be within the exclusive jurisdiction of the national government and not within the exclusive jurisdiction of a constitutional state. The CONSTITUTIONAL “United States” includes states of the Union and excludes territory under the exclusive jurisdiction of the national government. These two CIVIL jurisdictions can NEVER overlap because of the separation of powers at the heart of the constitution. See: [Why the Fourteenth Amendment is Not a Threat to Your Freedom](#), Form #08.015; <https://sedm.org/Forms/08-PolicyDocs/FourteenthAmendNotProb.pdf>.
- 8.6. The regulation imposing the income tax at [26 C.F.R. §1.1-1\(c\)](#) references [8 U.S.C. §1401-1459](#) for the meaning of “citizen”. [Title 8 of the U.S. Code](#) only addresses territorial citizens, not constitutional citizens. NOWHERE in [Title 8 of the U.S. Code](#) is the Fourteenth Amendment even mentioned.
- 8.7. Among the few remaining POLITICAL “citizens” at this time are those from Puerto Rico, but even THESE POLITICAL “U.S. citizens” (under [8 U.S.C. §1401](#) and [26 C.F.R. §1.1-1\(c\)](#)) are identified in [26 U.S.C. §2209](#) as “nonresident not a citizen of the United States” and therefore “nonresident aliens” also!
- 8.8. The D.C. Circuit court indicated that statutes aren’t even necessary and that the Constitution alone is sufficient for determining citizenship of those not born in exclusive federal jurisdiction. Recall that the Constitution is “self-executing” and needs no statutes to enforce. [City of Boerne v. Flores, 521 U.S. 507 \(1997\)](#). **“Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE! 8 U.S.C. §1401], and not a constitutional, right [Fourteenth Amendment]. 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 [8 U.S.C. §1401-1459] mentioned in 26 C.F.R. §1.1-1(c)] would have been unnecessary.”** [Tuaua v. U.S.A., 951 F.Supp.2d. 88 \(2013\)](#).
- 8.9. The following document PROVES that the “citizen” and “resident” made “liable TO” rather than “liable FOR” the income tax in [26 C.F.R. §1.1-1\(c\)](#) can ONLY be an office within the Department of the Treasury serving under the Secretary of the Treasury and therefore NOT ONLY the parties described [8 U.S.C. §1401](#). See:

Exhaustive additional FREE evidence if you still don't believe that the "citizen" upon whom the income tax is imposed is NOT a constitutional or state citizen but a territorial citizen and is not voluntary:

- a. *Citizenship Status v. Tax Status*, Form #10.011;
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
- b. *Citizenship Diagrams*, Form #10.010
<https://sedm.org/Forms/10-Emancipation/CitizenshipDiagrams.pdf>
- c. *W-8 Attachment: Citizenship*, Form #04.210
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/W-8Attachment-CITIZENSHIP.pdf>
- d. *Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006;
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

9. QUESTION 9: So "alien" doesn't mean what most people think it means. What exactly is the correct definition of "alien" in the Internal Revenue Code?

ANSWER 9: The SHORT answer is that it means:

- a. Those born in the COUNTRY "United States" (nationals) who have no domicile in the statutory geographical "United States", which is defined in 26 U.S.C. §7701 (a)(9) and (a)(10) as the District of Columbia and NO part of any state of the Union. This geographical area is referred to in 18 U.S.C. §7 as "special maritime jurisdiction". OR
- b. Aliens (foreign nationals) who have no "residence" in the COUNTRY United States. By "residence", I mean the ABODE of a foreign national from another country while visiting any part of the COUNTRY "United States" per 26 U.S.C. §7701(b) and 26 C.F.R. §301.7701(b)-1(c)(2). 26 C.F.R. §1.871-2 says that ONLY "alien individuals" (foreign nationals) can have a "residence". POLITICAL "citizens" therefore cannot be statutory "individuals" or "resident" while present anywhere in the COUNTRY because they are NOT subject to the "presence test" found in 26 U.S.C. §7701(b) and 26 C.F.R. §301.7701(b)-1(c)(2).

The most OBVIOUS evidence that "alien" doesn't mean what most people erroneously think of as someone born in a foreign country is found in the IRS instructions on preparing the 1040-NR return, which also acknowledge "U.S. nationals". In common English, an "alien" is classically defined, however, as someone who is a FOREIGN national born in another country. That is also the definition in 26 C.F.R. §1.1441-1(c)(3)(i) for "alien individuals", in fact, which defines it as someone who is NEITHER a "citizen nor a national". This anomaly of putting "alien" in the term "nonresident alien" while ALSO including "U.S. nationals" in that category is what got us interested in this subject to begin with.

Let me explain further: Income tax described in Title 26, Subtitles A and C is based ENTIRELY on DOMICILE (for nationals) or RESIDENCE (for aliens), and not NATIONALITY. The U.S. Supreme Court recognized this in Lawrence v. State Tax Commission, 286 U.S. 276 (1932) when it held: *"The obligation of one domiciled within a state to pay taxes there, arises from unilateral action of the state government in the exercise of the most plenary of sovereign powers, that to raise revenue to defray the expenses of government and to distribute its burdens equably among those who enjoy its benefits. Hence, domicile in itself establishes a basis for taxation. Enjoyment of the privileges of residence within the state, and the attendant right to invoke the protection of its laws, are inseparable from the responsibility for sharing the costs of government. See Fidelity & Columbia Trust Co. v. Louisville, 245 U.S. 54, 58; Maguire v. Trefry, 253 U.S. 12, 14, 17; Kirtland v. Hotchkiss, 100 U.S. 491, 498; Shaffer v. Carter, 252 U.S. 37, 50."* State courts have added to this ruling that a national born in the "United States" the COUNTRY could escape income taxation ENTIRELY simply by not declaring a voluntary domicile! See *Barhydt v. Cross, 156 Iowa 271 (1912)*.

The federal income tax behaves as the equivalent of a state income tax for the District of Columbia and its POLITICAL (territorial) but not CONSTITUTIONAL (Fourteenth Amendment) citizens as held by the U.S. Supreme Court in Downes v. Bidwell, 182 U.S. 244 (1901). In that case, the Supreme Court held: *"It was insisted that Congress could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the United States [described in the Constitution]. It was held that the grant of this power was a general one without limitation as to place, and consequently*

1 extended to all places over which the government extends; and that it extended to the District of Columbia as a constituent
2 part of the United States.” This case is the very reason the term “United States” is defined geographically as the District of
3 Columbia ONLY 26 U.S.C. §7701(a)(9) and (a)(10).

4 Consistent with the above, the terms “alien” or “foreign” alone are NOWHERE defined in the Internal Revenue Code.
5 “domestic” is defined in 26 U.S.C. §7701(a)(4) relative to a corporation or partnership only as being organized under the
6 laws of the exclusive jurisdiction of a STATUTORY “State” or the STATUTORY geographical “United States” and not a
7 constitutional state. IRS would SPILL THE BEANS and destroy nearly all their revenue by simply defining these terms
8 accurately or even admitting the definitions provided here. That is why “alien” and “foreign” without a prefix or suffix are
9 NEVER defined. “foreign” in 26 U.S.C. §7701(a)(5) is only defined in relation to corporations, because the “United States”
10 itself is a foreign corporation with respect to a state of the Union as described in the Corpus Juris Secundum Legal
11 Encyclopedia. “foreign” is never defined geographically. Any “alien individual” physically within the COUNTRY “United
12 States” is the ONLY party with a “residence” mentioned in the Internal Revenue Code or implementing regulations at 26
13 C.F.R. §1.871-2. This “alien individual”, however, is not a “resident alien” per 26 U.S.C. §7701(b)(1)(A) because they must
14 have a green card and ASK/CONSENT to be a “resident alien”. Further, anyone serving in an office within the “United
15 States” federal corporation is also “domestic” and a source “WITHIN the United States” for the purposes of income sourcing
16 rules and is described in 26 U.S.C. §871(b) in the case of STATUTORY “nonresident aliens” under 26 U.S.C. §7701(b)(1)(B).
17 Anyone such as those born in states of the Union who is “alien” (foreign domicile and no STATUTORY “residence” as an
18 “alien individual”) receiving payments from EITHER the “United States” federal corporation (28 U.S.C. §3002(15)(A)) or
19 from the statutory geographical “United States” under 26 U.S.C. §7701(a)(9) and (a)(10) then is receiving “U.S. source”
20 income under 26 U.S.C. §871(a). So, unless a STATUTORY “nonresident alien” works WITHIN the “United States” federal
21 corporation as a public officer or receives payments from that corporation or from the District of Columbia, they can earn no
22 “U.S. source” income except by MISTAKE or CONSENT. Any other interpretation of 26 U.S.C. §871 would produce a
23 DIRECT interference with the right to contract of multiple parties if both parties to any financial transaction were private and
24 constitutionally protected and not subject to exclusive federal jurisdiction. It would also be THEFT and an unconstitutional
25 taking in violation of the Fifth Amendment Takings Clause.

26 Only STATUTORY “alien individuals” are defined in 26 C.F.R. §1.1441-1(c)(3)(i) and they are defined as: “*The term alien*
27 *individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).*” The “citizen”
28 mentioned in this definition is a POLITICAL/TERRITORIAL (Puerto Rico) citizen, not a state citizen born in a constitutional
29 state. The “national” mentioned in this definition is that defined in 8 U.S.C. §1101(a)(22)(A) and 8 U.S.C. §1101(a)(21)
30 (state citizens). Within that definition of “individual”, the only way that those born anywhere in the COUNTRY “United
31 States” can become STATUTORY “individuals” is when they have a “tax home” abroad per 26 U.S.C. §911(d). “Tax home”
32 in that scenario doesn’t mean domicile or even “residence” as defined in 26 C.F.R. §1.871-2 for “alien individuals” ONLY,
33 but the place a CONSENTING CIVIL “citizen” temporarily resides while representing the civil statutory office of “citizen”
34 and “resident” within the department of the Treasury. You cannot be an “alien individual” and a “national” at the same time.
35 You can, however, be “alien” and “foreign” in the sense of the Internal Revenue Code by (1) Not having a domicile in the
36 statutory geographical United States as a “national” or (2) not having a “residence” anywhere in the COUNTRY “United
37 States” as an “alien individual” under 26 U.S.C. §7701(b) and 26 C.F.R. §301.7701(b)-1(c)(2).

38 I know this might sound confusing to the uninitiated who have no legal training, but I assure you it is ABSOLUTELY correct
39 and a product of YEARS of studying how the IRS deliberately deceives the public in order to maximize its revenue
40 ILLEGALLY. It has also been verified by retired U.S. SUPREME COURT JUSTICES! IRS deceives mainly by legal
41 “words of art”, “equivocation” of geographical terms, OMISSION in defining key terms (such as “foreign” or “alien”), and
42 being unaccountable for the accuracy of anything it says or writes. Why would you trust them at all rather than reading the
43 laws mentioned here and verifying the truth yourself like any conscientious freedom minded American would? Deception
44 of the IRS, the courts, and even the legal profession on the jurisdictional issues discussed herein is exhaustively described in
45 the following FREE document which I encourage you to read as I have and to refer your loved ones to:

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

48 10. QUESTION 10: My computer system does not allow me to enter people with U.S.A. passports as “foreign person” if you
49 have a United States passport. How can I do it?

50 ANSWER 10: See block 6 of the W-8SUB, Form #04.231. Select “OTHER” for the country and then enter “USA”.

11. QUESTION 11: How can you NOT be subject to reporting as a "[foreign person](#)"?"

ANSWER 11: Legal terms should NEVER be PRESUMED to have an ordinary meaning when a statutory definition is provided. The term "trade or business" is a "word of art" defined in [26 U.S.C. §7701\(a\)\(26\)](#) as "the functions of a public office". Only those engaged in such an office are subject to reporting under [26 U.S.C. §6041\(a\)](#). This INCLUDES "foreign persons" who file a [Form W-8SUB](#) and who would otherwise be the target of [IRS Form 1042s](#) reporting.

12. QUESTION 12: How can you not be subject to withholding as a "foreign person" under [26 U.S.C. §1441](#) (passive earnings under [26 U.S.C. §871\(a\)](#)) and [26 U.S.C. §3406](#) (backup withholding for employment under [26 U.S.C. §871\(b\)](#))?

ANSWER 12: Earnings subject to withholding must originate from the STATUTORY geographical "United States" as defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) or from the U.S. government federal corporation and in my case they do not. I do not maintain a physical office in THE "[United States](#)" or a public office there either. Therefore, I am "foreign". The fact that you might THINK that YOU are subject to withholding WITHOUT your consent does not make it so. I must rely on facts as they really are on my withholding forms, and not what YOU THINK they are or even WANT them to be.

13. QUESTION 13: Does the IRS recognize what you have said here?

ANSWER 13: Of course. They accept 1040-NRs all the time from people in states of the Union, called the CONSTITUTIONAL "[United States](#)". I'd be happy to show you a return they have accepted if I have one and you don't believe me. They understand that slavery in this country is ILLEGAL EVERYWHERE, including in the STATUTORY "[United States](#)" under the Thirteenth Amendment. As a consequence, the IRS knows that anything that carries a civil obligation which does not injure others must be voluntary and avoidable. This includes the civil status of "citizen" and "resident", who are made LIABLE TO rather than LIABLE FOR the tax in [26 C.F.R. §1.1-1\(a\)](#) on their WORLDWIDE earnings. Is slavery and human trafficking throughout the ENTIRE WORLD lawful? The process of volunteering occurs based on the CIVIL STATUS one VOLUNTARILY CHOOSES for themselves, such as "[foreign person](#)", "[U.S. Person](#)", "citizen", "resident", etc. As the only owner of yourself and a non-slave, you are the only one who can decide what civil status you want to have in relation to all others, both legally and politically, including "[foreign person](#)" or "[U.S. Person](#)". To disallow you from doing this would be a violation of your First Amendment right of political and legal association or lack thereof and a violation of your right to contract or not contract. They don't want to advertise these facts for obvious reasons, but when push comes to shove and they receive a 1040-NR from someone in a state of the Union, they routinely accept it and process it and usually refund most of the earnings of those born and domiciled in the constitutional states of the Union.

14. QUESTION 14: Why don't more Americans do this?

ANSWER 14: Because very few Americans actually read the law, including members of the legal profession. But the law is on your side if you read it and follow it! It's not immoral or harmful to you or anyone else to just read the law and FOLLOW it. The U.S. Supreme Court has even implied that those who don't read and understand the law are bad citizens. I'd like to encourage you to do that for yourself.

15. QUESTION 15: So, people have to volunteer for income tax as someone in a state of the Union or the CONSTITUTIONAL "United States"?

ANSWER 15: Yes. Absolutely. Here is how you do that:

How American Nationals Volunteer to Pay Income Tax, Form #08.024
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>.

You are free to leave the federal plantation if you want to. The jailhouse door is wide open with the key hanging out of the lock, for those that want to learn to leave the prison of their own legal ignorance by reading the law for themselves and following it. What's wrong with THAT?

"Is this not the fast [act of faith, worship, and OBEDIENCE] that I [God] have chosen [for believers]:

To loose the [bonds of wickedness](#),

To undo the heavy burdens,

To let [the oppressed](#) go free,

And that you break every yoke [[franchise](#), contract, tie, dependency, or "benefit" with the

government]?"
[Isaiah 58:6, Bible, NKJV]

"The Spirit of the Lord God is upon Me,
Because **the Lord has anointed Me**
To preach good tidings to the poor;
He has sent Me to heal the brokenhearted,
To proclaim liberty to the [government] captives
And the opening of the prison [government FARM, Form #12.020] to those who are bound;
To proclaim the acceptable year of the Lord, And the day of vengeance of our God;"
[Isaiah 61:1-2, Bible, NKJV]

16. **QUESTION 16:** Why doesn't anyone in the government or the legal profession want me to know these things and why do they refuse to talk about these things in their publications?

ANSWER 16: Because they are all "Third Rail" issues which threaten the revenue, security, or profitability of the government or those in bed with them receiving privileges. A "Third Rail" issue is anything that will get you NOT HIRED, FIRED, NOT PROMOTED, or "CANCELLED" if you bring it up in a business setting because it damages revenue. The love of money that is behind such issues, by the way, the Bible identifies as the ROOT OF ALL EVIL. 1 Tim. 6:10.

17. **QUESTION 17:** How can I learn more about this subject myself? There are obviously lots of things that the government and my company are not telling or teaching me in the public school or in my employee training.

ANSWER 17: Read the following:

17.1. Foreign Tax Status Information Group (FTSIG) Website-thorough coverage of everything described here as well as how to file returns as an American National who is a "nonresident alien".
<https://ftsig.org>

17.2. Nonresident Alien Position Course, Form #12.045
<https://sedm.org/LibertyU/NRA.pdf>

17.3. Proof that American Nationals are Nonresident Aliens, Form #09.081
<https://sedm.org/Forms/09-Procs/ProofAnNRA.pdf>

17.4. Property View of Income Taxation Course, Form #12.046-Proves that your private, constitutionally protected property can only be taxed, regulated, or controlled WITH your consent in some form.
<https://sedm.org/LibertyU/PropertyViewOfIncomeTax.pdf>

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

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

For the purposes of the above documents, the term "non-person" has a custom definition. It does NOT mean that I am NOT a CONSTITUTIONAL "person", which is always a human being with CONSTITUTIONAL and COMMON LAW rights. That custom definition can be examined in section 2.1 of the last document listed above. The statutory definition of "person" when duties are owed to any government presupposes that those to whom it refers are exercising agency or office on behalf of the government corporation, which I am not in this case. Anyone handling government property, such as a STATUTORY SSN or TIN, must do so as an agent or officer of the government, which is why I can't provide you with a STATUTORY identifying number either in this case. See Article 4, Section 3, Clause 2 of the Constitution, 5 U.S.C. §553(a)(2) and 44 U.S.C. §1505(a) for the origin of Congress' authority to legislate DIRECTLY upon the public, which depends primarily on whether one is handling government property or engaging in contracts or employment with the government. Absent such authority in this case proven WITH court admissible evidence, I am protected by the Constitution and cannot be regulated in the conduct of my private, constitutionally protected affairs such as this transaction and must be left alone as a matter of justice and law. This is also further explained in item 17.6 above.

18. **QUESTION 18:** I'd like to involve the corporate counsel or CPA. Would you be willing to meet with them to discuss this further, because I am not a lawyer, paralegal, or tax practitioner?

1 ANSWER 18: Absolutely. I'd be happy to meet, discuss, and defend anything appearing in this withholding form. I have
2 absolutely nothing to hide and am doing my VERY BEST to obey the law as I understand it. I will bring one or more
3 witnesses to the meeting and reserve the right to do an audio or video recording of the entire meeting. Calling such a meeting
4 shall constitute constructive/implied consent to recording if the meeting is conducted in a one-party state.

5 CONCLUSIONS:

6 NOW do you understand why the IRS SPINS the word "nonresident alien" by not including "U.S. nationals", and why they
7 don't want to admit that people in states of the Union are "U.S. nationals" even though abundant authorities available
8 elsewhere exhaustively prove otherwise? It's a "Third Rail Issue" that would adversely impact their revenue. They are in
9 business to "service" people and not actually protect their freedom or private property. That means you better either get good
10 at bending over or start reading and following the law so you don't have to anymore. All of this legal subterfuge with "words
11 of art" is just a trap (what judges call a "spring") to recruit more "customer" volunteers as described in:

How American Nationals Volunteer to Pay Income Tax, Form #08.024
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

12 10 How government and private industry hide this information and dissuade American Nationals from pursuing it

13 There are a number of tactics taken by the Government and the IRS to hide this information, dissuade American Nationals
14 from using it, and in effect punishing them for pursuing it. This section summarizes those unscrupulous tactics and reveals a
15 vast conspiracy by each branch of the government to avoid, interfere with, punish, and obfuscate attempts by American
16 nationals from using it. They represent a "diabolically orchestrated", narcissistic, and satanic plan to undermine the
17 constitution and implement a de facto government as described in:

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

18 The MAIN way of undermining the constitution documented on this site is to HIDE or AVOID the requirement for
19 EXPRESS, INFORMED consent that is the ONLY lawful basis to surrender PRIVATE rights or convert them to PUBLIC
20 rights.

Invisible Consent, FTSIG
<https://ftsig.org/how-you-volunteer/invisible-consent/>

21 Thus, there is LEGAL DECEPTION (Form #05.014) implemented by EQUVOCATION and OMISSION, motivated mainly
22 by covetousness of public servants and in violation of their FIDUCIARY OATH to protect ABSOLUTELY OWNED
23 PRIVATE PROPERTY (Form #14.018) that is the ONLY subject of the Bill of Rights:

24 *"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*
25 *exercised in behalf of the government or of all citizens who may need the intervention of the officer. [1]*
26 *Furthermore, the view has been expressed that all public officers, within whatever branch and whatever*
27 *level of government, and whatever be their private vocations, are trustees of the people, and accordingly*
28 *labor under every disability and prohibition imposed by law upon trustees relative to the making of*
29 *personal financial gain from a discharge of their trusts. [2] That is, a public officer occupies a fiduciary*
30 *relationship to the political entity on whose behalf he or she serves. [3] and owes a fiduciary duty to the*
31 *public. [4] It has been said that the fiduciary responsibilities of a public officer cannot be less than those*
32 *of a private individual. [5] Furthermore, it has been stated that any enterprise undertaken by the public official*
33 *which tends to weaken public confidence and undermine the sense of security for individual rights is against*
34 *public policy.[6]"*

35 [63C Am.Jur.2d, Public Officers and Employees, §247 (2003)]

36 37 FOOTNOTES:

38 [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,
39 115 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).

10.1 Legislative Branch

1. Terms surrounding this issue describe what they are NOT, and not what they ARE. This is because Congress cannot civilly DEFINE what they have no jurisdiction over or property interest in. Thus, terms describing the position are not “definitions” in a legal sense because they do not accurately and completely describe all things that are INCLUDED in the definition.
 - 1.1. “foreign person” in 26 C.F.R. §1.1441-1(c)(2).
 - 1.2. “nonresident alien” in 26 U.S.C. §7701(b)(1)(B).
2. Terms surrounding the issue use the word “includes” and “including” in their definition so that everything that is included is not indicated. 26 U.S.C. §7701(c). Thus, the statutes fail the Constitutional requirement for “reasonable notice”, which requires that every thing or class of things encompassed by the definition must be described.
 - 2.1. The constitutional requirement for reasonable notice is described in:

Requirement for Reasonable Notice, Form #05.022
<https://sedm.org/Forms/05-MemLaw/ReasonableNotice.pdf>
 - 2.2. 2.2. Definitions of terms used in connection with the nonresident alien position include:
 - 2.2.1. “United States” in 26 U.S.C. §7701(a)(9).
 - 2.2.2. “Employee” in in 26 U.S.C. §3401(c).
3. The CONTEXT of terms surrounding the issue are deliberately unspecified and vague.
 - 3.1. This renders it impossible to determine who the statute applies to and thus fails the constitutional requirement for reasonable notice described in:

Requirement for Reasonable Notice, Form #05.022
<https://sedm.org/Forms/05-MemLaw/ReasonableNotice.pdf>
 - 3.2. 3.2. Confusion or equivocation of contexts is a FAVORITE tool of sophists to hide the requirement for your consent. See:

Legal Deception, Propaganda, and Fraud, Form #05.014, Section 18.1
<https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
 - 3.3. Contexts that are equivocated include:
 - 3.3.1. “United States”, which can be LEGAL/CORPORATE or GEOGRAPLICAL in 26 U.S.C. §7701(a)(9).
 - 3.3.2. “person”, which can be PRIVATE/CONSTITUTIONAL or PUBLIC/STATUTORY in 26 U.S.C. §6671(b) and 26 U.S.C. §7343.
4. Because the term “nonresident alien” contains the word “alien”, legally ignorant people hearing the term will inevitably do the following (social engineering):
 - 4.1. Falsely PRESUME that it includes only foreign nationals and not American Nationals. IRS Publication 519 perpetuates this illusion by only mentioning ALIENS. They have no SIMILAR publication for Nonresident Aliens who are “nationals” and not “aliens”.
 - 4.2. Avoid using the term to describe themselves.
5. Because terms surrounding the foreign issue are NOT legally defined, then:
 - 5.1. People are left with doubt about whether they satisfy the term. A confused or ignorant mind always says no and avoids uncertainty.

- 5.2. Those wishing to PROVE they have the status cannot satisfy the burden of proving a NEGATIVE. It is difficult and sometimes impossible to prove a negative.
6. They invented TWO terms to describe “nonresidents”:
- 6.1. “[nonresident aliens](#)” in [26 U.S.C. §871](#). This group includes both ALIENS and American NATIONALS.
- 6.2. “[non-resident aliens](#)” in [26 U.S.C. §864](#). This group consists of ONLY aliens and foreign nationals.
7. The WITHHOLDING provisions in [26 U.S.C. §1441](#) are imposed against NONRESIDENT ALIENS in [26 U.S.C. §871](#), rather than the more proper “NON-RESIDENT ALIENS” in [26 U.S.C. §864](#).
- 7.1. The definition of “individual” in [26 C.F.R. §1.1441-1\(c\)\(3\)](#) includes only ALIENS and excludes NATIONALS.
- 7.2. These WITHHOLDING provisions therefore DO NOT APPLY to American Nationals AT ALL!
- 7.3. IRS NEVER states this in their publications or their website and withholding agents aren’t aware of this, so you have to get into an argument with everyone you do business with to educate them about these distinctions and to lawfully avoid both withholding and reporting as an American National who is a nonresident alien.

For Proof of the above, see:

[Lawfully Avoiding Foreign Person Withholding](#), FTSIG
<https://ftsig.org/lawfully-avoiding-foreign-person-withholding/>

10.2 Judicial Branch

1. Federal judges are FORBIDDEN by statute from declaring what the terms “mean” surrounding the issue in order to resolve ambiguities.
- 1.1. The Declaratory Judgments Act, [28 U.S.C. §2201](#)(a) forbids declaratory judgments relating to the terms for those who are SUBJECT to federal law but not for those who are NOT such as PRIVATE and FOREIGN parties.
- 1.2. Thus, the deliberate ambiguity and violation of due process involved in the construction of the statutes can NEVER be resolved by judges except among those who sue under the common law and equity instead of the statutes.
2. Caselaw on the [Nonresident Alien Position](#) is nearly nonexistent.
- 2.1. VERY few cases on the subject appear in the public record because the courts don’t want to spill the beans on this subject and open the flood gates of sheep exiting the government farm.
- 2.2. Courts do this by making cases on the subject unpublished so that they cannot be relied upon to sustain a position by anyone else. See:
<http://www.nonpublication.com/>
- 2.3. The need for litigating the subject is avoided because tax returns are promptly processed and returns issued so that subsequent litigation that would expose this issue is not necessary.
- 2.4. The lack of evidence in the public record makes it more difficult to prove your position to business associates, who usually insist on court precedents as a way to validate the position.
3. Federal courts such as the Court of Claims are deliberately MISAPPLYING the presence test in [26 U.S.C. §7701](#)(b) to American Nationals in constitutional states. The presence test applies ONLY to “alien individuals” and never NATIONALS. They do this to deceive American Nationals into believing that:
- 3.1. “[United States](#)” includes constitutional states, even though the term in fact is NON-GEOGRAPHICAL and LEGAL throughout most of the Internal Revenue Code.
- 3.2. They have “taxable income” from “[sources within the United States](#)“, even though the “[United States](#)” is the government and not a geography in the case of an American who is a nonresident alien.
- 3.3. They are NOT “[nonresident aliens](#)”. The term is never even LEGALLY DEFINED, so that’s RIDICULOUS! For examples of this phenomenon, see *Walby v. United States*, 144 Fed.Cl. 1 (2019), [Walby v. United States](#), 957 F.3d 1295 (2020). Read the following article REBUTTING these FRAUDULENT rulings:
- [Proof of Facts: The “Presence Test” excludes States of the Union in the Case of American Nationals who are “Nonresident Aliens”](#), FTSIG
<https://ftsig.org/proof-of-facts-the-presence-test-excludes-states-of-the-union-in-the-case-of-american-nationals-who-are-nonresident-aliens/>
4. The U.S. Supreme Court HID the METHOD by which Cook CONSENTED to be taxed and how that consent was manifested in the landmark case of [Cook v. Tait](#), 265 U.S. 47, 56 (1924). They said he was subject to the Income tax on WORLDWIDE earnings but didn’t indicate HOW he consented to BECOME subject, which was the filing of a 1040 return at the time and answering YES to the question: “Are you a citizen or resident of the United States?”. Thus, they INTERFERED with giving [CONSTITUTIONALLY REQUIRED REASONABLE NOTICE \(Form #05.022\)](#) to the American public that their consent was required to BECOME a privileged “citizen” (public office, not POLITICAL Citizen*) under the tax code and [HOW they consented](#). Thus, they made the [consent INVISIBLE](#). The Chief Justice at

that time was William Howard Taft, who was also the former president who PROPOSED the Sixteenth Amendment and later got it FRAUDULENTLY ratified. See:

Great IRS Hoax, Form #11.302, Sections, 5.2.14.2, 6.7.1
<https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

10.3 Executive Branch

1. The Social Security Administration (SSA) has CLASSIFIED the meaning of records they maintain about your citizenship status. You AREN'T ALLOWED to know what kind of "citizen" THEY think you are!
 - 1.1. Citizenship is recorded in the Citizenship Status Profile (CSP) code of the SSA system of records.
 - 1.2. Our members have attempted to obtain the meaning of the status codes through the FOIA process and have been rebuffed, such as the following:

Social Security Admin. FOIA for CSP Code Values, Exhibit #01.011
<https://sedm.org/Exhibits/EX01.011.pdf>

- 1.3. More about this SCAM at:

Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006, Section 15.13
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

2. The Social Security Program Operations Manual System (POMS) and the SSA Website never define the TYPE of "citizen" eligible for Social Security, which, per the Social Security Act itself, is LIMITED to territorial citizens. This obfuscation and equivocation is deliberate, so that they can protect themselves from charges of criminal identity theft as recorded in:

Identity Theft Affidavit, Form #14.020
https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf

3. The IRS Website says you CANNOT trust anything they print, publish, or say. Why the HELL would you want to fill out a form that you can't trust and sign under penalty of perjury that it's truthful? Ridiculous! Ironically, they won't even take responsibility for their own publication "The Truth About Frivolous Tax Arguments" so apparently, even THAT is LIES you can't trust. See:
<https://ftsig.org/special-language/irs-pubs-warning/>
 4. IRS Publication 519 perpetuates the illusion that there is no such thing as an American National who is a "nonresident alien".
 - 4.1. It only mentions "aliens" in connection with "nonresident aliens".
 - 4.2. It doesn't mention "nationals of the United States" who are "nonresident alien INDIVIDUALS" and how they became "individuals". They do this IN SPITE of the fact that such things are recognized in 26 U.S.C. §873 in connection with American Nationals taking privileged deductions.
 - 4.3. It applies the presence test to determine who are "nonresident aliens", even though the Presence Test in 26 U.S.C. §7701(b) only applies to "alien individuals" and never American Nationals by default. 26 U.S.C. §937 and 26 C.F.R. §1.937-1 apply the presence test to American Nationals to possessions, but only as a foreign affairs function in relation to Congress' exclusive jurisdiction in possessions and not in relation to constitutional states.
 5. The 1040-NR tax return in its present form OMITTS mention of "nationals of the United States" as being eligible to file as a nonresident alien.
 - 5.1. "national of the United States" was directly listed on the return as being eligible from 1980 to 1983.
 - 5.2. "U.S. nationals" were listed on the return as being eligible to file as from 1984-2017.
- See for yourself! Look at:

Tax Return History: Citizenship, Family Guardian Fellowship
<https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm>

6. The processing of 1040-NR returns is compartmentalized at only ONE of the MANY service centers of the IRS in Austin, Texas.
 - 6.1. This ensures that people at the other service centers do not get wind of the NRA approach.
 - 6.2. If you send a 1040-NR return to the WRONG location, they will try to penalize the return as frivolous because the people at the other service centers aren't allowed to know about the NRA position.
7. The ONLY source of jurisdiction within constitutional states of the Union originates in either federal property or foreign affairs functions.
 - 7.1. Foreign affairs relates ONLY to aliens and never NATIONALS or American NATIONALS.

- 1 7.2. By including BOTH ALIENS and NATIONALS under the “nonresident alien” umbrella, they can abuse
2 [equivocation \(sophistry\)](#) to deceive legally ignorant American Nationals into avoiding the Nonresident Alien
3 Position.
4 7.3. Since American NATIONALS in Constitutional states, unlike ALIENS, are not subject to foreign affairs
5 functions then the only jurisdiction over them then becomes PROPERTY under [Article 4, Section 3, Clause 4 of](#)
6 [the Constitution](#).
7 7.4. IRS therefore deliberately never tells you that the TAX STATUS or CIVIL STATUS of “nonresident alien”,
8 “person”, “taxpayer”, and “individual” are in fact the ONLY property the government created and owns that they
9 can use to control the average American National and that pursuit or benefit of all such forms of property are
10 voluntary. See:

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

11 10.4 Private Industry

- 12 1. Black’s Law Dictionary USED to clarify the distinction between NATIONALITY and DOMICILE or POLITICAL
13 STATUS v. CIVIL STATUS. The last three versions REMOVED the discussion of this KEY issue, in order to protect
14 EQUIVOCATION on the part of politicians and the legal profession designed to ENSLAVE you.
15 2. The [Hague Convention](#) section dealing with the distinction between NATIONALITY and DOMICILE was NEVER
16 translated into ENGLISH in order to ensure you never learn about the equivocation politicians, judges, and legislators
17 routinely engage in on the subject. For the ENGLISH translation created by one of our members, see:
Convention Relating to the Settlement of the Conflicts Between the Law of Nationality and the Law of Domicile
[Anno Domini 1955], Exhibit #01.008
<https://sedm.org/Exhibits/EX01.008.pdf>
18 3. IRS knows that most withholding agents are financial institutions that have a vested interest to ensure that you provide
19 an SSN or TIN so they can use the number for asset recovery, [Anti-Money-Laundering \(AML\) \(Form #05.044\)](#),
20 accounting, and credit reporting purposes.
21 3.1. However, “nonresident aliens” not engaged in a “[trade or business](#)” are not required to have or use these numbers
22 per [26 U.S.C. §301.6109-1\(b\)](#). This also exempts them from Know Your Customer (KYC) rules at FINTECH
23 firms as well. See [Form #09.084](#).
24 3.2. The result of not using these numbers encourages fraud on the part of their own employees and depositors, such
25 as the massive Wells Fargo fraud where bank employees opening hundreds of thousands of unenumerated and
26 unauthorized accounts to get employee bonuses and the fraud went unnoticed for years without SSNs on the new
27 accounts. They were massively fined for doing so.
28 3.3. Therefore, even though American Nationals are correct in insisting on unenumerated accounts, financial
29 institutions asking for withholding paperwork sometimes push back on efforts to open unenumerated
30 nonprivileged accounts using the [W-8BEN \(Form #04.202\)](#). They do this so they can track their customers like
31 animals and destroy ALL their rights for the sake of “business efficiency”, AML compliance, asset recovery, and
32 credit reporting purposes. They also use these numbers for their CHEX system as well to report bounced checks
33 so that bad actors are blacklisted. Thus, those seeking NRA accounts or positions, like those engaged in marijuana
34 sales and crypto, are subject to private economic sanctions by being illegally targeted and discriminated against
35 with “debanking” or “unbanking”.
36 3.4. The banking industry has also vociferously resisted attempts by the [Consumer Financial Protection Bureau](#)
37 [\(CFPB\)](#) to implement regulations that forbid banking discrimination against NRAs seeking unenumerated
38 accounts and others. Their first attempt to do so has been met with protracted litigation. Nevertheless, some states
39 are implementing laws anyway to forbid such illegal discrimination and economic sanctions by banks. See:
Money and Banking Topic, Section 8.7, Family Guardian Fellowship
https://famguardian.org/Subjects/MoneyBanking/MoneyBanking.htm#Banking_Discrimination
40 3.5. Unscrupulous tactics abused by financial institutions to resist opening unenumerated NRA accounts include:
41 3.5.1. Playing STUPID and just PRESUMING that all “nonresident aliens” are “aliens”, and that American
42 nationals are not ALIENS.
43 3.5.2. To put legally ignorant clerks who don’t read the law in charge of opening new accounts and claiming
44 ignorant when you confront them with the law.
45 See the following for proof of the above.

About IRS Form W-8BEN, Form #04.202, Section 14
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>

4. For those American Nationals who DO NOT know that they are “foreign” but NOT “foreign persons” under [26 C.F.R. §1.1441-1](#) and are NOT subject to FOREIGN PERSON WITHHOLDING or REPORTING, all the methods for escaping withholding or reporting require them to engage in privileged “trade or business” (Form #05.001) or to make some kind of “election” that:
 - 4.1. Makes them privileged.
 - 4.2. Makes them an “individual” even though they are not UNTIL they pursue the PRIVILEGE of deductions under [26 U.S.C. §162](#) and [26 U.S.C. §873](#).
 - 4.3. Makes them and a “taxpayer”.
5. There are NO software tools available to file as a nonresident alien. Turbotax ONLY supports DOMESTIC returns.
6. Tax preparation franchise businesses like Jackson Hewitt and H&R Block ONLY accept RESIDENT (1040) tax returns under the FALSE presumption that American Nationals in states of the Union are DOMESTIC and not “overseas” under [26 U.S.C. §911](#). One of our members ran such a franchise and can attest to this FRAUD.

10.5 Summary

IRS astutely knows that people naturally will always take the path of:

1. Least resistance, where they can avoid arguments with withholding agents or business associates who don’t know that “foreign person” in [26 U.S.C. §1441](#) and [26 C.F.R. §1.1441-1](#) excludes American Nationals.
2. Least complexity. The 1040 and the W-4 are simpler than the 1040-NR and W-8BEN respectively.
3. Least effort, where they can avoid having to read or learn the law by just doing what everyone else does.
4. Greatest convenience, reward, or benefit. The ability to take deductions or receive a benefit or credits by doing something adds a powerful incentive to just about anything. Unfortunately, all these things are privileges that have a price tag or obligation attached to them.

The tactics in this section ensure that if human nature takes its natural course, YOU as an American National, will:

1. Avoid preserving and declaring and implementing your natural default status as a “nonresident alien”.
2. Avoid arguments with withholding agents, corporate counsel, and your business associates by submitting a W-9 instead of the more proper [W-8BEN](#).
3. Make an “invisible election” ([invisible consent](#)) to become a privileged “U.S. person” by filing a 1040 form instead of the more proper 1040-NR form because it is SIMPLER and requires you to know less.

The combined result of the above is [LITERAL slavery mainly through legal ignorance manufactured in the public FOOL/SCHOOL system \(Form #05.055\)](#), being maximally privileged, paying the MOST tax, and being a peon on a legal leash who pays tax on their WORLDWIDE earnings EVERYWHERE and doesn’t even know how they became a slave to begin with. Welcome to gulag Amerika, Comrade!

To prove the above yourself, see:

1. *META AI: “Nonresident Alien” v. “non-resident alien”*, FTSIG <https://ftsig.org/meta-ai-nonresident-alien-v-non-resident-alien/>
2. *META AI: Is a “NATIONAL OF THE UNITED STATES” A “FOREIGN PERSON” under 26 U.S.C. 1441?*, FTSIG <https://ftsig.org/meta-ai-is-a-national-of-the-united-states-a-foreign-person/>
3. *Lawfully Avoiding Foreign Person Withholding*, FTSIG <https://ftsig.org/lawfully-avoiding-foreign-person-withholding/>
4. *Foreign Person Reporting and Withholding Summary*, FTSIG <https://ftsig.org/foreign-person-reporting-and-withholding-summary/>

11 Proofs and Rebuttals

11.1 Proof of Facts: The “Presence Test” excludes States of the Union in the Case of American Nationals who are “Nonresident Aliens”

11.1.1 Proof

The presence test is found at [26 U.S.C. §7701\(b\)](#) as follows:

[26 U.S. Code § 7701 – Definitions](#)

(b) Definition of resident alien and nonresident alien

(1) In general

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

(A) Resident alien

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

(i) Lawfully admitted for permanent residence

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

(ii) Substantial presence test

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

(iii) First year election

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

(B) Nonresident alien

An individual is a nonresident alien if such individual is neither a citizen of the United States nor a resident of the United States (within the meaning of subparagraph (A)).

[. . .]

(3) Substantial presence test

(A) In general

Except as otherwise provided in this paragraph, an individual meets the substantial presence test of this paragraph with respect to any calendar year (hereinafter in this subsection referred to as the “current year”) if—

(i) such individual was present in the [United States](#) on at least 31 days during the calendar year, and

(ii) the sum of the number of days on which such individual was present in the [United States](#) during the current year and the 2 preceding calendar years (when multiplied by the applicable multiplier determined under the following table) equals or exceeds 183 days:

In the case of days in:	The applicable multiplier is:
Current year	1
1st preceding year	$\frac{1}{3}$
2nd preceding year	$\frac{1}{6}$

(B) Exception where individual is present in the United States during less than one-half of current year and closer connection to foreign country is established

An individual shall not be treated as meeting the substantial presence test of this paragraph with respect to any current year if—

(i) such individual is present in the United States on fewer than 183 days during the current year, and

(ii) it is established that for the current year such individual has a tax home (as defined in section 911(d)(3) without regard to the second sentence thereof) in a foreign country and has a closer connection to such foreign country than to the United States.

The regulations implementing the above are consistent with the above because they use the LOWER case “state” to refer to states of the Union. These states are LEGISLATIVELY foreign.

26 C.F.R. §301.7701(b)-1 – Resident alien.

§ 301.7701(b)-1 Resident alien.

(c) Substantial presence test—

(1) In general.

An alien individual is a resident alien if the individual meets the substantial presence test. An individual satisfies this test if he or she has been present in the United States on at least 183 days during a three year period that includes the current year. For purposes of this test, each day of presence in the current year is counted as a full day. Each day of presence in the first preceding year is counted as one-third of a day and each day of presence in the second preceding year is counted as one-sixth of a day. For purposes of this paragraph, any fractional days resulting from the above calculations will not be rounded to the nearest whole number. (See §301.7701(b)-9(b)(2) for transitional rules for calendar years 1985 and 1986.)

(2) Determination of presence—

(i) Physical presence.

For purposes of the substantial presence test, an individual shall be treated as present in the United States on any day that he or she is physically present in the United States at any time during the day. (But see §301.7701(b)-3 relating to days of presence that may be excluded.)

(ii) United States.

For purposes of section 7701(b) and the regulations thereunder, the term United States when used in a geographical sense includes the states and the District of Columbia. It also includes the territorial waters of the United States and the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. It does not include the possessions and territories of the United States or the air space over the United States.

Based on the above:

1. The term “present” is **GEOGRAPHICAL** and NOT **LEGAL, CORPORATE, or DOMESTIC**. This is demonstrated by 26 C.F.R. §301.7701(b)-1(c)(2)(ii).
2. Because “present” is geographical, it relies to the geographical definition of 26 U.S.C. §7701(a)(9) and (a)(10).
3. “Presence” under 26 U.S.C. §7701(b)(1)(A) relates ONLY to “alien individuals” and not “nationals of the United States*” or American Nationals born within and domiciled or present within the exclusive jurisdiction of a constitutional state. 26 U.S.C. §873, for instance, says “nationals of the United States” RATHER than “citizens of the United States” as “nonresident aliens”.
4. Those who are “citizens of the United States” used in the description but not definition of “nonresident alien” in 26 U.S.C. §7701(b)(1)(B) are NOT “alien individuals” identified in 26 U.S.C. §7701(b)(1)(A) who are SUBJECT to the presence test in 26 U.S.C. §7701(b)(1)(A)(ii) and 26 U.S.C. §7701(b)(3).
5. Because the term “present” in relation to “United States” is **GEOGRAPHICAL** and not **LEGAL/CORPORATE**, then provisions of the “minimum contacts” or COMMERCIAL prong of the following DO NOT apply in the APPLICATION of the “presence test” found in as identified in 26 U.S.C. §7701(b):
 - 5.1. Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97.
 - 5.2. International Shoe Co. v. Washington, 326 U.S. 310 (1945).
6. The UPPER CASE “State” as used in 26 U.S.C. §7701(a)(10) and the LOWER case “state” in 26 C.F.R. §301.7701(b)-

1 [1\(c\)\(2\)\(ii\)](#) are NOT the same thing.

2 6.1. The UPPER case “State” is legislatively DOMESTIC and EXPRESSLY includes ONLY the District of
3 Columbia. See [26 U.S.C. §7701\(a\)\(10\)](#) and [26 C.F.R. §301.7701-1\(e\)](#).

4 6.2. The LOWER case “state” is legislatively FOREIGN and includes states of the Union under the FOREIGN
5 AFFAIRS powers of Congress in Article 1, Section 8, Clause 3.

6 Caselaw proves this out:

7 “(d) the word “States”, as used in this section [Title 28 §1332 as amended in 1958] includes the Territories, the
8 District of Columbia, and the Commonwealth of Puerto Rico.

9 It is to be noted that the statute differentiates between States of the United States and foreign states by the use of
10 the capital S for the word when applied to a State of the United States.”

11 [Eisenberg v. Commercial Union Assurance Company, 189 F.Supp. 500 (1960)]

12 7. The income tax applies geographically to “States” and not “states” regardless of whether the taxpayer is an ALIEN or a
13 NATIONAL.

14 8. Those ALIENS described as being “PRESENT” or “RESIDENT” in the statutory geographical “United States” under
15 the PRESENCE TEST can be PHYSICALLY present in the **“United States*” the COUNTRY** and satisfy the
16 presence test and even work there and still NOT have earnings from the statutory geographical United States**”
17 (District of Columbia) in [26 U.S.C. §7701\(a\)\(9\)](#) and (10).

18 **11.1.2 Rebuttal of false court propaganda on this subject**

19 The following case incorrectly and we allege even FRAUDULENTLY contradicts the above:

20 **I. BACKGROUND**

21 **A. The Sovereign Citizen Movement**

22 Ms. Walby’s complaint reflects that she adheres to the belief that even though she was born and resides in
23 the United States, she is not a “Fourteenth Amendment” United States citizen but rather a citizen of [**2]
24 the “sovereign state” of Michigan. This belief is a hallmark of the sovereign citizen movement. So-called
25 “sovereign citizens” believe that they are not subject to federal government authority and employ various
26 tactics in an attempt to, among other acts, avoid paying taxes, extinguish debts, and derail criminal
27 proceedings. See, e.g., [Brown v. United States](#), 105 F.3d. 621, 622-23 (Fed. Cir. 1997) (describing an attempt to
28 avoid payment of federal income taxes); [United States v. Schneider](#), 910 F.2d. 1569, 1570 (7th Cir. 1990)
29 (describing an attempt to present a defense in a criminal trial); [Bryant v. Wash. Mut. Bank](#), 524 F. Supp.2d. 753,
30 755-56 (W.D. Va. 2007) (describing an attempt to satisfy a mortgage).

31 [. . .]

32 **C. Ms. Walby Is a United States Resident for Tax Purposes**

33 *Even assuming, for the sake of argument only, that Ms. Walby is not a United States citizen, she is still a resident*
34 *for tax purposes and thus her argument that she is a “nonresident alien” not subject to tax fails.*

35 HN14 For tax purposes, an individual is classified as either a (1) “United States person”—i.e., a “citizen or
36 resident of the United States”—or (2) “nonresident alien.” Id. [§7701\(a\)\(30\)\(A\)](#), [\(b\)\(1\)](#); accord [Treas. Reg. §](#)
37 1.871-1(a) (“For purposes of the income tax, alien individuals are divided generally into two classes, namely,
38 resident aliens and nonresident aliens. Resident alien individuals are, in general, taxable the same as citizens of
39 the United States . . .”). A noncitizen is treated as a resident with respect to a particular [**19] calendar year
40 in three circumstances: (1) obtaining lawful permanent residence at any time during the year, (2) meeting the
41 “substantial presence” test, or (3) making a first-year election. [I.R.C. §7701\(b\)\(1\)\(A\)](#). A person is treated as a
42 “nonresident alien” only if she is neither a citizen nor treated as a resident. Id. [§7701\(b\)\(1\)\(B\)](#).

43 *Michigan is located within the United States. Id. [§7701\(a\)\(9\)](#). Ms. Walby therefore meets the “substantial*
44 *presence” test because she was present in the United States for the entirety of the 2014 through 2018 tax years;*
45 *she does not allege that any of that time is exempt for purposes of the test. See id. [§7701\(b\)\(3\)](#), [\(5\)](#) (describing*
46 *the requirements of the “substantial presence” test and its exemptions). Further, because a person who meets the*
47 *“substantial presence” test for a particular year is deemed a resident as of the first day during that year on which*
48 *she is present in the United States, id. [§7701\(b\)\(2\)\(A\)\(iii\)](#), and because Ms. Walby was present for the entirety of*
49 *each of the years at issue, Ms. Walby was a United States resident for the entire 2014 through 2018 tax years.*

50 [Walby v. United States, 144 Fed.Cl. 1 (2019)]

The above case is obviously severely flawed because:

1. It conflates “United states resident” as a FICTION with a PHYSICAL HUMAN BEING. They are NOT the same THING!
 - 1.1. “United states resident” is a fictional office created and owned by Congress.
 - 1.2. The OFFICE of “United States resident” has a PHYSICAL domicile in the statutory geographical “United States” defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) but the physical human VOLUNTARILY filling said office has a domicile INDEPENDENT of that office that is usually legislatively FOREIGN by virtue of being in a Constitutional state of the Union. This DUALITY is even recognized in [26 C.F.R. §301.7701\(b\)-2](#).
 - 1.3. The court is therefore EQUIVOCATING the LEGAL and the GEOGRAPHICAL contexts as well as the OFFICE with the OFFICER. This is VERY deceptive.
2. They conflate the “United States citizen” in [26 C.F.R. §1.1-1\(a\)](#) with an American National or “national of the United States*”.
 - 2.1. The two are CLEARLY not the same. If they were, there would be no need to define [26 C.F.R. §1.1-1\(c\)](#) POLITICAL/TERRITORIAL “citizens* of the United States*” and then add the CORPORATE/LEGAL “United States*****” to after it in [26 C.F.R. §1.1-1\(a\)](#).
 - 2.2. A national without a domicile in the statutory geographical “United States” is a nonresident and therefore a “nonresident alien”.
3. [26 C.F.R. §1.1441-1\(c\)\(3\)](#) confirms that:
 - 3.1. “aliens” are NEITHER “citizens nor nationals of the United States”.
 - 3.2. “nonresident aliens” are NEITHER “citizens or residents of the United States”
Thus, this regulation RECOGNIZES that NATIONALS of the United States are not ALIEN but can be NONRESIDENT ALIENS.
4. They indicate that: “Michigan is located within the [statutory geographical] United States. Id. [§7701\(a\)\(9\)](#)” but offer no proof.
 - 4.1. WITHOUT proof, the court is engaging in unconstitutional PRESUMPTION in violation of due process of law.
 - 4.2. “United States” for the purposes of PRESENCE TEST ONLY includes states of the Union, which are LOWER case and therefore legislatively FOREIGN in [26 C.F.R. §301.7701\(b\)-1\(c\)\(2\)\(ii\)](#) because of Congress’ authority over foreign affairs under [Article 1, Section 8, Clause 3 of the Constitution](#).
 - 4.3. “United States” for TAX and not PRESENCE TEST purposes EXCLUDES status of the Union per [4 U.S.C. §110\(d\)](#).
 - 4.4. These two “United States” are NOT the same, but the court wants to deceive the reader into BELIEVING they are the same in class case of EQUIVOCATION.
 - 4.5. 26 U.S.C. §937 and 26 C.F.R. §1.937-1 add “nationals of the United States” to the presence test, but ONLY in the context of possessions within the exclusive jurisdiction of Congress and NOT states of the Union. There is no equivalent presence test statute for states of the Union that adds “nationals of the United States” as “persons”. The separation of powers PREVENTS Congress from even having a presence test in the context of anything other than ALIENS under the foreign affairs functions of the national government in Article 1, Section 8, Clause 3.
5. Because Congress never EXPRESSLY made the UPPER case “State” and LOWER case “state” equivalent in any of their statutory definitions:
 - 5.1. The court cannot PRESUME they are the same. That violates due process.
 - 5.2. For the court to MAKE them the same is an unconstitutional exercise of LEGISLATIVE functions by supplying a definition or EXPANDING a definition that does not expressly appear in the enactments of Congress. This violates the separation of powers doctrine.
6. The benefit of the doubt about the meaning of “United States” must ALWAYS be construed AGAINST the government and to the BENEFIT of the party on whom the tax is laid. See:

Proof of Facts: Ambiguous tax statutes are to be construed against the government, FTSIG
<https://ftsig.org/proof-of-facts-ambiguous-tax-statutes-are-to-be-construed-against-the-government/>
7. The court VIOLATED the above doctrine against Ms. Walby and thus:
 - 7.1. Prejudiced her constitutional rights.
 - 7.2. STOLE her property.
 - 7.3. By STEALING her property, they violated the [Fifth Amendment Takings Clause](#) without just compensation.
 - 7.4. Committed IDENTITY THEFT in violation of [18 U.S.C. §912](#), by treating her AS IF she were an ALIEN rather than a NATIONAL by incorrectly attributing ALIEN status in applying the PRESENCE test.

The DESIGNER of our three branch system of government, Baron De Montesquieu WARNED us to be on guard for the above COURT TREACHERY when he stated, even **BEFORE the Declaration of Independence was written no less**, the following:

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

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

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

[. . .]

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

*[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;
SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm]*

Admittedly, the above ruling dealt with a COMMERCIAL tax refund in which the commercial prong of the following MIGHT be properly applied to a “national of the United States”:

1. [Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97.](#)
2. [International Shoe Co. v. Washington, 326 U.S. 310 \(1945\).](#)

The **minimum contacts test** is a legal standard used to determine if a court has jurisdiction over an out-of-state defendant. To meet this test, the following elements must be satisfied:

1. **Reasonableness:** Exercising jurisdiction must be reasonable and fair, considering the burden on the defendant, the forum state's interest in adjudicating the dispute, and the plaintiff's interest in obtaining convenient and effective relief.
2. **Purposeful Availment:** The defendant must have purposefully availed themselves of the privilege of conducting activities within the forum state, thus invoking the benefits and protections of its laws.
3. **Foreseeability:** It must be foreseeable that the defendant could be haled into court in the forum state.
4. **Relatedness:** The litigation must arise out of or relate to the defendant's contacts with the forum state.

We must consider, however, that in this case, Ms. Walby would have been accepting a PRIVILEGE by asking for a tax refund that would make her appear as “purposefully availing herself” and thus waiving sovereign immunity and satisfying the “minimum contacts test” per the above. Such a PRIVILEGE could only exist by one of TWO mechanisms:

1. Connecting HERSELF to a voluntary privileged PUBLIC status by:
 - 1.1. Filing a 1040 RESIDENT tax form.
 - 1.2. Identifying herself in tax filing as a CIVIL STATUTORY “taxpayer”, “person”, or “individual”
2. DONATING her PRIVATE property to a PUBLIC use by “effectively connecting it”. This is done by ENTERING it on the 1040-NR return.

If Ms. Walby did NONE of the above in her tax return filing, she would:

1. Waive CIVIL STATUTORY protection.
2. Not invoke the “benefits” of the laws that congress created under the Constitutional Avoidance Doctrine of the U.S. Supreme Court. See:

<p><i>Catalog of U.S. Supreme Court Doctrines</i>, Form #10.020, Section 5.13 https://sedm.org/Litigation/10-PracticeGuides/SCDoctrines.pdf</p>

3. REMAIN EXCLUSIVLY PRIVATE.

- 1 4. Retain CONSTITUTIONAL protections of the Fifth Amendment.
- 2 5. Not waive her SOVEREIGN IMMUNITY.
- 3 6. Be in a position to properly and effectively challenge jurisdiction to impose the tax.

4 The above STANDING to LAWFULLY challenge the income tax as a PRIVATE and FOREIGN party who did NOT
5 VOLUNTEER is acknowledged by the U.S. Supreme Court as follows:

6 *"The constitutional right [Form #10.015] against unjust taxation is given for the protection of private property*
7 *[Form #12.046], but it may be waived by those affected who consent [Form #05.003] to such action to their*
8 *property as would otherwise be invalid [or even ILLEGAL or CRIMINAL]."*
9 *[Wight v. Davidson, 181 U.S. 371 (1901)]*

10 *[A mistake on a tax form through legal ignorance is not CONSENT which creates an actual liability. The*
11 *amounts paid are recoverable when paid under protest per 28 U.S.C. §1346 when claimed within the statute of*
12 *limitations. See United States v. Williams, 514 U.S. 527 (1995)]*

13 For those who are curious, the following FREE 1040-NR tax return filing PRESERVES the above approach to invoke
14 CONSTITUTIONAL instead of PRIVILEGED CIVIL STATUTORY protections:

1040-NR Attachment, Form #09.077
<https://sedm.org/Forms/09-Procs/1040-NR-Attachment.pdf>

15 The above 1040-NR return filing retains CONSTITUTIONAL protections and avoids STATUTORY protections by:

- 16 1. Exhausting administrative remedies before litigation as required by all courts.
- 17 2. Invoking the Fifth Amendment and EQUITY for the recovery of the wrongfully withheld earnings rather than the
- 18 STATUTORY refund authority found in 26 U.S.C. §7422. This statute does NOT limit itself to CIVIL "taxpayers" or
- 19 "persons" and thus is available to NONRESIDENTS protected ONLY by the Fifth Amendment and EQUITY.
- 20 3. Defining all terms on the 1040-NR as EXCLUDING the statutory context.
- 21 4. Not "effectively connecting" any of the earnings of the filer by entering them on the 1040-NR return. Thus, the
- 22 earnings remain PRIVATE rather than PUBLIC.
- 23 5. Including a criminal complaint against those who instituted duress in COMPELLING the withholding.
- 24 6. Invoking RULES and REGULATIONS against those in WRONGFUL custody of YOUR property UNLESS and
- 25 UNTIL the property is "returned" under equity and common law. Those rules are documented in:

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

26 For a more exhaustive description of the list above, see:

Using the Laws of Property to Respond to a Federal or State Tax Collection Notice, Form #14.015, SEDM
<https://sedm.org/using-the-laws-of-property-to-respond-to-a-federal-or-state-tax-collection-notice/>

27 In this particular case, the court IN EFFECT incorrectly, deceptively, and stealthily:

- 28 1. Replaced the PHYSICAL PRESENCE with the MINIMUM CONTACTS test.
- 29 1.1. The PRESENCE TEST is PHYSICAL and GEOGRAPHICAL.
- 30 1.2. The MINIMUM CONTACTS test is NON-GEOGRAPHICAL and CORPORATE. The target of those contacts
- 31 MUST be a "member" of the state under the civil statutes such as a franchisee to invoke those statutes in defense.
- 32 2. Deliberately never completely explained WHY and HOW Ms. Walby satisfied the MINIMUM CONTACTS test.
- 33 Based on reading the case, she DIDN'T satisfy this because she didn't:
- 34 2.1. "Effectively connect" her earnings and thus DONATE them to a PUBLIC use.
- 35 2.2. Take any PRIVILEGED 26 U.S.C. §162 "trade or business" (public office) DEDUCTIONS, because she didn't
- 36 NEED them with no "effectively connected" earnings.
- 37 3. By doing the above, the court once again engaged in EQUIVOCATION to commit CRIMINAL IDENTITY theft as
- 38 documented in:

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

- 39 4. The above CRIMINAL IDENTITY THEFT that is the FOUNDATION of corruption of all governments, according to

the Bible, is further documented in:

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

At the heart of this case is understanding EXACTLY HOW you VOLUNTARILY acquire a “civil status” or “tax status” such as “individual”, “person”, or “taxpayer”. No one can force ANY CIVIL STATUTORY status on you without your consent that comes with obligations. If they could, then the following violations of law would be the result:

1. UNCONSTITUTIONAL “involuntary servitude” in [violation of the Thirteenth Amendment](#) would be the result. See:

Proof that Involuntary Taxes on Your Labor are Slavery, Form #05.055
<https://sedm.org/Forms/05-MemLaw/ProofIncomeTaxLaborSlavery.pdf>

2. [Fifth Amendment Taking](#) of private property. RIGHTS are property. The OBLIGATIONS attached to the status they FORCE upon you are the PROPERTY stolen from you without your consent. This is the very MEANING of “violation of due process”, in fact: A TAKING of private property without consent. See:

Laws of Property, Form #14.018
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>

If you want to learn about the subject of how you VOLUNTARILY ACCEPT and ACQUIRE a TAX STATUS or CIVIL STATUS, we highly recommend:

1. *Acquiring a Civil Status*, FTSIG
<https://ftsigsig.org/civil-political-jurisdiction/acquiring-a-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. *Policy Document: IRS Fraud and Deception About the Statutory Word “Person”*, Form #08.023
<https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>

11.1.3 Erroneous positions of Ms. Walby

In fairness to the court, this outcome was not entirely the court’s fault. Even GIVEN the above analysis, there were a few things that Walby clearly didn’t understand or properly invoke before the court that prejudiced her case against her. You should AVOID these pitfalls:

1. She clearly did NOT understand the difference between POLITICAL/CONSTITUTIONAL Citizens* and CIVIL DOMICILED Citizens**+D. See:

How You are Illegally Deceived or Compelled to Transition from Being a POLITICAL Citizen to a CIVIL Citizen: By Confusing the Two Contexts, Family Guardian Fellowship
<https://famguardian.org/Subjects/LawAndGovt/Citizenship/HowCitObfuscated.htm>

2. Because she didn’t completely understand citizenship, she didn’t properly AVER her STATUS as legislatively foreign. See section 6.4 earlier on how to properly do that.
3. She invoked a STATUTORY refund instead of a CONSTITUTIONAL, PRIVATE, and EQUITABLE refund. Thus, she litigated as a privileged and DOMESTIC “taxpayer” instead of a PRIVATE “non-person” protected ONLY by the constitution. See the previous section on how NOT to do that.
4. She didn’t fully understand the proper audience for the “presence test” in [26 U.S.C. §7701\(b\)](#) or characterize herself as someone NOT subject to it. This would have PREVENTED the court from applying it to her or at least FORCED them to prove it DID apply to her. Thus, she left the back door WIDE open for the court to mischaracterize that test and improperly apply it to HER and thus STEAL here silverware.

We strongly suspect that this case was CHERRY-PICKED for judgment by the court BECAUSE of the above errors by Ms. Walby as a way to enter into the public record BAD caselaw that will further mislead and deceive the public on the nonresident alien issue to dissuade them from using it. **DO YOUR HOMEWORK folks, or you will help the government work further by abusing your own legal ignorance about the issues you are litigating.**

11.2 Proof that YOU as an American National domiciled or resident in a constitutional state are NOT a “U.S. person” per 26 U.S.C. §7701(a)(30)

1. The tax is either on nationality or domicile.

- 1 2. 26 U.S.C. §873 rules out nationality because it identifies “nationals of the United States” such as me as “nonresident
2 alien individuals”, leaving only domicile.
3 3. The U.S. Supreme Court affirmed that all income taxes are based on domicile in:
4 Lawrence v. State Tax Commission, 286 U.S. 276 (1932);
5 SOURCE: https://scholar.google.com/scholar_case?case=10241277000101996613
6 4. Domicile is always geographical.
7 5. Thus the geographical context is implied for "United States" in 26 U.S.C. §7701(a)(30).
8 6. Thus states of the Union are excluded per 26 C.F.R. §301.7701(b)-2(b) and 26 C.F.R. §301.7701-7.
9 7. Thus the tax is upon people domiciled in the statutory geographical “United States” defined as the District of Columbia
10 in 26 U.S.C. §7701(a)(9).

11 The above is also proven using the laws of property for those not familiar with the statutes in the following document:

<p><i>Property View of Income Taxation Course</i>, Form #12.046 https://sedm.org/LibertyU/PropertyViewOfIncomeTax.pdf</p>

12 Quod Erat Demonstrandum (Q.E.D.)

13 **11.3 26 C.F.R. §301.6109(g)(1)(i) DOES NOT afford “U.S. person” default status for American nationals domiciled**
14 **or physically present within the exclusive jurisdiction of a constitutional state**

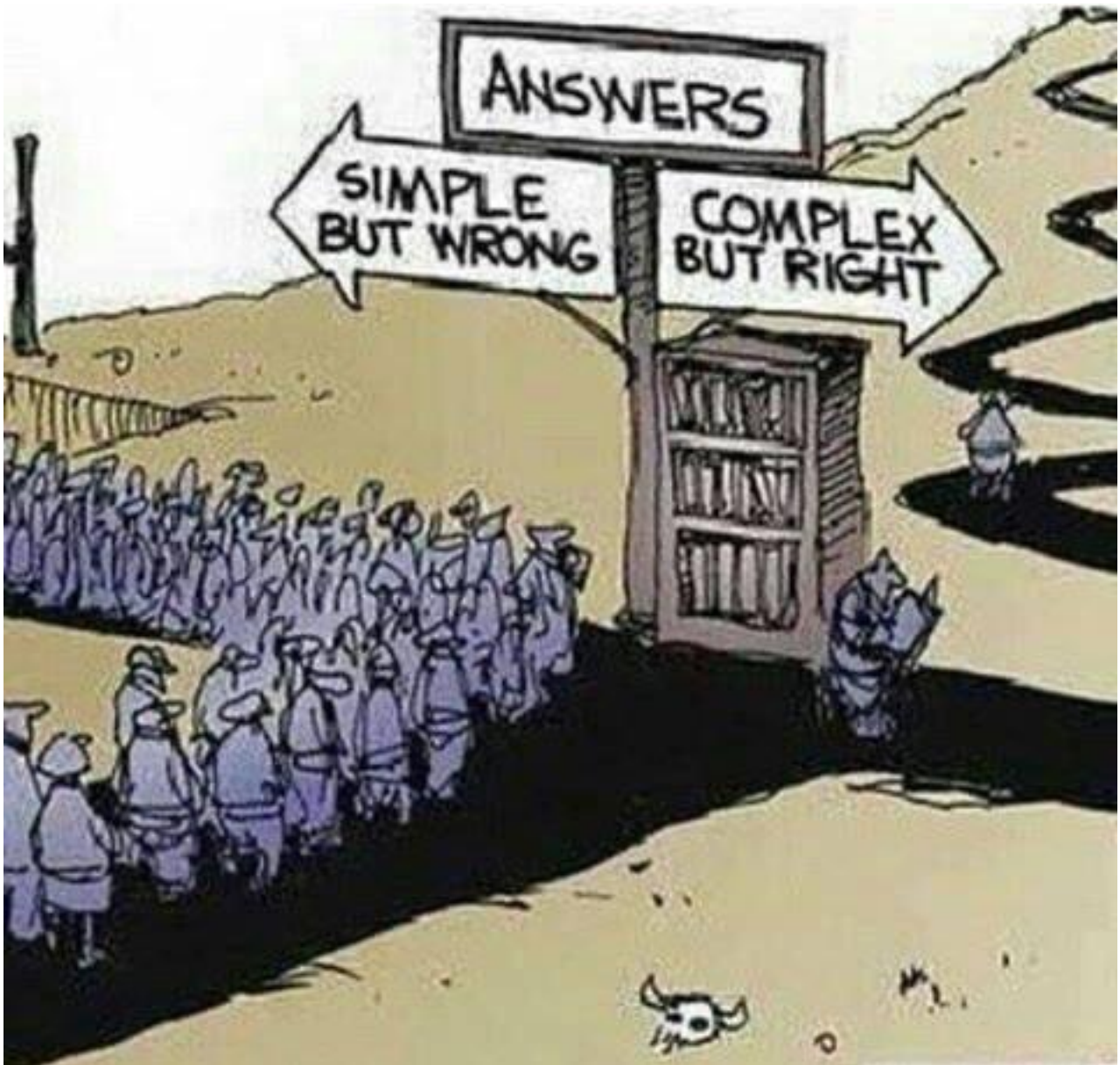
15 Some people incorrectly argue that “nonresident alien” status CAN be achieved by American nationals but is not the default
16 status. That is the case with No Thanks IRS. Below is a debate with them on this subject:

17 **STATEMENT:**

18 Not all state nationals ARE “nonresident aliens”, but they CAN be. They have the right to establish that status for tax purposes
19 in any given tax year with IRS in determining filing requirement and determining tax liability. Recognizing that the default
20 status for the SSN that IRS will identify is generally going to be “United States person” under 26 U.S.C. §7701(a)(30). This
21 is authorized by 26 C.F.R. §301.6109-1(g)(1)(i).

22 **REBUTTAL:**

23 I admire your desire to simplify things, but that desire is harmful here:



26 U.S.C. §6109(g) pertains ONLY to Federal Crop Insurance and NOT Social Security. The regulation you cite at 26 C.F.R. §301.6109-1(g)(1)(i) implements ONLY this provision, so your assertion is incorrect about the use of an SSN to create a STATUTORY “U.S person” status by default under 26 U.S.C. §7701(a)(30). Per the U.S. Supreme Court, regulations may not EXPAND the statute they implement beyond the intended audience as you are trying to do here:

Finally, the Government points to the fact that the Treasury Regulations relating to the statute purport to include the pick-up man among those subject to the s 3290 tax,^{FN11} and argues (a) that this constitutes an administrative interpretation to which we should give weight in construing the statute, particularly because (b) section 3290 was carried over in haec verba into [s 4411 of the Internal Revenue Code of 1954, 26 U.S.C.A. s 4411](#). We find neither argument persuasive. In light of the above discussion, *359 we cannot but regard this Treasury Regulation as no more than an attempted addition to the statute of something which is not there.^{FN12} As such the regulation can furnish no sustenance to the statute. *Koshland v. Helvering*, 298 U.S. 441, 446-447, 56 S.Ct. 767, 769-770, 80 L.Ed. 1268. Nor is the Government helped by its argument as to the 1954 Code. The regulation had been in effect for only three years,^{FN13} and there is nothing to indicate that it was ever called to the attention **1144 of Congress. The re-enactment of s 3290 in the 1954 Code was not accompanied by any congressional discussion which throws light on its intended scope. In such circumstances we consider the 1954 re-enactment to be without significance. *Commissioner of Internal Revenue v. Glenshaw Glass Co.*, 348 U.S. 426, 431, 75 S.Ct. 473, 476, 99 L.Ed. 483.

1 [\[U.S. v. Calamaro, 354 U.S. 351, 77 S.Ct. 1138 \(U.S. 1957\)\]](#)

2
3 FOOTNOTES:

4 [FN11](#). *Treas.Reg. 132, s 325.41, Example 2 (26 CFR, 1957 Cum. Pocket Supp.)*, which was issued on November
5 1, 1951 ([16 Fed.Reg. 11211, 11222](#)), provides as follows:

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

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

11 [FN12](#). Apart from this, the force of this Treasury Regulations as an aid to the interpretation of the statute is
12 impaired by its own internal inconsistency. Thus, while Example 2 of that regulation purports to make the pick-
13 up man liable for the s 3290 occupational tax, Example 1 of the same regulation provides that 'a secretary and
14 bookkeeper' of one 'engaged in the business of accepting horse race bets' are not liable for the occupational tax
15 'unless they also receive wagers' for the person so engaged in business, although those who 'receive wagers by
16 telephone' are so liable. Thus in this instance a distinction seems to be drawn between the 'acceptance' of the
17 wager, and its 'receipt' for recording purposes. But if this be proper, it is not apparent why the same distinction
18 is not also valid between a writer, who 'accepts' or 'receives' a bet from a numbers player, and a pick-up man,
19 who simply 'receives' a copy of the slips on which the writer has recorded the bet, and passes it along to the
20 banker.

21 [FN13](#). See note 11, *supra*.

22 There is no express statutory authority to offer Social Security in states of the union based on the definitions in 26 U.S.C.
23 §3121 and 42 U.S.C. §1301. An illegally issued number cannot lawfully confer a "U.S. person" status. See:

- 24 1. [Why You Aren't Eligible for Social Security](#), Form #06.001
25 <https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>
26 2. [Resignation of Compelled Social Security Trustee](#), Form #06.002
27 <https://sedm.org/Forms/06-AvoidingFranch/SSTrustIndenture.pdf>

28 At best the status is de facto. And it's a violation of the organic law for the national government to make a profitable business
29 out of alienating rights that are supposed to be unalienable, even WITH consent. It violates their fiduciary duty to protect
30 private property and private rights as public officers. See:

[Unalienable Rights Course](#), Form #12.038
<https://sedm.org/LibertyU/UnalienableRights.pdf>

31 Truly unalienable rights can't be given up even WITH consent. For a corrupted covetous government to make a profitable
32 business franchise out of alienating such rights is TREASON. It also renders all such governments who do so as de facto.
33 Such a government is making a business out of doing the OPPOSITE of what governments are created to do and doing it for
34 love of money, the worst of all motives. Thus, they are an "anti-government" rather than a "government" as classically
35 defined. See:

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

36 Worst yet, here you are trying to HELP them and DEFEND them in such action. I question your motives because of this.

37 "United States" is nowhere defined to expressly include states of the Union and 26 U.S.C. §3121 and 26 U.S.C. §6413 don't
38 authorize the extension of Social Security into the states, and extending offices into the states in violation of 4 U.S.C. §72
39 violates the separation of powers. See:

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

1 You argue otherwise to the detriment of your clients because protecting and preserving privileges appear more important to
2 you than freedom, liberty, and personal responsibility. Your slavery is self-induced and originates in greed and covetousness.

3 There is, IN FACT, NO EXPRESS statutory avenue for a nonresident alien NOT married to a statutory U.S. citizen to "elect"
4 to be treated as a resident alien. 26 U.S.C. §6013(g) and (h) is as close as it comes, but no cigar either. Even YOU criticize
5 that basis for the "Revocation of election process". So you don't have a leg to stand on.

6 *"Many seek the ruler's favor [King's privileges], But justice for man comes from the Lord."*
7 *[Prov. 29:26, Bible, NKJV]*

8 *"'Away with you, Satan! For it is written, 'You shall worship the Lord your God, and Him only you shall serve*
9 *[not Caesar in pursuit of privileges].' '"*
10 *[Matt. 4:10, Bible, NKJV Written by an EX tax collector]*

11 **THEIR REBUTTAL:**

12 Issuance of an SSN is not geographically specific. A number is issued to any eligible applicant.

13 **OUR REBUTTAL:**

14 Sure is. 42 U.S.C. §1301. You keep ignoring hundreds of pages of proof because its too inconvenient to admit you are
15 wrong:

<p><i>Why You Aren't Eligible for Social Security</i>, Form #06.001 https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf</p>

16 If you're not eligible for Social Security, you're not eligible for the SSN that begins the program.

17 **THEIR REBUTTAL:**

18 "Whatever I think is what God thinks".

19 When was the last time God spoke to you?

20 **OUR REPOSE:**

21 Why don't you respond to what God SAYS first above. Leave us out of it. Unless of course you're an anarchist who doesn't
22 care what God actually SAYS on the subject.

23 I haven't seen you apply any part of the Bible to your understanding of how the tax system or Social Security is REQUIRED
24 to work by His divine standards. When you start caring about that subject you'll have our ears. Until then, you're just a bag
25 of wind, vanity, and confusion.

26 God seems to be nothing more than a liability insurance salesman from the wrath of hell, rather than a sovereign LORD and
27 KING of your life. Visit Him once per week at church and then go home and do WHATEVER THE HELL YOU WANT
28 the rest of the week after you got your FREE fire insurance. That's the problem with hyper grace, dispensationalism, and
29 anti-nomianism and from what I can tell, you're hooked on it as a newbie Christian. See:

<p><i>Laws of the Bible</i>, Form #13.001, Section 3 https://sedm.org/Litigation/09-Reference/LawsOfTheBible.pdf</p>
--

30 **THEIR RESPONSE:**

31 As usual you make yourself useless by arguing against the reality of how things are. What a colossal waste of breath to argue
32 that they "can't" LAWFULLY offer Social Security. You still have no comprehension of contracts and how a contract trumps
33 all other law, including constitutions.

1 As long as someone has and uses an SSN, it is pointless to argue that the SS should not have been offered to him.

2 You also continue to fail to recognize that the right to CONTRACT is also an unalienable right. Your attempt to negate the
3 legality of a contract freely entered into is futile. No one ALIENATES a fundamental right or transfers such right to another
4 by agreeing to a contract.

5 So again: an American National MAY HAVE (but does not necessarily have) "nonresident alien individual " status for the
6 SSN to which the individual is assigned.

7 This is an example of that ERROR correction you purport to WELCOME and ENCOURAGE.

8 **OUR REBUTTAL:**

9 1. I'm still waiting for proof that those who are nonresident aliens not married to a statutory U.S. citizen can make a LAWFUL
10 election to be treated AS IF they are a "U.S. person" by filing a 1040. We allege it's a CRIME to do so:

<p><i>Why It's a Crime for a Private American National to File a 1040 Income Tax Return</i>, Form #08.021 https://sedm.org/Forms/08-PolicyDocs/WhyCrimefileReturn.pdf</p>

11 2. An unalienable right in relation to a real de jure government is incapable of becoming a privilege even with consent.

12 *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator*
13 *with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure*
14 *these [PRIVATE] rights, governments are instituted among men, deriving their just powers from the consent of*
15 *the governed."*
16 *[Declaration of Independence;*
17 *SOURCE: <https://www.archives.gov/founding-docs/>*

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

20 3. The right to contract with other PRIVATE people is unlimited. You are correct on that. But no such alienability is
21 afforded by any organic law in relation to a real, de jure government. To suggest otherwise is to sanction bribes to contradict
22 the oath of public officers to protect private property. It's a crime to bribe a public officer to violate the constitution by
23 calling the bribe "benefits" or "social security" taxes.

24 The only way a government established to protect private property can lawfully make a business out of stealing it is to do so
25 as a private organization under the same rules as every other private organization and without sovereign immunity. This is
26 called the Clearfield Doctrine of the U.S. Supreme Court. Thus, they must be on the same legal footing as every other person
27 and private company, waive sovereignty immunity, follow all the same rules, and not PRETEND like what they are
28 implementing is LAW. It's not. Its PRIVATE contracting that you have a right to say NO to that they must acknowledge in
29 all litigation.

30 **THEIR REBUTTAL:**

31 Who says an American nonresident alien cannot choose the status that works best for him? Clearly Americans can file as
32 United States persons OR nonresident aliens. see 26 U.S.C. §873(b)(3), where "nationals of the United States" are referred
33 to in a provision concerning nonresident aliens.

34 **What is not ILLEGAL is legal.** Prove it is ILLEGAL for an individual to accept an SSN and card and to use the SSN if he
35 wants to.

36 I don't care enough about this academic point of debate to spend any time on it.

37 Let me know when you force SSA to shut down.

38 **OUR REBUTTAL:**

1 By saying that “what is not illegal is legal” you are completely ignoring the limits of the definitions in the code that
2 ESTABLISH what is legal and illegal. Whatever isn’t in the definitions is UNLAWFUL, meaning “not AUTHORIZED” by
3 law.

4 *"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's*
5 *ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of*
6 *the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule,*
7 *`a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western Union*
8 *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)*
9 *(Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n.*
10 *10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943]*
11 *(THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's*
12 *restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."*
13 *[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

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

20 *"As a rule, `a definition which declares what a term "means" . . . excludes any meaning that is not stated"*
21 *[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]*

22 The fact that it is UNLAWFUL doesn’t necessarily make it ILLEGAL, so let us now prove THAT also. The fact that you
23 don’t KNOW something is illegal doesn’t mean it IS LEGAL. It just means you suffer from confirmation bias until you start
24 LOOKING for evidence that it MIGHT be ILLEGAL. Until you begin pursuing that evidence, you are victim of the mental
25 illness of the Dunning-Kruger effect:

Secular Praise of the Main Virtue of Christianity: HUMILITY, SEDM-why your mind is closed and how to open it.
<https://sedm.org/secular-praise-of-the-main-virtue-of-christianity-humility/>

26 Minds are like parachutes: They only work when they are OPEN. Pride, by the way, is the MAIN thing that keeps the
27 parachute CLOSED. Below is some of that evidence that you refuse to pursue or entertain.

28 Congress cannot establish “taxable offices” such as the “U.S. person” office within the exclusive jurisdiction of constitutional
29 states of the Union without express authorization under 4 U.S.C. §72 that has never been given.

30 *"He who is surety for a stranger [the District of Columbia, which is legislatively foreign and therefore a*
31 *STRANGER] will suffer, But one who hates being surety is secure."*
32 *[Prov. 11:15, Bible, NKJV]*

33 *"A man devoid of understanding shakes hands in a pledge [excise taxable franchise agreement], And becomes*
34 *surety for his friend."*
35 *[Prov. 17:18, Bible, NKJV]*

36 *"Do not be one of those who shakes hands in a pledge [excise taxable franchise agreement], One of those who is*
37 *surety for [PUBLIC] debts;"*
38 *[Prov. 22:26, Bible, NKJV]*

39 Therefore, the “nationals of the United States” filing as “nonresident aliens” which are mentioned in 26 U.S.C. §873(b)(3)
40 are NOT within the exclusive jurisdiction of constitutional states. They are either on federal territory, a federal possession,
41 within a federal enclave, or abroad, and NO PLACE ELSE.

42 20 C.F.R. is entitled "employees benefits". 20 C.F.R. §422.103 is the authority for EXISTING federal STATUTORY
43 “employees” to apply. It is a crime to impersonate such an “employee” and “public officer” defined under 5 U.S.C. §2105(a)
44 as indicated by 18 U.S.C. §912 by using a form and a benefit available only to such statutory “employees”. It’s also an abuse
45 of the government’s taxing power to transfer wealth, which is exactly what Social Security and the Income Tax BOTH do:

46 *". . . A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the*
47 *support of the government. The word has never thought to connote the expropriation of money from one group*
48 *for the benefit of another. . ."*

[[U.S. v. Butler, 297 U.S. 1 \(1936\)](#)]

*"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, 87 U.S. 655, 20 Wall. 655 \(1874\)](#)]

You have to VOLUNTEER for an office in the national government before any part of the national income tax can apply to you. And those who can volunteer can only lawfully do so if they live where constitutional rights don't apply. See:

1. [How American Nationals Volunteer to Pay Income Tax](#), Form #08.024
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>
2. [Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union](#), Form #05.052
<https://sedm.org/Forms/05-MemLaw/ChallengeToIRSEnforcementAuth.pdf>

THEIR REBUTTAL:

Let me know when I should report to prison for having an SSN.

OUR RESPONSE:

You can't unilaterally ELECT yourself into STATUTORY "employee" or "office" status without lawful oath or appointment. It's a violation of 18 U.S.C. §912. The U.S. Supreme Court has suggested that illegally creating such offices by your own unilateral act is unconstitutional:

"An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed."
[[Norton v. Shelby County, 118 U.S. 425 \(1886\)](#)]

The fact that a de facto government as you have described still allows this crime to continue is the heart of the problem. You seem hell bent on PROTECTING and ACCOMMODATING that crime by refusing to acknowledge it or oppose it in court. To knowingly acquiesce to a criminal act is to become a party to it.

THEIR RESPONSE:

If you want to change anything you have to stop saying things that make you sound INSANE. And you're an arrogant asshole.

OUR RESPONSE:

1 Uncompromising truthfulness does not equal arrogance. Jesus is the best example of that. Truth is always an asshole. That's
2 why they hung Jesus on the cross.

3 *The World's Hatred*

4 ¹⁸ "If the world hates you, you know that it hated Me before it hated you. ¹⁹ If you were of the world, the world
5 would love its own. Yet because you are not of the world, but I chose you out of the world, therefore the world
6 hates you. ²⁰ Remember the word that I said to you, 'A servant is not greater than his master.' If they persecuted
7 Me, they will also persecute you. If they kept My word, they will keep yours also. ²¹ But all these things they will
8 do to you for My name's sake, because they do not know Him who sent Me. ²² If I had not come and spoken to
9 them, they would have no sin, but now they have no excuse for their sin. ²³ He who hates Me hates My Father
10 also. ²⁴ If I had not done among them the works which no one else did, they would have no sin; but now they
11 have seen and also hated both Me and My Father. ²⁵ But this happened that the word might be fulfilled which
12 is written in their law, 'They hated Me without a cause.'
13 [John 15:18-25, Bible, NKJV]

14 You may not LIKE the truth we have to say, but that doesn't make it UNTRUTH, and especially if it comes from the Bible:

15 "The truth will set you free, but first it will piss you off"

16 "Well I can't be your mentor without occasionally being your tormentor".

17 [Ted Lasso]

18 So, what you really want us to do is to acknowledge the unlawfulness of a de facto system, protect it by pretending it's lawful,
19 pursue its benefits like everyone else, and violate the Bible in doing so as an ANARCHIST under God's law?

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

20 Your approach is not what the Bible says. We as Christians can't "dwell", meaning have a CIVIL DOMICILE in the
21 "Kingdom of Heaven" under the protection of God's CIVIL law unless we take an uncompromising position against such
22 evil:

23 *The Character of Those Who May Dwell with the Lord*

24 Lord, who may abide in [domicile] Your tabernacle?
25 Who may dwell [domicile] in Your holy hill [political kingdom]?
26 He who walks uprightly,
27 And works righteousness,
28 And speaks the truth in his heart;
29 He who does not backbite with his tongue,
30 Nor does evil to his neighbor [Form #11.401],
31 Nor does he take up a reproach [slander based on legal deception, Form #05.014] against his friend;
32 In whose eyes a vile person is despised,
33 But he honors those who fear the Lord;
34 He who swears to his own hurt and does not change;
35 He who does not put out his money at usury,
36 Nor does he take a bribe against the innocent.
37 He who does these things shall never be moved.
38 [Psalms 15, Bible, NKJV]

39 Christian behavior must limit itself to what the law expressly permits, not what you WANT it to permit based on how it is
40 illegally administered. You claim to be a Christian now. Please act like one by applying God's law to the morality of what
41 you do and how you do it.

42 It's not insane to expect the government to confine itself within what the law and the definitions expressly permit. You invite
43 anarchy like Satan to entertain any other path.

Problems with Atheistic Anarchism, Form #08.020
<https://sedm.org/Forms/08-PolicyDocs/ProbsWithAtheistAnarchism.pdf>

What you call "sanity" is anarchy under God's law induced by political correctness. To say that those who avoid such anarchy under God's law are insane makes you insane from a Biblical perspective.

The approach of SEDM relies on the Nonresident Alien Position. The regulations under 26 U.S.C. §6109 recognize the use of Social Security Numbers by nonresident aliens as follows:

26 C.F.R. §301.6109-1 - Identifying numbers.

(d) Obtaining a taxpayer identifying number

(4) Coordination of taxpayer identifying numbers—

(i) Social security number.

Any individual who is duly assigned a social security number or who is entitled to a social security number will not be issued an IRS individual taxpayer identification number. The individual can use the social security number for all tax purposes under this title, even though the individual is, or later becomes, a nonresident alien individual. Further, any individual who has an application pending with the Social Security Administration will be issued an IRS individual taxpayer identification number only after the Social Security Administration has notified the individual that a social security number cannot be issued. Any alien individual duly issued an IRS individual taxpayer identification number who later becomes a U.S. citizen, or an alien lawfully permitted to enter the United States either for permanent residence or under authority of law permitting U.S. employment, will be required to obtain a social security number. Any individual who has an IRS individual taxpayer identification number and a social security number, due to the circumstances described in the preceding sentence, must notify the Internal Revenue Service of the acquisition of the social security number and must use the newly-issued social security number as the taxpayer identifying number on all future returns, statements, or other documents filed under this title.

(ii) Employer identification number.

Any individual with both a social security number (or an IRS individual taxpayer identification number) and an employer identification number may use the social security number (or the IRS individual taxpayer identification number) for individual taxes, and the employer identification number for business taxes as required by returns, statements, and other documents and their related instructions. Any alien individual duly assigned an IRS individual taxpayer identification number who also is required to obtain an employer identification number must furnish the previously-assigned IRS individual taxpayer identification number to the Internal Revenue Service on Form SS-4 at the time of application for the employer identification number. Similarly, where an alien individual has an employer identification number and is required to obtain an IRS individual taxpayer identification number, the individual must furnish the previously-assigned employer identification number to the Internal Revenue Service on Form W-7, or such other form as may be prescribed by the Internal Revenue Service, at the time of application for the IRS individual taxpayer identification number.

Note that the above explanation acknowledges that nonresident aliens can apply for Social Security Number but MAY NOT receive it:

The individual can use the social security number for all tax purposes under this title, even though the individual is, or later becomes, a nonresident alien individual. Further, any individual who has an application pending with the Social Security Administration will be issued an IRS individual taxpayer identification number only after the Social Security Administration has notified the individual that a social security number cannot be issued.

The explanation does NOT, however, address the situations where:

1. The SSA wrongfully allowed an ineligible party to apply for and receive a Social Security Number and what to do about it.
2. Those who receive a Social Security Number subsequently discover they were INELIGIBLE because not a STATUTORY "United States** citizen" and who want to withdraw their SS-5 application or replace it with a W-7 application.
3. People want to withdraw their application and purge all government records that use the number, even if they were eligible. This would happen if they have a religious objection to being government enumerated or if they no longer want the government to use any aspect of their identity for commercial purposes as described in:

Government Identity Theft, Form #05.046

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

If you do a Freedom Of Information Act (F.O.I.A.) request for publications and forms useful in changing the STATUS of the Social Security Number to one owned by a “nonresident alien”, they give you FALSE information:

1. Here is the regulation involved:

26 C.F.R. §301.6109-1 - Identifying numbers.

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

(1) General rule—

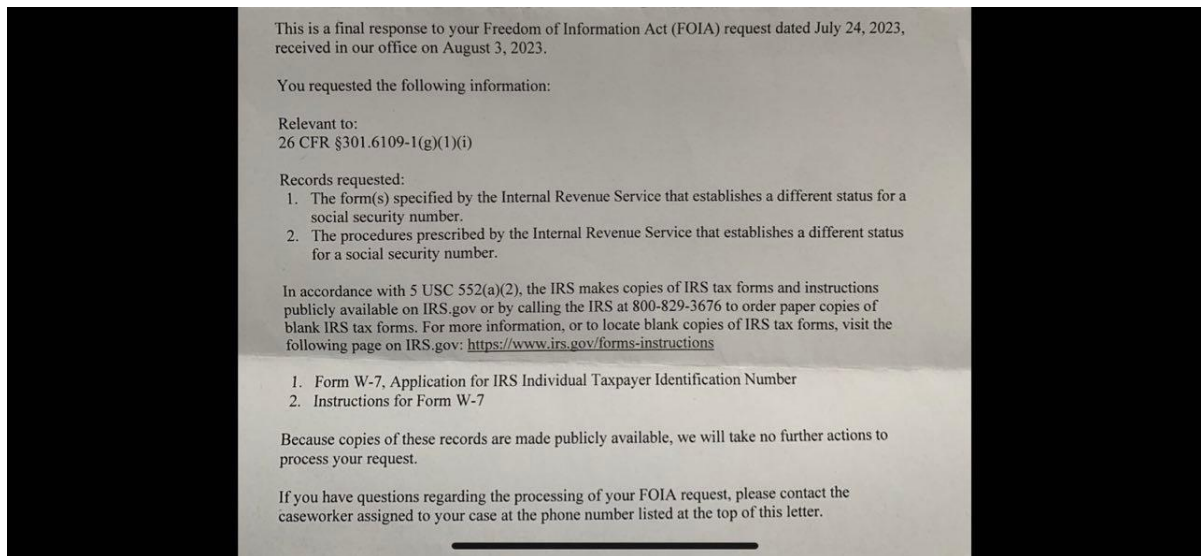
(i) Social security number.

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.

2. The above regulation derives its authority from 26 U.S.C. §6109(g), which relates ONLY to the Federal Crop Insurance Act! We have been looking for any regulation or form that actually implements the change in the status of the SSN, but have never found one after years of searching. Most people PRESUME that simply filing a 1040-NR is what changes the status of an SSN to that of a nonresident alien, but we have seen no concrete confirmation of that, which is why the above FOIA was sent.

3. Here is their response:

Figure 1: 26 C.F.R. §301.6109-1(g) FOIA



A more detailed response is found at:

[Request and response for NRA Change Form Relating to SSN, Exhibit #09.044](https://sedm.org/Exhibits/EX09.044-Request%20and%20Response%20IRS%20FOIA%20for%20NRA%20Change%20form.pdf)

[https://sedm.org/Exhibits/EX09.044-](https://sedm.org/Exhibits/EX09.044-Request%20and%20Response%20IRS%20FOIA%20for%20NRA%20Change%20form.pdf)

[Request%20and%20Response%20IRS%20FOIA%20for%20NRA%20Change%20form.pdf](https://sedm.org/Exhibits/EX09.044-Request%20and%20Response%20IRS%20FOIA%20for%20NRA%20Change%20form.pdf)

4. What is WRONG with the above response is that if you already HAVE an SSN, you aren’t ALLOWED to even ask for an International Taxpayer Identification Number (ITIN) on a W-7 form under 26 U.S.C. §6109(i). They can only be issued to aliens, and not all “nonresident aliens” are “aliens”. State nationals or statutory “U.S. nationals” are not aliens, for instance.

26 C.F.R. §301.6109-1 - Identifying numbers.

(3) IRS individual taxpayer identification number—

(i) Definition.

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

5. We allege that based on the above, the IRS doesn't want you to know HOW to change the status of the SSN from that of a "U.S. person" to a "nonresident alien". That is why they won't describe how to do it. Further, based on 26 U.S.C. §6109(g), that change can ONLY be made in the context of Federal Crop Insurance, so filing a 1040-NR return doesn't seem like it would accomplish that.

11.4 8 U.S.C. §1401(a) DOES NOT include people born or naturalized in the exclusive jurisdiction of a constitutional state¹⁰

FALSE STATEMENT:

8 U.S.C. §1401(a) includes people born within the exclusive jurisdiction of a constitutional state:

[8 U.S. Code § 1401 – Nationals and citizens of United States at birth](#)

The following shall be nationals and citizens of the United States at birth:

(a) a person born in the United States, and subject to the jurisdiction thereof;

The above is the same language as that found in the Fourteenth Amendment.

Fourteenth Amendment

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.

People born in federal territories like Puerto Rico are covered elsewhere in Title 8 and NOT 8 U.S.C. 1401. 8 U.S.C. 1401 is therefore unnecessary since territories like Puerto Rico are covered in 8 U.S.C. 1402.

REBUTTAL:

The language above says "subject to the jurisdiction" just like the Fourteenth Amendment, so they look the same, but they are NOT. Title 8 us a SUBSTITUTE for the constitution and the Fourteenth Amendment that limits itself to areas within the exclusive jurisdiction of the national government, including:

1. Federal territories and possessions.
2. Federal enclaves.
3. Indian country.

This subject is EXTREMELY important because the income tax is imposed on "citizens and residents of the United States" in 26 C.F.R. §1.1-1(a). These "citizens" are defined in 26 C.F.R. §1.1-1(c) as "citizens" and NOT "citizens of the United States", and they are indicated to be listed in 8 U.S.C. §§1401-1459. These sections of Title 8 NOWHERE include Fourteenth Amendment citizens. See:

[COPILLOT: WHICH "citizen" in 26 C.F.R. 1.1-1?, SEDM](https://sedm.org/copilot-which-citizen-in-26-c-f-r-1-1-1/)
<https://sedm.org/copilot-which-citizen-in-26-c-f-r-1-1-1/>

¹⁰ Source: *FRIVOLOUS SUBJECT: 8 U.S.C. 1401(a) includes people born or naturalized in the exclusive jurisdiction of a constitutional state*, SEDM; <https://sedm.org/frivolous-subject-8-u-s-c-1401a-includes-people-born-or-naturalized-in-the-exclusive-jurisdiction-of-a-constitutional-state/>

1 According to the D.C. Circuit Court and Microsoft Copilot, however, 8 U.S.C. §1401(a) covers people born in Indian country
2 and federal enclaves but not within the exclusive jurisdiction of a constitutional state:

3 1. The D.C. Circuit Court held on this subject:

4 *Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a*
5 *statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam,*
6 *the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their*
7 *inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the*
8 *Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have*
9 *been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality, such a practice*
10 *requires special scrutiny before being set aside.*
11 *[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]*

12 Notice the phrase:

13 *“If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would*
14 *have been unnecessary. “*

15 Why would they be unnecessary? Because the Fourteenth Amendment Citizenship Clause covers that scenario.

16 2. We also asked Microsoft Copilot about this:

17 **QUESTION:**

18 *Would people born in a federal enclave fall under 8 U.S.C. 1401(a)?*

19 **COPILOT ANSWER:**

20 *Certainly! Let's explore whether people born in a federal enclave would fall under 8 U.S.C. 1401(a).*

21 *8 U.S.C. 1401(a) outlines the criteria for individuals who are nationals and citizens of the United States at birth.*
22 *However, it does not explicitly mention federal enclaves. Let's break down the scenarios:*

23 **I. Person Born in a Federal Enclave within the United States:**

24 *-Federal enclaves are areas within the United States that are under federal jurisdiction (such as military bases,*
25 *federal buildings, or other federal properties).*

26 *-Generally, individuals born in federal enclaves are considered to be born within the United States for legal*
27 *purposes.*

28 *-Therefore, it is likely that people born in federal enclaves would fall under 8 U.S.C. 1401(a) if they meet the other*
29 *criteria specified in the law (e.g., subject to U.S. jurisdiction).*

30 *However, for precise legal interpretations, it is advisable to consult legal experts or official government*
31 *resources. The application of 8 U.S.C. 1401(a) can vary based on specific circumstances and legal precedents.*

32 **CONCLUSION:**

33 Further proof is found in the fact that people born in territories and possessions cannot vote in federal election. If they were
34 equivalent to Fourteenth Amendment citizens, this restriction would not apply.

Wikipedia: Federal voting rights in Puerto Rico https://en.wikipedia.org/wiki/Federal_voting_rights_in_Puerto_Rico
--

35 Show us even ONE case where 8 U.S.C. §1401(a) is invoked in determining the citizenship of someone born in the exclusive
36 jurisdiction of a constitutional state and therefore “subject to THE jurisdiction” rather than “subject to ITS jurisdiction”. 20
37 years later, we’re still looking for that proof. A good starting place is:

38 1. The annotated version of 8 U.S.C. §1401:

<https://famguardian.org/TaxFreedom/CitesByTopic/USCitizen-8USCA1401-20090918.pdf>

2. The definition of “U.S. citizen”:

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

We asked COPILOT to find even ONE CASE where 8 U.S.C. §1401(a) was used to determine the citizenship status of someone born within the Exclusive jurisdiction of a constitutional state. It couldn’t find a SINGLE case that accurately did that. It LIED to us by saying that [United States v. Wong Kim Ark, 169 U.S. 649 \(1898\)](#) does so, but that case in fact DOES NOT. That case actually agrees with us here, by talking about the Indian Country we mention above as follows, in the context of the Fourteenth Amendment:

*the meaning of those words was, “not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction, and owing them direct and immediate allegiance;” that by the Constitution, as originally established, “Indians not taxed” were excluded from the persons according to whose numbers representatives in Congress and direct taxes were apportioned among the 681*681 several States, and Congress was empowered to regulate commerce, not only “with foreign nations,” and among the several States, but “with the Indian tribes;” that the Indian tribes, being within the territorial limits of the United States, were not, strictly speaking, foreign States, but were alien nations, distinct political communities, the members of which owed immediate allegiance to their several tribes, and were not part of the people of the United States; that the alien and dependent condition of the members of one of those tribes could not be put off at their own will, without the action or assent of the United States; and that they were never deemed citizens, except when naturalized, collectively or individually, under explicit provisions of a treaty, or of an act of Congress; and, therefore, that “Indians born within the territorial limits of the United States, members of, and owing immediate allegiance to, one of the Indian tribes (an alien, though dependent, power), although in a geographical sense born in the United States, are no more ‘born in the United States, and subject to the jurisdiction thereof,’ within the meaning of the first section of the Fourteenth Amendment, than the children of subjects of any foreign government born within the domain of that government, or the children born within the United States of ambassadors or other public ministers of foreign nations.” And it was observed that the language used, in defining citizenship, in the first section of the Civil Rights Act of 1866, by the very Congress which framed the Fourteenth Amendment, was “all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed.” 112 U.S. 99-103.*
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

The above case also DIRECTLY pitted an act of Congress against the Fourteenth Amendment and concluded that the Fourteenth Amendment was superior and that no act that conflicted with it could supersede or even control it. The constitution is Congress’ delegation order and Congressional legislation cannot supersede it:

“The acts of Congress, known as the Chinese Exclusion Acts, the earliest of which was passed some fourteen years after the adoption of the Constitutional Amendment, cannot control its meaning, or impair its effect, but must be construed and executed in subordination to its provisions. And the right of the United States, as exercised by and under those acts, to exclude or to expel from the country persons of the Chinese race, born in China, and continuing to be subjects of the Emperor of China, though having acquired a commercial domicile in the United States, has been upheld by this court, for reasons applicable to all aliens alike, and inapplicable to citizens, of whatever race or color. Chae Chan Ping v. United States, 130 U.S. 581; Nishimura Ekiu v. United States, 142 U.S. 651; Fong Yue Ting v. United States, 149 U.S. 698; Lem Moon Sing v. United States, 158 U.S. 538; Wong Wing v. United States, 163 U.S. 228.
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

To summarize:

1. Domicile always determines civil personal jurisdiction.

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

2. Domicile is always geographical.

3. The separation of powers separates the two mutually exclusive geographies.

Government Conspiracy to Destroy the Separation of Powers, Form #05.023
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

4. The only thing that interconnects the two, even in the case of subject matter jurisdiction, is GOVERNMENT PROPERTY under Constitution Article 4:3:2.

5. Everything falling into subject matter jurisdiction under Constitution Article 1:8 is PROPERTY jurisdiction, not PERSONAL jurisdiction. Personal jurisdiction only comes from domicile. Federal offices are included in such property.

6. PROPERTY jurisdiction includes offices and statuses that Congress creates that you voluntarily accept. All the money laundering statutes RELY on the fact that you are using this property, namely, an office or status that it calls “trade or business”. Here is exhaustive proof of that:

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

The constitution is a trust. Public officers manage the community property of that trust and NOTHING MORE civilly. If you aren’t using that property, you are legislatively foreign.

More on this subject at:

1. Citizenship Status v. Tax Status, Form #10.011
<http://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
2. Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
3. Citizenship, Domicile, and Tax Status Options, Form #10.003
<https://sedm.org/Forms/10-Emancipation/CitDomTaxStatusOptions.pdf>

12 Who has the burden of proof in this case and WHAT exactly IS the burden of proof?

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

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

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

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

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

The following subsections apply the laws of property to fix who has the burden or proof and what that burden of proof is in this proceeding. A failure by the government to satisfy its burden of proof in this case results in the admission that they are a thief and that the rules they are enforcing are being misapplied against property that is absolutely owned, constitutionally protected PRIVATE property. The laws of property being applied are documented in:

1. Laws of Property, Form #14.018
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>
2. Separation Between Public and Private Course, Form #12.025
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

12.1 Authority to write definitions and prove compliance with them

1 The ability and authority to write a definition that affects, controls, or deprives others of property presupposes a shared or
2 absolute OWNERSHIP interest in the property affected by the definition. This is an outgrowth of the most essential aspect
3 of property ownership, which is the right to EXCLUDE others and to CONTROL the use of the thing or res.

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

9
10 "In this case, we hold that the 'right to exclude,' so universally held to be a fundamental element of the
11 property right,^[11] falls within this category of interests that the Government cannot take without
12 compensation."
13 [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

14 [11] See, e. g., United States v. Pueblo of San Ildefonso, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);
15 United States v. Lutz, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element
16 of individual property is the legal right to exclude others from enjoying it." International News Service v.
17 Associated Press, 248 U.S. 215, 250 (1918) (dissenting opinion).

18 If my property is private, absolutely owned, and protected by the constitution, then I as the absolute owner have the exclusive
19 right to exclude any and all others, INCLUDING governments under rules of equity, from using, benefitting from, taxing, or
20 regulating all such property.

21 Likewise, the government has similar rights with its own PUBLIC property managed by the Constitution as a trust indenture.
22 Among that PUBLIC property is the civil statutory protection franchise or "code" called the CIVIL law. The PUBLIC rights
23 it instantiates are PROPERTY legislatively created and therefore OWNED by its creator. As the owner of such PUBLIC
24 rights, also called "publici juris", the sovereign Legislature has the undoubted authority to define the rights it has created, to
25 impose UNLIMITED taxation and regulation on all those who use or enjoy those rights or enforce them in a court of law,
26 and even to DEFINE burdens of proof and presumptions connected with the exercise of those PUBLIC rights. Here is the
27 proof:

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

39 [. . .]

40 Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress [PUBLIC
41 RIGHTS] and other [PRIVATE] rights, such a distinction underlies in part Crowell's and Raddatz' recognition
42 of a critical difference between rights created by federal statute and rights recognized by the Constitution.
43 Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by
44 the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is
45 designed to guard against "encroachment or aggrandizement" by Congress at the expense of the other
46 branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a
47 statutory right [a "privilege" or "public right" in this case, such as a "trade or business"], it clearly has the
48 discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it
49 may also provide that persons seeking to vindicate that right must do so before particularized tribunals created
50 to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect
51 the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has
52 created. No comparable justification exists, however, when the right being adjudicated is not of congressional
53 creation. In such a situation, substantial inroads into functions that have traditionally been performed by the
54 Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it
55 has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United
56 States, which our Constitution reserves for Art. III courts.
57 [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

From the above, we can see that so long as the PROPERTY subject to adjudication is PUBLIC and owned by the government, they are the only ones who can not only write definitions, but also impose an obligation to satisfy ANY burden of proof at all that deviates from that found in the common law itself! Under the common law, the moving party is the only one with the burden of proof. The obligation of the moving party to satisfy the burden of proof is codified in the Administrative Procedures Act at 5 U.S.C. 556(d), in fact, and that burden of proof must be satisfied in the context of RULES and DEFINITIONS written by the OWNER and CREATOR of the PUBLIC right being vindicated.

12.2 Government as moving party has no authority to WRITE definitions that affect PRIVATE property that is the subject of this proceeding

These considerations mean that in the case of absolutely owned private property protected by the Bill of Rights, the government LOSES the right to write any definition that adversely impairs that right or deprives me of the use, enjoyment, or any aspect of control over the property so long as it is not used to harm others.

"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)]

Acting contrary to these principles of equity and common law is an unconstitutional taking in violation of the Fifth Amendment. The legal definition of "ownership" all our inferences so far:

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

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

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

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

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

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

The definition of "Property" also confirms that CONSTITUTIONAL or PRIVATE rights are PROPERTY. The Bill of Rights in effect describes the ORIGIN of absolutely owned, private property.

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

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

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

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

[. . .]

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

12.3 Those subject to government's legal definitions and "rules" must be public officers or agents and I am NOT and CANNOT be such an agent or officer

There is also NO QUESTION or dispute whatsoever by me that those who ASK FOR and subsequently VOLUNTARILY exercise the PRIVILEGES and OBLIGATIONS conveyed by the civil statutory franchise protection contract called the "civil law" are officers of the public. This is proven by the following:

1. The fact that anyone the government can impose a civil statutory obligation against MUST be a public officer or else a theft and possibly slavery is involved.

"The term office' has no legal or technical meaning attached to it, distinct from its ordinary acceptations. An office is a public charge or employment; but, as every employment is not an office, it is sometimes difficult to distinguish between employments which are and those which are not offices.... A public officer is one who has some duty to perform concerning the public; and he is not the less a public officer when his duty is confined to narrow limits, because it is the duty, and the nature of that duty, which makes him a public officer, and not the extent of his authority.' 7 Bac. Abr. 280; Carth. 479.... Where an employment or duty is a continuing [***65] one, which is defined by rules prescribed by law and not by contract, such a charge or employment is an office, and the person who performs it is an officer....
[*Ricker's Petition*, 66 N.H. 207 (1890)]

2. The fact that a "public officer" is legally defined as someone in charge or possession 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; *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]

3. The fact that a "franchise" is legally defined as "a privilege in the hands of a subject", which subject is legally defined as an agent or officer of the government.

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*

1 *Security*], and the issuing a bank note by an incorporated bank [such as a Federal Reserve NOTE], are
2 franchises. *People v. Utica Ins. Co.*, 15 Johns. (N.Y.) 387, 8 Am.Dec. 243. But it does not embrace the property
3 acquired by the exercise of the franchise. *Bridgeport v. New York & N.H. R. Co.*, 36 Conn. 255, 4 Am.Rep. 63.
4 Nor involve interest in land acquired by grantee. *Whitbeck v. Funk*, 140 Or. 70, 12 P.2d. 1019, 1020. In a
5 popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc.
6 *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,
7 *352.*

8 Elective Franchise. The right of suffrage; the right or privilege of voting in public elections.

9 Exclusive Franchise. See Exclusive Privilege or Franchise.

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

13 Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of
14 a corporation, is sometimes called a "personal" franchise. as distinguished from a "property" franchise, which
15 authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special
16 privilege in its employment, as, for example, to construct and operate a railroad. See *Sandham v. Nye*, 9 Misc.Rep.
17 541, 30 N.Y.S. 552.

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

26 Special Franchisee. See Secondary Franchises, *supra*.
27 [Black's Law Dictionary, Fourth Edition, pp. 786-787]

28 God, however, says He will personally CURSE me if I accept such government property and privileges, and thus to do so is
29 beyond my delegation of authority order, the Holy Bible. Thus, AVOIDING government granted civil privileges is an
30 exercise of my First Amendment right to exercise my religion. Any attempt to interfere with that exercise is a Constitutional
31 tort:

32 Curses of Disobedience [to God's Laws]

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

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

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

54 Below is what happens from a secular perspective when the above is violated:

"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>) for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph."
[Family Guardian Fellowship Opening Page; <http://famguardian.org>]

Beware of trojan government actors bearing gifts called "benefits, privileges, and franchises".

The authority of government to manage property extraterritorially through direct legislative enactment originates EXCLUSIVELY from Article 4, Section 3, Clause 2 and 5 U.S.C. §553(a)(2).

*"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 he 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."
[Scott v. Sandford, 60 U.S. 393 (1857)]*

The property managed by the national government is limited to chattel property, land, and government offices and officers on official business. Without proving lawfully acquired ownership of the property involved in this proceeding, there is no extraterritorial jurisdiction within the exclusive jurisdiction of a constitutional state where I am situated. And I'm not STUPID enough to appoint or "elect" myself into one of the offices you can manage extraterritorially such as civil statutory "citizen", "resident", "person" in receipt, custody and control of your public property without compensation or a lawful appointment.

Ironically, the above case was about how to regulate SLAVERY within the exclusive jurisdiction of the constitutional States of the Union. This case is about OPPOSING such slavery in the guise of compelled servitude as part of an uncompensated office or agency within the government called civil STATUTORY "taxpayer", "citizen", "resident", etc. Since such OFFICES or agencies are creations and property of Congress, all those who are SURETY for said offices are ALSO effectively PROPERTY of the government so long as they can be compelled to be on duty or are PRESUMED to be on duty through IMPLIED consent.

*"He who is surety for a stranger [the District of Columbia, which is legislatively foreign and therefore a STRANGER] will suffer, But one who hates being surety is secure."
[Prov. 11:15, Bible, NKJV]*

*"A man devoid of understanding shakes hands in a pledge [excise taxable franchise agreement], And becomes surety for his friend."
[Prov. 17:18, Bible, NKJV]*

*"Do not be one of those who shakes hands in a pledge [excise taxable franchise agreement], One of those who is surety for [PUBLIC] debts;"
[Prov. 22:26, Bible, NKJV]*

1 **12.4 Sophistry to EVADE the burden of proving the property at issue is PUBLIC before government's definitions**
2 **apply**

3 There is a bright, sharp line of division between PRIVATE rights and PUBLIC rights. That division is exhaustively analyzed
4 in the following presentation:

Separation Between Public and Private Course, Form #12.025

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

5 According to the Declaration of Independence, the main purpose of both CREATING and ESTABLISHING government is
6 to protect PRIVATE property and PRIVATE rights or else VAIN is government:

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

11 *[Declaration of Independence, 1776]*

12 *"The [PRIVATE or NATURAL] rights of individuals and the justice due to them, are as dear and precious as*
13 *those of States. Indeed the latter are founded upon the former; and the great end and object of them must be to*
14 *secure and support the rights of individuals, or else vain is Government."*

15 *[Chisholm v. Georgia, 2 U.S. 419 (1793)]*

16 The FIRST step in securing private rights and private property that governments must effect to avoid being "vain" is to
17 prevent these forms of PRIVATE property from being converted to PUBLIC property without the EXPRESS written consent
18 of the owner. Any attempt to deprive the owner of ownership of HIMSELF/HERSELF by refusing to allow him/her the right
19 to define the conditions under which consent is given, whether it be in writing or through action. The national government,
20 for instance, forbade ORAL contracts or IMPLIED consent. Why can't everyone do that?

21 ***"Every man is supposed to know the law. A party who makes a contract with an officer without having it***
22 ***reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation***
23 ***of the law.*** We are of opinion, therefore, that the contract itself is affected, and must conform to the requirements
24 *of the statute until it passes from the observation and control of the party who enters into it. After that, if the*
25 *officer fails to follow the further directions of the act with regard to affixing his affidavit and returning a copy of*
26 *the contract to the proper office, the party is not responsible for this neglect."*

27 *[Clark v. United States, 95 U.S. 539 (1877)]*

28 A taking of any PRIVATE right RECOGNIZED but not CREATED by the Constitution is therefore also an act of THEFT
29 by those who take it from its rightful owner. That unconstitutional taking can be effected by a government by simply:

- 30 1. IGNORING the prohibitions of the Bill of Rights, as corrupt governments and even courts frequently do, or
31 2. Trying to replace the PRIVATE, ABSOLUTELY OWNED property represented by the Bill of Rights with PUBLIC
32 statutory privileges under the principles enunciated in the Constitutional Avoidance Doctrine against the consent of the
33 owner of the property. See *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936).
34 3. "Making law", as corrupt judges frequently do. This is done by arbitrarily expanding statutory PUBLIC definitions by
35 adding things that are not there, or by ignoring the definitions entirely so as to make PRIVATE property LOOK like
36 PUBLIC property they own and can control under Constitution Article 4, Section 3, Clause 2. See:

How Judges Unconstitutionally "Make Law", Litigation Tool #01.009

<https://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>

- 37 4. Switching the choice of law from the Bill of Rights that protect PRIVATE property to the CIVIL STATUTES that
38 protect PUBLIC property against the consent of the owner or without even ASKING the legitimate, absolute owner of
39 the PRIVATE property. See:

Choice of Law, Litigation Tool #01.010

<https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>

40 **12.5 Rules for converting from PRIVATE to PUBLIC so that government's rules and definitions can lawfully be**
41 **applied**

42 The rules for converting PRIVATE to PUBLIC property or rights are clearly defined by the U.S. Supreme Court. To wit:

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

4 *[1] First, that he shall not use it to his neighbor's injury, and that does not mean that he must
5 use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and
6 every other public "benefit"];*

7 *[2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and*

8 *[3] third, that whenever the public needs require, the public may take it upon payment of due compensation."*
9 *[Budd v. People of State of New York, [143 U.S. 517](#) (1892)]*

10 I am not aware of any expression in writing of my intention to convert ANY of my PRIVATE, absolutely owned property
11 protected by the Bill of Rights, including my entire body, and all my physical property, from PRIVATE and absolutely owned
12 to PUBLIC as required by the above rules. Neither do I, as absolute owner of myself under the Thirteenth Amendment,
13 authorize any acquisition of my consent to do so in any form OTHER than IN WRITING.

14 **12.6 Civil statutory codes including the tax code are a property management agreement or contract**

15 The Internal Revenue Code, Subtitles A and C are therefore merely franchise "rules" or "privileges" under Article 4, Section
16 3, Clause 2 for managing PUBLIC property wherever it is found on the entire earth. This is exhaustively proven in:

<p><u><i>Why the Federal Income Tax is a Privilege Tax Upon Government Property</i></u>, Form #04.404 https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/</p>

17 HOWEVER, the public property management contract that is the Internal Revenue Code cannot lawfully be applied until the
18 government proves that PRIVATE property was lawfully and consensually donated to a public use, a public purpose, and a
19 public office by its original PRIVATE owner BEFORE it is invoked or enforced. Otherwise, there is a Fifth Amendment
20 Taking in which mandatory compensation and restitution is due and owing by said government.

21 The conversion of property managed by the Internal Revenue Code property management franchise must be consistent with
22 the conditions prescribed above in Budd v. People of State of New York, [143 U.S. 517](#) (1892).

23 The mechanism to recruit people to volunteer for or consent to the "trade or business"/public office franchise is documented
24 in:

<p><u><i>How American Nationals Volunteer to Pay Income Tax</i></u>, Form #08.024 https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf</p>

25 **12.7 Cerrtification that I.R.C. Property management contract or agreement doesn't apply**

26 In STATISFYING those rules, I hereby certify the following facts under penalty of perjury:

27 1. Third Party Financial Fiduciaries:

- 28 1.1. Third parties in custody of my financial assets are not the OWNERS. They are mere fiduciaries for the actual
29 owner and Principal, which is me.
30 1.2. Because third party financial fiduciaries are NOT the owners, they have no authority to CONVERT the status of
31 the property from PRIVATE to PUBLIC by filing a usually FALSE report such as an information return that
32 alleges a connection to "the functions of a public office" under 26 U.S.C. §6041. All such reports are mere "lay
33 legal opinions" that furnish NO EVIDENCE of such a conversion from PRIVATE to PUBLIC.

34 2. Companies I work for:

- 35 2.1. Any companies I work for are not AGENTS of the government, but acting in a private capacity. They cannot
36 contract on behalf of the government in such a way as to cause me to surrender any constitutional or private right
37 or private property interest TO said government.

- 2.2. Even being mere “employers” who applied for an EIN doesn’t MAKE those companies PUBLIC in nature, except to the extent that they are TRANSFEREES and BAILEES of funds CONSENTUALLY withheld from the original owner who EARNED them with his or her LABOR.
- 2.3. Any interference with the PRIVATE right to contract between me and private companies by inserting CIVIL LEGAL obligations to one or more parties is a direct interference with my right to contract. Governments are established to PROTECT your right to contract, not INVADE it and become party to every contract.
3. Status of acceptance of government benefit, privilege, or civil statutory protection:
- 3.1. I hereby REJECT any and all civil statutory benefits, privileges, and protections upon the relationships documented above in this list. The ONLY protection I seek is criminal and common law protection under rules of equity and common law. The franchise only benefits the government ANYWAY and never me.
- 3.2. It is my right to reject said civil statutory benefits, privileges, and protections since this is an exercise of my “right to exclude” any and all others from interfering with my relationships as absolute owner of myself.

The result of all the above in rejecting any and all civil statutory benefits, privileges, and protections is simply to be LEFT alone by government, which is the very definition of “justice” as legally defined:

“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)]

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

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

Since LEAVING ME ALONE from a civil statutory protection franchise perspective costs the government nothing, then there can be no equitable or quid pro quo or “quasi-contractual” obligation to pay for ANYTHING.

Would YOU hire a security guard in the District of Columbia who insisted on transferring the property to be protected or any portion thereof over to them and required you to rent your own property back from them? Only an IDIOT would.

For thus says the Lord: “You have sold yourselves [or your PRIVATE PROPERTY] for nothing, And you shall be redeemed without money.”
[Isaiah 52:3, Bible, NKJV]

12.8 Government’s Definitions Don’t Apply In This Case and Government’s Burden of Proof BEFORE I have to satisfy YOUR definition that I am a “nonresident alien” under the I.R.C. public property mangement franchise

In this case, HOWEVER, NO SUCH PUBLIC PROPERTY is involved. The government is the moving party asserting and even enforcing an obligation ILLEGALLY against PRIVATE property. Such an obligation is PUBLIC PROPERTY being TAKEN from me as the absolute and PRIVATE owner of myself in violation of the Takings Clause of the Fifth Amendment. As a bare minimum, government as moving party moving to ENFORCE has at least an obligation to prove one or more of the following BEFORE it can have any authority whatsoever to compel me to prove ANYTHING.

1. That government was the OWNER of the property targeted for the enforcement.

2. That if government is not the owner, that I consented in writing to a PUBLIC LEGAL STATUS or PUBLIC CIVIL STATUS that makes them the INDIRECT owner of the property. Property held by an officer or agent of the government is property held by the government as Principal.
3. That I VOLUNTARILY INVOKED the benefits of that PUBLIC LEGAL/CIVIL STATUS in the context of this specific proceeding. Such civil statutory franchise statuses include “taxpayer”, “person”, “citizen”, “resident”, etc. as YOU define them, which definitions I reject any and all benefit of. I certify that I have NOT and DO NOT.
4. That the franchise mark, being the SSN or TIN, must then VOLUNTARILY be attached to both the LEGAL STATUS and the otherwise PRIVATE PROPERTY that is the target of enforcement. This voluntary attachment serves as legal evidence that it has lawfully and consensually been donated by its original PRIVATE owner to a PUBLIC use, a PUBLIC purpose, and a PUBLIC office in order to procure the BENEFITS of the civil statutory protection franchise. See:

About SSNs and TINs on Government Forms and Correspondence, Form #05.012
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>

5. That any forms for correspondence in your possession invoking the NAME of the franchise mark also invoke the STATUTORY definition of the name and thus the RULES you prescribed and defined rather than MY rules. In my case, all such marks are hereby defined by the rules prescribed below and your definitions are REJECTED. Thus, I remain the only one who can “write rules or definitions” affecting said property:

Why It is Illegal for Me to Request or Use a Taxpayer Identification Number, Form #04.205
<https://sedm.org/Forms/04-Tax/2-Withholding/WhyTINIllegal.pdf>

6. That if none of the above are satisfied, then an injury must be proven justifying collection of the proceeds for damages. Not that the FAILURE to request or use a BENEFIT or public right or privilege does not form the basis for an injury. I have an absolute right to reject any and all benefits because the inevitable result is SLAVERY and a conversion of my status from CONSTITUTIONAL PRIVATE person to STATUTORY PUBLIC person.

To summarize the above simply: When someone STEALS from you, whether administratively or not, the least they must do before you have to do anything is prove that they are the owner before they took it. Satisfying that burden of proof thus proves that they are NOT the thief they are acting as.

Only AFTER the above burden of proof is met by the government does the following apply to this case or my circumstances:

"These general rules are well settled:

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

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

Notice the statement “that remedy is exclusive”. It is exclusive because the government is the Creator and therefore OWNER of the absolutely owned PUBLIC right being vindicated in its tribunals. The use of the word “exclusive” is a reflection of the government’s exercise of the “right to exclude” aspect of its absolute ownership over the civil statutory PUBLIC right being vindicated. They can prescribe any obligation they want in that scenario, including the right to eliminate ALL judicial remedies whatsoever!

Take your public property and SHOVE IT. I’m the only owner of the property involved in this proceeding so I am the one who makes ALL

1 THE RULES, just like the government does over its property. I am
2 unwilling and unable to essentially RENT out your public property in
3 the form of rights and privileges because the rent is too high and it's
4 an adhesion contract anyway offered by a corporate monopoly.

5 Under principles of equity, you must respect this EQUAL right. All men, and all creations of men are EQUAL. If I can't
6 approach you in equity as an equal, then this tribunal is little more than a church, the judge is the priest, the attorneys are the
7 deacons, and hearings are the worship services. Such a scenario would be an unconstitutional establishment of a state-
8 sponsored church in violation of the First Amendment.

9 Any government or judicial officer who permits or compels an UNEQUAL relationship between human beings and itself or
10 forbids self governance through private property is a socialist government that inevitably becomes corrupted, is de facto, and
11 self-destructs as described below. Anyone who promotes that self destruction is engaging in TREASON:

- 12 1. Government Corruption, Form #11.401
13 [Government Corruption – Sovereignty Education and Defense Ministry \(SEDM\)](#)
- 14 2. De Facto Government Scam, Form #05.043
15 <https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>
- 16 3. Your Irresponsible, Lawless, and Anarchist Beast Government, Form #05.054
17 <https://sedm.org/Forms/05-MemLaw/YourIrresponsibleLawlessGov.pdf>

18 **13 How Governments HIDE or OBFUSCATE this information**

19 Many different methods are employed by the national and state governments to hide or obfuscate the information contained
20 in this document beyond those already mentioned. The following subsections shall document the ones we know of, but there
21 are likely many more. We don't have the space to cover these tactics in depth here, but we will provide pointers to other
22 sources when available if you want to study them more deeply.

23 **13.1 Definition of "United States" in the I.R.C.**

24 The statutory geographical "United States" is legally defined as:

25 26 U.S. Code § 7701 - Definitions

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

28 *(9)UNITED STATES*

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

31 *(10)STATE*

32 *The term "[State](#)" shall be construed to include the District of Columbia, where such construction is necessary to*
33 *carry out provisions of this title.*

34 HOWEVER, in most cases, "United States" is NOT used in its GEOGRAPHICAL sense, but its LEGAL sense as a federal
35 corporation. By "sense" we mean "CONTEXT". To be WITHIN the LEGAL rather than GEOGRAPHICAL "United States"
36 means to be an OFFICER of the federal corporation "United States" as defined in 28 U.S.C. §3002(15)(A). The fact that
37 LEGAL and the GEOGRAPHICAL contexts are not expressly identified and not explained in each use of the term "United
38 States" is malicious and deliberate, in order to make the process of procuring your consent to JOIN the federal corporation
39 INVISIBLE and product of IGNORANCE rather than INFORMED CHOICE. Such tactics are further explored in:

- 40 1. Hot Issues: Invisible Consent*, SEDM

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

2. Avoiding Traps in Government Forms Course, Form #12.023

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

Let's further explore why even the GEOGRAPHICAL definition of "United States" above is deliberately deceptive. "State" above is defined as the District of Columbia, which makes sense per 4 U.S.C. §72, since the tax is upon OFFICES within the national government rather than the people occupying them. But what does the term "the States" mean in that context, because that term is never expressly defined? Here are a few facts to clarify this confusion:

1. The default definition of "The STATES" is provided in 4 U.S.C. §110(d) as:

4 U.S. Code §110 – The States

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

2. The term "foreign country" is defined in the regulations at 26 C.F.R. §301.7701(b)-2(b) as INCLUDING "The States" above:

26 C.F.R. §301.7701(b)-2 - Closer connection exception.

(b) Foreign country.

*For purposes of section 7701(b) and the regulations thereunder, the term "foreign country" when used in a geographical sense includes any territory under the sovereignty of the United Nations or a government other than that of the United States. It includes the territorial waters of the foreign country (determined in accordance with the laws of the United States), and the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country and over which the foreign country has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. **It also includes the possessions and territories of the United States.***

3. The term "United States" is legally defined in the regulations as EXCLUDING "The States" in 4 U.S.C. §110(d) above also:

26 C.F.R. §301.7701-7 - Trusts—domestic and foreign.

(3) Definitions.

The following definitions apply for purposes of this section:

(i) Court.

The term court includes any federal, state, or local court.

(ii) The United States.

*The term the United States is used in this section in a geographical sense. Thus, for purposes of the court test, the United States includes only the States and the District of Columbia. See section 7701(a)(9). **Accordingly, a court within a territory or possession of the United States or within a foreign country is not a court within the United States.***

Note in the above that "state" is lower case, implying that it is legislatively FOREIGN in respect to the sovereignty enacting the above interpretive regulation. Note also that the CONSTITUTIONAL status of the Union are NOWHERE mentioned and are therefore purposefully excluded under the rules of statutory construction.

4. People born and domiciled in ONE of the 4 U.S.C. §110(d) "States" are identified as "nonresidents, not a citizen of the United States" for the purpose of the ENTIRE Title 26!

26 U.S. Code § 2209 - Certain residents of possessions considered nonresidents not citizens of the United States

*A decedent who was a citizen of the United States and a resident of a possession thereof at the time of his death shall, for purposes of the tax imposed by this chapter, **be considered a "nonresident not a citizen of the United States" within the meaning of that term wherever used in this title, but only if such person acquired his United***

States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.

(Added Pub. L. 86-779, § 4(b)(1), Sept. 14, 1960, 74 Stat. 999.)

So we are still left with the GREAT MYSTERY of exactly WHAT “the States” means within the geographical definition of “United States”, since it doesn’t expressly include constitutional states of the Union and expressly EXCLUDES territories and possessions. Under the rules of statutory construction and interpretation, the definition can only include what is EXPRESSLY stated SOMEWHERE in Title 26 and everything else is PURPOSEFULLY excluded:

"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)]

"As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated'"
[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]

Thus, even including “the States” within the statutory geographical definition of “United States” in 26 U.S.C. §7701(a)(9) and (a)(10) is:

1. Entirely superfluous and unnecessary per the rules of statutory construction and interpretation.
2. Seems intended ONLY to deceive the reader.

It is furthermore a VIOLATION of the separation of powers doctrine and a violation of due process to PRESUME that the term “the States” includes areas within the exclusive jurisdiction of the constitutional states. All presumptions are a violation of due process. Any attempt to PRESUME that something not expressly stated is included in effect is the exercise of “legislative powers” reserved to the LEGISLATIVE branch. Such powers cannot lawfully be exercised either by judges or executive branch employees or attorneys. When they ARE exercised, below is the result predicted by the designer of our three-branch system of government:

"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]

For more on the abuse of context and the rules of statutory construction to deceive and invoke criminal identity theft, see:

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

By the way, the closest we have been able to come to finding a definition for “the States” as used in 26 U.S.C. 7701(a)(9) is INDIANS. To wit:

"The Cherokee Nation is not a foreign state, in the sense in which the term 'foreign state' is used in the Constitution of the United States."

"The Cherokees are a State."

"The acts of our government plainly recognize the Cherokee Nation as a State, and the courts are bound by those acts."

[*Cherokee Nation v. The State of Georgia*, 30 U.S. 1, 8 L.Ed. 25 (1831)]

13.2 No references to “domicile” in I.R.C.

Even though the national income tax is based ENTIRELY upon domicile, the entire Internal Revenue Code Subtitles A and C never mention this. Only in Subtitle B, estate taxes, is it mentioned. This omission is deliberate, because:

1. Both federal and state income tax are based ENTIRELY on domicile.
2. Domicile is always geographical.
3. You can only have ONE domicile at a time.
4. If you are domiciled within the exclusive jurisdiction of a constitutional state of the Union, then you CANNOT also have a domicile within the jurisdiction of the national government.
5. The separation of powers doctrine forbids the OVERLAP of domicile and civil statutory jurisdiction of the state and federal governments. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

If you knew all the above and insisted on enforcing them as a limitation up on the taxing power of the national government, then courts would be FORCED to limit their income tax enforcement jurisdiction to people working for the national government within the exclusive jurisdiction of the national government. The U.S. Supreme Court admitted this was the case indirectly in the following landmark case:

"Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. It was insisted that Congress could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the United States [described in the Constitution]. It was held that the grant of this power was a general one without limitation as to place, and consequently extended to all places over which the government extends; and that it extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2, declares that 'representatives and direct taxes shall be apportioned among the several states . . . according to their respective numbers' furnished a standard by which taxes were apportioned, but not to exempt any part of the country from their operation. 'The words used do not mean that direct taxes shall be imposed on states only which are represented, or shall be apportioned to representatives; but that direct taxation, in its application to states, shall be apportioned to numbers.' That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the census, was applicable to the District of Columbia, 'and will enable Congress to apportion on it its just and equal share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to all the states. They therefore may, without violence, be understood to give a rule when the territories shall be taxed, without imposing the necessity of taxing them.'"

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

13.3 Definition of “foreign”

The Internal Revenue Code defines “foreign” as follows:

[26 U.S. Code § 7701 - Definitions](#)

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

(5) FOREIGN

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

The reason they had to define “foreign” like the above is further explained in the Corpus Juris Secundum (C.J.S.) Legal Encyclopedia:

“A foreign corporation is one that derives its existence solely from the laws of another state, government, or country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created by or under the laws of another state or a corporation created by or under the laws of a foreign country.”

*“A federal corporation operating within a state is considered a domestic corporation rather than a foreign corporation. **The United States government is a foreign corporation with respect to a state.**”*
[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]

Everything OUTSIDE the “United States Inc.” federal corporation is “foreign”. The income tax is a tax upon instrumentalities of the national government and never private property or private rights. This was admitted by the U.S. Supreme Court:

*“Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. **It was insisted that Congress could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the United States [described in the Constitution]. It was held that the grant of this power was a general one without limitation as to place, and consequently extended to all places over which the government extends;** and that it extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2, declares that 'representatives and direct taxes shall be apportioned among the several states . . . according to their respective numbers' furnished a standard by which taxes were apportioned, but not to exempt any part of the country from their operation. 'The words used do not mean that direct taxes shall be imposed on states only which are represented, or shall be apportioned to representatives; **but that direct taxation, in its application to states, shall be apportioned to numbers.**' That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the census, was applicable to the District of Columbia, 'and will enable Congress to apportion on it its just and equal share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to all the states. They therefore may, without violence, be understood to give a rule when the territories shall be taxed, without imposing the necessity of taxing them.'”*
[Downes v. Bidwell, [182 U.S. 244](#) (1901)]

Not the above phrase:

*“It was held that the grant of **this power was a general one without limitation as to place, and consequently extended to all places over which the government extends;** and that it extended to the District of Columbia as a constituent part of the United States.”*

The income tax is NON-GEOGRAPHICAL because the “United States Inc.” federal corporation is not physical and not geographical, but VIRTUAL. The GOVERNMENT extends wherever its OFFICES and PROPERTY extend, including OUTSIDE Of the District of Columbia. You therefore have to JOIN the national government as one of its OFFICERS called

a STATUTORY “citizen”, “resident”, “person”, or “taxpayer” before you become subject to the income tax. When you JOIN the government by pursuing one of these CIVIL STATUTORY offices, you:

1. Are LEGALLY within the “United States” federal corporation defined in 28 U.S.C. §3002(15)(A) as its officer.
2. Are NOT PHYSICALLY within the “United States” as GEOGRAPHICALLY defined in 26 U.S.C. §7701(a)(9) and (a)(10).
3. Have been “assimilated” into the corporation usually without your knowledge or express consent. Welcome to The Matrix, NEO!
4. Then become “domestic” as legally defined:

26 U.S. Code § 7701 - Definitions

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

(4) DOMESTIC

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

5. Are party to a PARTNERSHIP between the OFFICE and the OFFICER filling said office.
 - 5.1. The OFFICE and the OFFICER have SEPARATE domiciles that need not overlap.
 - 5.2. The CIVIL law that applies to any disputes regarding the exercise of the office is documented as the place of DOMICILE of the OFFICE rather than the OFFICER under Federal Rule of Civil Procedure 17.
6. Usually unknowingly adopt a GEOGRAPHICAL “tax home” for the OFFICE in the District of Columbia (the statutory geographical “United States” in 26 U.S.C. §7701(a)(9) and (a)(10)) that is not the same as your own locate or domicile:

26 C.F.R. §301.7701(b)-2 - Closer connection exception

(c) Tax home—

(1) Definition.

For purposes of section 7701 (b) and the regulations under that section, the term “tax home” has the same meaning that it has for purposes of section 162(a)(2) (relating to travel expenses while away from home). Thus, an individual's tax home is considered to be located at the individual's regular or principal (if more than one regular) place of business. If the individual has no regular or principal place of business because of the nature of the business, or because the individual is not engaged in carrying on any trade or business within the meaning of section 162(a), then the individual's tax home is the individual's regular place of abode in a real and substantial sense.

(2) Duration and nature of tax home.

The tax home maintained by the alien individual must be in existence for the entire current year. The tax home must be located in the same foreign country for which the individual is claiming to have the closer connection described in paragraph (d) of this section.

7. Become a “U.S. source” of “gross income” owned entirely by the national government because it was earned by the OFFICE rather than the human being VOLUNTARILY FILLING said office. You are NOT the owner of the statutory “gross income” at that point, and reclaiming ANY PORTION of it for your own personal use is a PRIVILEGE rather than a RIGHT. The fact that most people don’t know these things does not change the reality of what is actually happening from a legal perspective.

The way that you JOIN the government is therefore to pursue the PRIVILEGES or BENEFITS of a civil statutory OFFICE within the government. This is typically done by filing the USUALLY FALSE form declaring such status that you do not ALREADY legally have, and therefore LITERALLY “electing” yourself into said office. See:

[Why It's a Crime for a Private American National to File a 1040 Income Tax Return](https://sedm.org/Forms/08-PolicyDocs/WhyCrimefileReturn.pdf), Form #08.021
<https://sedm.org/Forms/08-PolicyDocs/WhyCrimefileReturn.pdf>

13.4 No definition of “alien” in I.R.C.

There is NO definition of “alien” within the entire Internal Revenue Code Subtitles A and C. The Treasury Regulations that implement the Internal Revenue Code come close to a definition, but only in the context of STATUTORY “individuals”:

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

(c) Definitions.

The following definitions apply for purposes of sections 1441 through 1443, 1461, and regulations under those sections. For definitions of terms used in these regulations that are defined under sections 1471 through 1474, see subparagraphs (43) through (56) of this paragraph.

(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 [§ 1.1-1\(c\)](#).

So, an “alien individual” is someone who is NEITHER a STATUTORY “citizen”, nor a STATUTORY “national”. And by STATUTORY, we mean DOMICILE rather than NATIONALITY. This would exclude those who are issued USA passports, OBVIOUSLY, because they are called “U.S. nationals”:

[22 U.S. Code §212 - Persons entitled to passport](#)

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.

8 U.S. Code § 1101 - Definitions

[Sec. 1101. - Definitions](#)

(a) As used in this chapter—

(22) The term “national of the United States” means

(A) a citizen of the United States, or

(B) a person who, though not a citizen of the United States, owes permanent [but not necessarily exclusive] allegiance to the United States.

22 C.F.R. Part 51 Passports

[§ 51.1 Definitions.](#)

U.S. national means a U.S. citizen or a U.S. non-citizen national.

[SOURCE: <https://www.ecfr.gov/current/title-22/chapter-I/subchapter-F/part-51/section-51.1>]

13.5 The Domicile CIVIL STATUTORY Protection Contract/Compact and the definition of “taxpayer” in tax trade publications¹¹

¹¹ Adapted from: *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002, Section 8: “Domicile”=“allegiance” and “protection”; <https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

1 A “nonresident alien” is merely anyone who doesn’t have a CIVIL DOMICILE within the exclusive jurisdiction of Congress.
2 The way the INTERNAL Revenue Code is implemented, all “taxpayers” are offices in the government domiciled in the
3 District of Columbia. We prove this in:

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

4 So, the word “INTERNAL” in the “INTERNAL Revenue Code” means WITHIN the United States government, not within
5 the statutory geographical United States. And the domicile that is taxed is that of the office they fool you into volunteering
6 for by equivocation to make the tax look like its on your NATIONALITY rather than your DOMICILE. That DECEPTIVE
7 process of volunteering is described in:

How American Nationals Volunteer to Pay Income Tax, Form #08.024
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

8 This section describes how even domicile is obfuscated to confuse you.

9 The U.S. Supreme Court describes the relationship of domicile to taxation as follows:

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

18 The first thing to notice about the above ruling is that the essence of being a “citizen” is one’s domicile, not just their place
19 of birth or naturalization or the NATIONALITY these two things produce. “Domicile” establishes your LEGAL status within
20 a municipal government while “nationality” (being a “national”) establishes your POLITICAL status and association with a
21 specific nation under The Law of Nations.

22 “Nationality. That quality or character which arises from the fact of a person's belonging to a nation or state.
23 Nationality determines the political status of the individual, especially with reference to allegiance; while
24 domicile determines his civil status. Nationality arises either by birth or by naturalization. See also
25 Naturalization.”
26 [Black’s Law Dictionary, Sixth Edition, p. 1025]

27 The U.S. Supreme Court admitted that an alien with a domicile in a place is treated as a native or naturalized “citizen” in
28 nearly every respect. We call this type of “citizen” simply a “domiciled citizen” to distinguish it from anything resembling
29 nationality. Note that they use the phrase “This right to protect persons having a domicile”, meaning they DON’T have a
30 right to protect people who choose NOT to have a domicile and therefore are UNABLE to render protection because they
31 can ONLY “govern” people who consent to be governed by choosing a domicile within their protection.

32 “This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the
33 firm foundation of justice, and the claim to be protected is earned by considerations which the protecting power
34 is not at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or
35 naturalized citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if
36 he breaks them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in
37 the same way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly
38 all respects, his and their condition as to the duties and burdens of Government are undistinguishable.”
39 [Fong Yue Ting v. United States, 149 U.S. 698 (1893)]

40 Note also the key role of the word “intention” within the meaning of domicile. A person can have many “abodes”, which are
41 the place they temporarily “inhabit”, but only one legal “domicile”. You cannot have a legal “domicile” in a place without
42 also having an intention (also called “consent”) to live there “permanently”, which implies allegiance to the people and the
43 laws of that place.

44 “Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The
45 one is a compensation for the other; allegiance for protection and protection for allegiance.”

What the U.S. Supreme Court essentially is describing above is a contract to procure the civil protection of a specific government, and it is giving that contract a name called “domicile”. What makes the contract binding is the fact that each party to the contract both gives and receives specific and measurable “consideration”. You manifest your consent to the contract by voluntarily calling yourself a “subject”, “inhabitant”, “citizen”, or “resident”, all of which have in common a domicile within the jurisdiction that those terms relate to. You give “allegiance” and the support (e.g. “taxes”) that go with that allegiance, and in return, the government has an implied legal duty to protect and serve you. All contracts require both mutual consent and mutual consideration. Without both demonstrated elements, the contract is unenforceable. The contract is therefore only enforceable if both parties incur reciprocal duties that are enforceable in court as “rights”. Below is how the U.S. Supreme Court again describes this “protection contract”:

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

The interesting thing about allegiance is that in every circumstance where you try to document it on a government form, the covetous government tries to create the false impression that it must be PERMANENT, so that you can’t choose WHEN and under what circumstances you have it or under what circumstances you want protection and have to pay for protection. In other words, you aren’t allowed to request protection for specific circumstances and you have to give them essentially a blank check and make the relationship permanent. Here are some examples:

1. Most government forms ask for your “Permanent address”, meaning the place where your allegiance is permanent and not temporary.
2. The term “national of the United States*” is defined in 8 U.S.C. §1101(a)(22) as someone who owes “permanent allegiance” to the “United States**” government. These people include both state nationals (8 U.S.C. §1101(a)(22)(B)), statutory citizens (8 U.S.C. §1101(a)(22)(A)), and those in outlying possessions (8 U.S.C. §1101(a)(22)(B)).

8 U.S.C. §1101 Definitions [for the purposes of citizenship]

(a) As used in this chapter—

(22) The term “national of the United States” means

(A) a citizen of the United States, or

(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

3. 8 U.S.C. §1436 requires that the only way a resident of an outlying possession may be naturalized to become a STATUTORY “non-citizen national of the United States**” is to have “permanent allegiance”.

We must remember, however, that for the purposes of Title 8, even the word “permanent” is not really permanent and can be withdrawn by you on a whim.

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.

When might you want to withdraw your allegiance and the CIVIL statutory protection that goes with it? How about if you are going abroad and DO NOT want Uncle Sam’s protection or the bill (taxes) that go with that protection. Some people,

including us, even fill out their DS-11 Passport Application to indicate that they waive any and all claim to protection of the national government while they are abroad and thereby temporarily WITHDRAW their allegiance while abroad. Why would they do this? Because they don't want to be "privileged" or in receipt of any government "benefit" that could lead essentially to them having to hand Uncle a blank check to steal ANYTHING they have. What gives them the right to demand "taxes" of a STATUTORY "citizen" while they are abroad? The answer is that such "citizen" is an officer of the government managing government property. THAT property is ALL of his/her property! Here is the proof:

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

The above document is the document upon which the Founding Fathers wrote the Constitution. It is even mentioned in Article I of the Constitution. The implications of the above document are that calling yourself a "citizen" makes you a presumed officer of the government holding temporary title to government property, which is ALL of your property while you are abroad and being protected by the nation you are a "member" or STATUTORY "citizen" of. The implication is that:

1. If you want to own property at all while abroad and have it protected by the national government, you must consent to become an officer of the government called a "citizen" and effectively convert or transmute all your property to PUBLIC property. The U.S. Supreme Court, in fact, has defined such a "citizen" as an officer of the government:

"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities -- to a being or agent [of government, also called a PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations. It is in this acceptance only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood. When distributing the judicial power, that article extends it to controversies between 'citizens' of different states. This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States."

[*Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel*]

2. You must share ownership with the government if you want to be a STATUTORY "citizen" and receive the "benefit"/franchise of the government's CIVIL STATUTORY protection WHILE ABROAD.
3. You aren't allowed by law to ABSOLUTELY own ANY private property while abroad. The essence of ownership is "the right to exclude", according to the U.S. Supreme Court. See *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987) and *Kaiser Aetna v. United States*, 444 U.S. 164 (1979).¹² That means you aren't allowed to exclude the

¹² "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)]

government from using or benefitting from the use of the property and the government is the REAL owner. Would you hire a security guard called “government” if the cost of the protection was to transfer ownership TO the security guard? NOT! Hence, this is what we call a “supernatural power” that makes the government literally a pagan deity over all property.

4. The GOVERNMENT gets to determine how much of the property you want protected THEY own or control, and how much is left over for you. That is because they write the laws that regulate the use of all PUBLIC property. You are a mere equitable rather than absolute owner of the property.

The sharing of ownership in legal terms is called a “moiety”. With these factors in mind, why the HELL would anyone want to call themselves a STATUTORY “citizen”? Isn’t the purpose of forming government to protect PRIVATE property and PRIVATE rights? Isn’t the ability to own property the essence of “happiness” itself according to the Declaration of Independence? How can you be “happy” if you have to share ownership of EVERYTHING with the government and turn EVERYTHING you own essentially into PUBLIC property to have any protection at all? For details on sharing ownership with the government, see:

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

Obviously, the “price” of government protection is too high, and therefore a rational and informed person would have to conclude that having “allegiance” and requesting “protection” from the government as a security guard over their property is something that they should NOT want. So how do we withdraw that allegiance and our request for protection? A good place to start is studying the laws on passports.

On the other hand, when obtaining a USA passport, one only needs “allegiance” and no requirement for permanence is mandated, other than, of course, the Address field on the DS-11 Form, which asks for a “permanent address”. If you don’t fill out anything in that field because your allegiance is temporary and you DO NOT WANT their protection, then you can make your allegiance temporary and changeable.

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

See the following for details on how to WITHDRAW allegiance when abroad in the passport application process:

Getting a USA Passport as a “State National”, Form #10.013
<http://sedm.org/Forms/FormIndex.htm>

Now let’s look at the domicile “protection contract” or “protection franchise” a little closer. Does it meet all the requisite legal elements of a legally enforceable contract? In fact, after you declare your exclusive allegiance to the “state” by declaring a “domicile” within that state so that you can procure “protection”, ironically, the courts continue to forcefully insist that your public SERVANTS STILL have NO LEGAL OBLIGATION to protect you! This is what Franklin Delano Roosevelt, the traitor, calls “The New Deal”, and what we call “The RAW Deal”. Below is the AMAZING truth right from the horse’s mouth, the courts, proving that police officers cannot be sued if they fail to come to your aid after you call them when you have a legitimate need for their protection:

Do You Have a Right to Police Protection?, Family Guardian Fellowship
<http://famguardian.org/Subjects/Crime/Articles/PoliceProtection.htm>

Consequently, the “protection contract” is unenforceable as a duty upon you because it imposes no reciprocal duty upon the government. On the one hand, the government throws people in jail for failing to pay for protection in the form of “taxes”, while on the other hand, it refuses to prosecute police officers for failing to provide the protection that was paid for, even though their willful or negligent refusal to protect us could have far more injurious and immediate effects than simply failing

[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).

to pay for protection. This is a violation of the equal protection of the laws. If it is a crime to not pay for protection, then it ought to equally be a crime to not provide it! Who would want to live in a country or be part of a “state” that would condone such hypocrisy? That is why we advocate “divorcing the state”. It is precisely this type of hypocrisy that explains why prominent authorities will tell you that taxes are not “contractual”: because the courts treat it like a contract and a criminal matter to not pay taxes for “taxpayers”, but refuse to hold public servants equally liable for their half of the bargain, which is protection:

“A tax is not regarded as a debt in the ordinary sense of that term, for the reason that a tax does not depend upon the consent of the taxpayer and there is no express or implied contract to pay taxes. Taxes are not contracts between party and party, either express or implied; but they are the positive acts of the government, through its various agents, binding upon the inhabitants, and to the making and enforcing of which their personal consent individually is not required.”
[Cooley, *Law of Taxation*, Fourth Edition, pp. 88-89]

The above is a deception at best and a LIE at worst. A “taxpayer” is legally defined as a person liable, and it is true that for such a person, taxes are not consensual and in no way “voluntary”. HOWEVER, the choice about whether one wishes to BECOME a “taxpayer” as legally defined in 26 U.S.C. §7701(a)(14) is based on domicile and the excise taxable activities one voluntarily engages in, both of which in fact ARE voluntary actions and choices. By their careful choice of words, they have misrepresented the truth so they could get into your pocket. What else would you expect of greedy LIARS, I mean “lawyers”? We would also like to take this opportunity to clarify for whom taxes are “voluntary” in order to further clarify the title of this document:

1. Income taxes under I.R.C. Subtitle A are not voluntary for “taxpayers”.
2. Income taxes under I.R.C. Subtitle A are not voluntary for everyone, because some subset of everyone are “taxpayers”.
3. Income taxes under I.R.C. Subtitle A are voluntary for those who are “nontaxpayers”, who we define here as those persons who are NOT the “taxpayer” defined in 26 U.S.C. §§7701(a)(14) and 1313.

“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]. 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)]

Some other points to consider about this “Raw Deal” scam:

1. You can’t be a statutory “citizen” or a “resident” without having a legally enforceable right to protection.
2. Since the government won’t enforce the rendering of the ONLY consideration required to make you a “citizen” or a “resident”, then the protection contract is unenforceable and technically, you can’t lawfully therefore call yourself a “citizen”.
3. Since you can’t be a member of a “state” without being a “citizen”, then technically, there is no de jure “state”, no de jure government that serves this “state”, and no “United States”. It’s just “US”, friends, cause there ain’t no “U.S.”!
4. The implication is that your government has legally abandoned you and you are an orphan, because they didn’t complete their half of the protection contract bargain. Without a government, God is back in charge. The Bible says He owns the earth anyway, which leaves us as “nonresidents” and “transient foreigners” in respect to any jurisdiction that claims to be a “government” because we know they’re lying.
5. The Bible says of this “Raw Deal” the following: You’ve been HAD, folks!

For thus says the LORD: “You have sold yourselves for nothing, And you shall be redeemed without money.”
[Isaiah 52:3, Bible, NKJV]

The U.S. Supreme Court has also held that “allegiance” is completely incompatible with any system of “citizenship” in a republican form of government, and that it is “repulsive”. Ironically, allegiance is exactly what we currently base our system of citizenship on in this country. Apparently, this is yet one more symptom that the U.S. government has become corrupted.

“Yet, it is to be remembered, and that whether in its real origin, or in its artificial state, allegiance, as well as fealty, rests upon lands, and it is due to persons. Not so, with respect to Citizenship, which has arisen from the dissolution of the feudal system and is a substitute for allegiance, corresponding with the new order of things. Allegiance and citizenship, differ, indeed, in almost every characteristic. Citizenship is the effect of compact [CONTRACT!]; allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is a territorial tenure. Citizenship is the charter of equality; allegiance is a badge of inferiority. Citizenship is constitutional; allegiance is personal. Citizenship is freedom; allegiance is servitude. Citizenship is

communicable; allegiance is repulsive. Citizenship may be relinquished; allegiance is perpetual. With such essential differences, the doctrine of allegiance is inapplicable to a system of citizenship; which it can neither serve to controul, nor to elucidate. And yet, even among the nations, in which the law of allegiance is the most firmly established, the law most pertinaciously enforced, there are striking deviations that demonstrate the invincible power of truth, and the homage, which, under every modification of government, must be paid to the inherent rights of man.....The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous, sovereign....."
[Talbot v. Janson, 3 U.S. 133 (1795); From the syllabus but not the opinion; SOURCE:
http://www.law.cornell.edu/supct/search/display.html?terms=choice%20or%20conflict%20and%20law&url=/supt/html/historics/USSC_CR_0003_0133_ZS.html]

Consequently, we must conclude that allegiance to anything but God is therefore to be avoided at all costs. Notice also that they say that citizenship is the effect of "compact", which is a type of contract. If "domicile" is the basis of citizenship, and citizenship is the effect of "compact", then "domicile" amounts to the equivalent of a "contract". This leads us right back to the conclusion that the voluntary choice of one's "domicile" is a "contract" to procure man-made protection and fire God as our protector:

"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]

The Bible is consistent with the Supreme Court above in its disdain for "allegiance". It has a name for those expressing "allegiance": It is called an "oath". When a person becomes a naturalized citizen of the United States, he must by law (see [8 U.S.C. §1448](#)) take an "oath" of "allegiance" and be "sworn in". When a person signs an income tax return, he must swear a perjury oath. Jesus, on the other hand, commanded believers not to take "oaths" to anything but God, and especially not to earthly Kings, and said that doing otherwise was essentially Satanic:

"Again you have heard that it was said to those of old, 'You shall not swear falsely, but shall perform your oaths to the Lord.' But I say to you, do not swear at all: neither by heaven, for it is God's throne; nor by the earth, for it is His footstool; nor by Jerusalem, for it is the city of the great King. Nor shall you swear by your head, because you cannot make one hair white or black. But let your 'Yes' be 'Yes,' and your 'No,' 'No.' For whatever is more than these is from the evil one [Satan]."
[[Matt. 5:33-37](#), Bible, NKJV]

God also commanded us to take oaths ONLY in His name and no others:

"You shall fear the LORD your God and serve [only] Him, and shall take oaths in His name."
[[Deut. 6:13](#), Bible, NKJV]

"If a man makes a vow to the LORD, or swears an oath to bind himself by some agreement, he shall not break his word; he shall do according to all that proceeds out of his mouth."
[[Numbers 30:2](#), Bible, NKJV]

Israel's first King, Saul, in fact, distressed the people because one of his first official acts was to try to put the people under oath to him instead of God.

"And the men of Israel were distressed that day, for Saul had placed the people under oath"
[[1 Sam. 14:24](#), Bible, NKJV]

God's response to the Israelites electing a King/protector to whom they would owe "allegiance", in fact, was to say that they sinned:

Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, "Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER them]".

But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord. And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods

[Kings, in this case]—so they are doing to you also [government becoming idolatry]. Now therefore, heed their voice. **However, you shall solemnly forewarn them, and show them the behavior of the king who will reign over them.**”

So Samuel told all the words of the LORD to the people who asked him for a king. And he said, **“This will be the behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your sheep. And you will be his servants. And you will cry out in that day because of your king whom you have chosen for yourselves, and the LORD will not hear you in that day.”**

Nevertheless the people refused to obey the voice of Samuel; and they said, “No, but we will have a king over 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 battles.”
[1 Sam. 8:4-20, Bible, NKJV]

Notice above the repeated words “He [the new King] will take...”. God is really warning them here that the King they elect will STEAL from them, which is exactly what our present day government does! Some things never change, do they?

Since God clearly states that it violates His law to have a king ABOVE you, then by implication, Christians are FORBIDDEN by His sacred law from becoming a “subject” under any civil statutory law system that allows any government or civil ruler to engage in any of the following types of anarchy, lawlessness, or superiority:

1. Are superior in any way to the people they govern UNDER THE LAW.
2. Are not directly accountable to the people or the law. They prohibit the PEOPLE from criminally prosecuting their own crimes, reserving the right to prosecute to their own fellow criminals. Who polices the police? THE CRIMINALS.
3. Enact laws that exempt themselves. This is a violation of the Constitutional requirement for equal protection and equal treatment and constitutes an unconstitutional Title of Nobility in violation of Article 1, Section 9, Clause 8 of the United States Constitution.
4. Only enforce the law against others and NOT themselves, as a way to protect their own criminal activities by persecuting dissidents. This is called “selective enforcement”. In the legal field it is also called “professional courtesy”. Never kill the goose that lays the STOLEN golden eggs.
5. Break the laws with impunity. This happens most frequently when corrupt people in government engage in “selective enforcement”, whereby they refuse to prosecute or interfere with the prosecution of anyone in government. The Department of Justice (D.O.J.) or the District Attorney are the most frequent perpetrators of this type of crime.
6. Are able to choose which laws they want to be subject to, and thus refuse to enforce laws against themselves. The most frequent method for this type of abuse is to assert sovereign, official, or judicial immunity as a defense in order to protect the wrongdoers in government when they are acting outside their delegated authority, or outside what the definitions in the statutes EXPRESSLY allow.
7. Impute to themselves more rights or methods of acquiring rights than the people themselves have. In other words, who are the object of PAGAN IDOL WORSHIP because they possess “supernatural” powers. By “supernatural”, we mean that which is superior to the “natural”, which is ordinary human beings.
8. Claim and protect their own sovereign immunity, but refuse to recognize the same EQUAL immunity of the people from whom that power was delegated to begin with. Hypocrites.
9. Abuse sovereign immunity to exclude either the government or anyone working in the government from being subject to the laws they pass to regulate everyone ELSE’S behavior. In other words, they can choose WHEN they want to be a statutory “person” who is subject, and when they aren’t. Anyone who has this kind of choice will ALWAYS corruptly exclude themselves and include everyone else, and thereby enforce and implement an unconstitutional “Title of Nobility” towards themselves. On this subject, the U.S. Supreme Court has held the following:

“No man in this country [including legislators of the government as a legal person] is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives,” 106 U.S., at 220. “Shall it be said... that the courts cannot give remedy when the Citizen has been deprived of his property by force, his estate seized and converted to the use of the government

1 *without any lawful authority, without any process of law, and without any compensation, because the president*
2 *has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which*
3 *has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-*
4 *regulated liberty and the protection of personal rights," 106 U.S., at 220, 221.*
5 *[United States v. Lee, 106 U.S. 196, 1 S.Ct. 240 (1882)]*

- 6 10. Have a monopoly on anything, INCLUDING "protection", and who turn that monopoly into a mechanism to force
7 EVERYONE illegally to be treated as uncompensated public officers in exchange for the "privilege" of being able to
8 even exist or earn a living to support oneself.
9 11. Can tax and spend any amount or percentage of the people's earnings over the OBJECTIONS of the people.
10 12. Can print, meaning illegally counterfeit, as much money as they want to fund their criminal enterprise, and thus to be
11 completely free from accountability or responsibility to the people. Anarchy!
12 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
13 sign everything under penalty of perjury when you want to talk to them. 26 U.S.C. §6065.

14 Jesus Himself agreed that we cannot allow civil rulers to be ABOVE us in any way, when He said:

15 *"You know that the rulers of the Gentiles lord it over them, and those who are great exercise authority over*
16 *them. Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant.*
17 *And whoever desires to be first among you, let him be your slave— just as the Son of Man did not come to be*
18 *served, but to serve, and to give His life a ransom for many."*
19 *[Matt. 20: 25-28, Bible, NKJV. See also Mark 10:42-45]*

20 Jesus' words above are very descriptive of the RESULT of allowing rulers to be ABOVE those they serve:

- 21 1. He identifies his reference as referring to civil rulers.
22 2. "Authority over" refers to authority ABOVE that possessed by mere natural humans. In other words, the powers
23 exercised are "supernatural". "Super" means ABOVE and "natural" means above you, who are a natural human being.
24 3. The phrase "Lord it over" means that they in effect are "gods" who are OVER or ABOVE those who "worship" them
25 by obeying their man-made STATUTES or CIVIL CODES. The source of law in any society is, in fact, the god of that
26 society.

27 The nature and substance of any government that violates the above admonition of Jesus is described in the following:

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

28 ONLY when the people are indeed EQUAL in every way to those in the government can anyone be truly FREE in any sense
29 of the word. The U.S. Supreme Court confirmed this when it held:

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

33 If you would like to watch an entire training video on why you can only be FREE if you are EQUAL to government in
34 authority, rights, and power, see:

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

35 **13.6 "Civil status" and its relationship to "privilege"**

36 You can search far and wide as we have for legal authorities that discuss the following very important subjects and find
37 SURPRISINGLY few:

- 38 1. The relation between "civil status" and domicile:

39 § 29. Status

40 *It may be laid down that the, status- or, as it is sometimes called, civil status, in contradistinction to political*
41 *status - of a person depends largely, although not universally, upon domicil. The older jurists, whose opinions*

are fully collected by Story I and Burge, 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*, 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*, 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." [*A Treatise on the Law of Domicil, National, Quasi-National, and Municipal*, M.W. Jacobs, Little, Brown, and Company, 1887, p. 89]

2. The term "civil status", which is actually a legislatively granted CIVIL privilege.

In *Udny v. Udny* (1869) L. R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the question whether the domicile of the father was in England or in Scotland, he being in either alternative a British subject. Lord Chancellor Haigherley said: "The question of naturalization and of allegiance is distinct from that of domicile." Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by saying: "The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some particular country, binding him by the tie of natural allegiance, and which may be called his political status; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status." And then, while maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the criterion established by international law for the purpose of determining civil status, and the basis on which 'the personal rights of the party—that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy—must depend,' he yet distinctly recognized that a man's political status, his country (patria), and his 'nationality,—that is, natural allegiance,—may depend on different laws in different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects. [*United States v. Wong Kim Ark*, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ; SOURCE: http://scholar.google.com/scholar_case?case=338195577126311765]

3. The fact that both OBLIGATIONS and PRIVILEGES attach to all "civil statuses" called "offices".

"Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws." [*People v. Ridgley*, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

4. The fact that OBLIGATIONS and PRIVILEGES constitute PROPERTY under the LAWS of property. The entire constitution, for instance, is almost SILENT on the subject of property and mentions it in only ONE place: Article 4, Section 3, Clause 2. See:

Laws of Property, Form #14.018
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>

5. The nature of all CIVIL statutory statuses as an OFFICE within the government grantor of the privilege.

privilege \ 'priv-līj, 'pri-və- \ noun

[Middle English, from Anglo-French, from Latin *privilegium* law for or against a private person, from *privus* private + *leg-*, *lex* law] 12th century: a right or immunity granted as a peculiar benefit, advantage, or favor: prerogative especially: such a right or immunity attached specifically to a position or an office

[Mish, F. C. (2003). Preface. Merriam-Websters collegiate dictionary. (Eleventh ed.). Springfield, MA: Merriam-Webster, Inc.]

See also:

6. The purpose of ALL governments to CONTROL the civil status of those they “govern” as “subjects”.

*The several States of the Union are not, it is true, in every respect independent, many of the rights and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is, that every State possesses exclusive jurisdiction and sovereignty over persons and property within its territory. As a consequence, every State has the power to determine for itself the civil status and capacities of its inhabitants; to prescribe the subjects upon which they may contract, the forms and solemnities with which their contracts shall be executed, the rights and obligations arising from them, and the mode in which their validity shall be determined and their obligations enforced; and also to regulate the manner and conditions upon which property situated within such territory, both personal and real, may be acquired, enjoyed, and transferred. The other principle of public law referred to follows from the one mentioned; that is, that no State can exercise direct jurisdiction and authority over persons or property without its territory. Story, Confl. Laws, c. 2; Wheat. Int. Law, pt. 2, c. 2. The several States are of equal dignity and authority, and the independence of one implies the exclusion of power from all others. And so it is laid down by jurists, as an elementary principle, that the laws of one State have no operation outside of its territory, except so far as is allowed by comity; and that no tribunal established by it can extend its process beyond that territory so as to subject either persons or property to its decisions. "Any exertion of authority of this sort beyond this limit," says Story, "is a mere nullity, and incapable of binding 723*723 such persons or property in any other tribunals." Story, Confl. Laws, sect. 539.*

But as contracts made in one State may be enforceable only in another State, and property may be held by non-residents, the exercise of the jurisdiction which every State is admitted to possess over persons and property within its own territory will often affect persons and property without it. To any influence exerted in this way by a State affecting persons resident or property situated elsewhere, no objection can be justly taken; whilst any direct exertion of authority upon them, in an attempt to give ex-territorial operation to its laws, or to enforce an ex-territorial jurisdiction by its tribunals, would be deemed an encroachment upon the independence of the State in which the persons are domiciled or the property is situated, and be resisted as usurpation.

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

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

7. The nature of all “civil statuses” as legislatively created and granted PUBLIC PROPERTY that constitutes CONSIDERATION under the CIVIL SOCIAL COMPACT called “domicile”. See:

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

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

7.2. Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002

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

8. The fact that the CIVIL social compact does NOT confer upon any government any right to economically sanction those who REFUSE to be party to it and especially those who do so for RELIGIOUS reasons as an exercise of their religious practices under the First Amendment. These people are called:

8.1. “nonresidents”.

8.2. “idiots”. See:

Are You an “Idiot”?, SEDM

<https://sedm.org/are-you-an-idiot-we-are/>

8.3. “transient foreigners”.

8.4. “stateless”.

More on the above at:

Non-Resident Non-Person Position, Form #05.020

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

9. That because all legislatively created and granted OFFICES and CIVIL STATUSES are property of the government grantor, the grantor is legally responsible for the damage to others that such statuses impose under organic law against those who are NOT party to the civil social compact.
10. The fact that the income tax is really just a “rental fee” associated with the use, possession, or “benefit” of those seeking such “benefit” or temporary possession. See:

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

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

We had to spend DECADES assembling the above specific information, because information about these subjects is so sparse. In most cases, we had to go back CENTURIES to find information on the above subjects, which is clearly censored from the public record to keep the average joe from unraveling the SCAM that is the income tax. Most of the above evidence had to be derived from REALLY old court cases or books on the common law that are no longer in print, for instance. None of these subjects are taught in law schools and there are EXTREMELY few if any contemporary publications on them, for good reason: They are very effective at unraveling the MATRIX we presently suffer under.

13.7 The Hague Convention HIDES the ONE portion that differentiates NATIONALITY from DOMICILE¹³

After World War II, countries got together in the Hague Convention and reached international agreements on the proper treatment of people everywhere. The United States was a party to that international agreement. Within that agreement is the following document:

Hague Convention Relating to the Settlement of the Conflicts Between the Law of Nationality and the Law of Domicile [Anno Domini 1955], SEDM Exhibit #01.008

Not surprisingly, the above article within the convention was written originally in FRENCH but is NOT available in or translated into ENGLISH. Why? Because English speaking governments obviously don’t want their inhabitants knowing the distinctions between NATIONALITY and DOMICILE and how they interact with each other. The SEDM sister site has found a French speaking person to translate the article, got it translated, and posted it at the following location:

Hague Convention Relating to the Settlement of the Conflicts Between the Law of Nationality and the Law of Domicile [Anno Domini 1955], SEDM Exhibit #01.008
<http://sedm.org/Exhibits/ExhibitIndex.htm>

13.8 Social Security Administration HIDES your citizenship status in their NUMIDENT records¹⁴

Your citizenship status is represented in the Social Security NUMIDENT record maintained by the Social Security Administration. The field called “CSP” within NUMIDENT contains a one character code that represents your citizenship status. Valid CSP values are as follows:

Table 4: SSA NUMIDENT CSP Code Values

#	CSP Code Value	Statutory meaning	Constitutional meaning
1	A	U.S. citizen (per 8 U.S.C. §1401)	None
2	B	Legal Alien Allowed to Work	Alien (foreign national)
3	C	Legal Alien Not Allowed to Work	Alien (foreign national)
4	D	Other	“citizen of the United States****” or “Citizen”

¹³ SOURCE: *Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006, Section 14.12; <https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

¹⁴ SOURCE: *Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006, Section 14.13; <https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

This information is DELIBERATELY concealed and obfuscated from public view by the following Social Security policies:

1. The meaning of the CSP codes is NOT listed in the Social Security Program Operations Manual System (P.O.M.S.) online so you can't find out.
<https://s044a90.ssa.gov/apps10/poms.nsf/partlist!OpenView>
2. Employees at the SSA offices are NOT allowed to know and typically DO NOT know what the code means.
3. If you submit a Freedom Of Information Act (F.O.I.A.) request to SSA asking them what the CSP code means, they will respond that the values of the codes are CLASSIFIED and therefore UNKNOWABLE by the public. You ARE NOT allowed to know WHAT citizenship status they associate with you. See the following negative response:

Social Security Admin. FOIA for CSP Code Values, Exhibit #01.011
<http://sedm.org/Exhibits/ExhibitIndex.htm>

4. The ONLY option they give you in block 5 entitled "CITIZENSHIP" are the following. They REFUSE to distinguish WHICH "United States" is implied in the term "U.S. citizen", and if they told the truth, the ONLY citizen they could lawfully mean is a STATUTORY "U.S. citizen" per 8 U.S.C. §1401 and NOT a CONSTITUTIONAL citizen, who is a STATUTORY non-resident non-person in relation to the national government with a foreign domicile:

4.1. "U.S. citizen"

4.2. "Legal Alien Allowed to Work"

4.3. "Legal Alien NOT allowed to Work" (See Instructions on Page 1)

4.4. "Other" (See instructions on page 1)

See:

SSA Form SS-5

<http://www.famguardian.org/TaxFreedom/Forms/Emancipation/ss-5.pdf>

Those who are domiciled outside the statutory "United States*" or in a constitutional state of the Union and who want to correct the citizenship records of the SSA must submit a new SSA Form SS-5 to the Social Security Administration (S.S.A.) and check "Other" in Block 5 pursuant to 20 C.F.R. §422.110(a). This changes the CSP code in their record from "A" to "B". If you go into the Social Security Office and try to do this, the local offices often will try to give you a run-around with the following abusive and CRIMINAL tactics:

1. When you ask them about the meaning of Block 5, they will refuse to indicate whether the citizenship indicated is a CIVIL/STATUTORY status or a POLITICAL/CONSTITUTIONAL status. It can't be both. It must indicate NATIONALITY or DOMICILE, but not BOTH.
2. They will first try to call the national office to ask about your status in Block 5.
3. They will ABSOLUTELY REFUSE to involve you in the call or to hear what is said, because they want to protect the perpetrators of crime on the other end. Remember, terrorists always operate anonymously and they are terrorists. You should bring your MP3 voice record, insist on being present, and put the phone on speaker phone, and do EXACTLY the same thing they do when you call them directly by saying the following:

"This call is being monitored for quality assurance purposes, just like you do to me without my consent ALL THE TIME."

4. After they get off the phone, they will refuse to tell you the full legal name of the person on the other end of the call to protect those who are perpetuating the fraud.
5. They will tell you that they want to send your SSA Form SS-5 to the national office in Baltimore, Maryland, but refuse to identify EXACTLY WHO they are sending it to, because they don't want this person sued personally as they should be.
6. The national office will sit on the form forever and refuse to make the change requested, and yet never justify with the law by what authority they:
 - 6.1. Perpetuate the criminal computer fraud that results from NOT changing it.
 - 6.2. Perpetuate the criminal violation of 18 U.S.C. §911 by NOT changing it.
7. They will allow you to change ANYTHING ELSE on the form without their permission, but if you want to change your CITIZENSHIP, they essentially interfere with it illegally and criminally.

The reason they play all the above obfuscation GAMES and hide or classify information to conceal the GAMES is because they want to protect what they certainly know are the following CRIMES on their part and that of their employees:

1. They can't offer federal benefits to CONSTITUTIONAL but not STATUTORY citizens with a domicile outside of federal territory. If they do, they would be criminally violating 18 U.S.C. §911.
2. They can't pay public monies to PRIVATE parties, and therefore you CANNOT apply with the SS-5 for a "benefit" unless you are a public officer ALREADY employed with the government. If they let PRIVATE people apply, they are conspiring to commit the crime of impersonating a public officer in violation of 18 U.S.C. §912.

The only status a state domiciled CONSTITUTIONAL but not STATUTORY citizen can put on the form is "Other" or "Legal [STATUTORY] Alien Allowed to Work". The instructions say the following about the "Other" option:

"If you check "Other", you need to provide proof that you are entitled to a federally-funded benefit for which Social Security number is required as a condition for you to receive payment."

In answer to the above query in connection with the "Other" option, we suggest:

"DO NOT seek any federally funded benefit. I want a NONtaxpayer number that entitles me to ABSOLUTELY NOTHING as a NONRESIDENT not subject to federal law and NOT qualified to receive benefits of any kind. I am only applying because:

1. I am being illegally compelled to use a number I know I am not qualified to ask for.

2. The number was required as a precondition condition of PRIVATE employment or opening a PRIVATE financial account by a NONRESIDENT ALIEN who is NOT a "U.S. citizen" or "U.S. person" and who is NOT required to have or use such a number by 31 C.F.R. §306.10, 31 C.F.R. §1020.410(b)(3)(x), and IRS Pub. 515.

I ask that you criminally prosecute them under 42 U.S.C. §408(a)(8) for doing so AND provide a statement on SSA letterhead indicating that I am NOT eligible that I can show them. Furthermore, if you do have any numbers on file connected with my name, I ask that they be rescinded permanently from your records."

Then you may want to attach the following forms to the application to ENSURE that they reject your application and TELL you that you are NOT eligible so you can show it to the person who is COMPELLING you to use a number:

1. [Affidavit of Citizenship, Domicile, and Tax Status](http://sedm.org/Forms/FormIndex.htm), Form #02.001
2. [Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"](http://sedm.org/Forms/FormIndex.htm), Form #04.205

13.9 IRS Website: Treating Aliens and Nonresident Aliens SEPARATELY

In order that most Americans will avoid the nonresident alien status, IRS tries to make sure that the only people they mention in that context is ALIENS, as if to falsely imply that "nonresident aliens" are a SUBSET of all aliens. If in fact it were true that all nonresident aliens are aliens, then there would be no reason to even mention nonresident aliens separately. Occasionally, they slip up, as you see in the following article on their site by treating them SEPARATELY:

Aliens – Repeal of Personal Exemptions

For tax years beginning after December 31, 2017, and before January 1, 2026, taxpayers (including aliens and nonresident aliens) cannot claim a personal exemption deduction for themselves, their spouses, or their dependents. However, certain credits may be available for qualifying dependents.

For more information on qualifying dependents for aliens, please see [Whom May I Claim as a Dependent?](#)

For more information on qualifying dependents for nonresident aliens, please see [Nonresident Aliens – Dependents](#).

References/Related Topics

- [Taxation of Resident Aliens](#)
- [Taxation of Nonresident Aliens](#)
- [Taxation of Dual-Status Aliens](#)
- [Foreign Students and Scholars](#)

[Aliens-Repeal of Personal Exemptions, IRS; SOURCE: <https://www.irs.gov/individuals/international-taxpayers/aliens-repeal-of-personal-exemptions/>]

Notice that the title of the article relates to “aliens”, but the body treats aliens and nonresident aliens separately. If they were the same, there would be no need to treat them separately. In fact, “nonresident aliens” mentioned above include “nationals of the United States” who in fact are NOT “aliens”:

26 U.S. Code § 873 - Deductions

(a) General rule

In the case of a nonresident alien individual, the deductions shall be allowed only for purposes of section 871(b) and (except as provided by subsection (b)) only if and to the extent that they are connected with income which is effectively connected with the conduct of a trade or business within the United States; and the proper apportionment and allocation of the deductions for this purpose shall be determined as provided in regulations prescribed by the Secretary.

(b) Exceptions

The following deductions shall be allowed whether or not they are connected with income which is effectively connected with the conduct of a trade or business within the United States:

[. . .]

(3) Personal exemption

The deduction for personal exemptions allowed by section 151, except that only one exemption shall be allowed under section 151 unless the taxpayer is a resident of a contiguous country or is **a national of the United States**.

Treasury regulations involve the same type of lies deception, by referring to “nonresident aliens” as a subset of aliens. They start off by referring to “nonresident alien individuals” and then refer to them as “such alien individuals”:

TITLE 26--INTERNAL REVENUE
CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY
(CONTINUED)
PART 1 _INCOME TAXES--Table of Contents
Sec. 1.864-7 Definition of office or other fixed place of business.

(b) Fixed facilities--

(2) Use of another person's office or other fixed place of business.

A nonresident alien individual or a foreign corporation shall not be considered to have an office or other fixed place of business merely because such alien individual or foreign corporation uses another person's office or other fixed place of business. whether or not the office or place of business of a related person, through which to transact a trade or business, if the trade or business activities of the alien individual or foreign corporation in that office or other fixed place of business are relatively sporadic or infrequent, taking into account the overall needs and conduct of that trade or business.

There is a whole list of deceptive regulations that work the above deception in:

Rebutted False Arguments About the Nonresident Alien Position When Used by American Nationals, Form #08.031,
Section 6.6.1
<https://sedm.org/Forms/08-PolicyDocs/RebArgNRA.pdf>

14 Resources for Further Study and Rebuttal

If you would like to study the subjects covered in this short pamphlet in further detail, may we recommend the following authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject carefully yourself just as we have:

1. Foreign Tax Status Information Group (FTSIG) Website-simplified website describing the essentials of understanding and applying the Nonresident Alien Position. Excellent.
<https://ftsigs.org>
2. Choice of Law, Litigation Tool #10.010-completely describes the choice of law controlling this proceeding.

<https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>

3. Non-Resident Non-Person Position, Form #05.020-exhaustive proof why American Nationals may lawfully adopt the nonresident alien position.
<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>
4. Nonresident Alien Position Course, Form #12.045
<https://sedm.org/LibertyU/NRA.pdf>
5. Citizenship Status v. Tax Status, Form #10.011-detailed background information on geographical definitions, contexts for citizenship terms, and the relationship between Title 8 of the U.S. Code and Title 26.
<http://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
6. Rebutted False Arguments About the Nonresident Alien Position When Used by American Nationals, Form #08.031
<https://sedm.org/Forms/08-PolicyDocs/RebArgNRA.pdf>
7. Legal Basis for the Term “Nonresident Alien”, Form #05.036-research on the meaning of the term “nonresident alien” by PhD educators. Simplified and abbreviated for public consumption.
<https://sedm.org/Forms/05-MemLaw/LegalBasisForTermNRAlien.pdf>
8. Fundamental Nature of the Federal Income Tax, Form #05.035-simplified description of the federal income tax
<https://sedm.org/LibertyU/FundNatureOfFIT.pdf>
9. About IRS Form W-8BEN, Form #04.202-how to use the IRS Form W-8 as an American National, the history of the form, etc.
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>
10. W-8SUB, Form #04.231-custom withholding document for use by American Nationals who don’t want to be statutory “employees”.
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf>
11. Third Rail Government Issues, Form #08.032
<https://sedm.org/Forms/08-PolicyDocs/ThirdRailIssues.pdf>
12. Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052 -questions you can use to PROVE everything in this document using legal discovery.
<https://sedm.org/Forms/05-MemLaw/ChallengeToIRSEnforcementAuth.pdf>
13. Challenging Jurisdiction Workbook, Form #09.082-shows how you have to join the government to become a taxpayer
<https://sedm.org/Forms/09-Procs/ChalJurWorkbook.pdf>
14. Laws of Property, Form #14.018
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>
15. Property View of Income Taxation Course, Form #12.046-applies the laws of property specifically to income tax to show that you have to VOLUNTEER before you can be subject.
<https://sedm.org/LibertyU/PropertyViewOfIncomeTax.pdf>
16. How American Nationals Volunteer to Pay Income Tax, Form #08.024-exactly how most Americans volunteer to pay income tax
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>
17. Separation Between Public and Private Course, Form #12.025
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>