

# ***HOW YOU LOSE CONSTITUTIONAL OR NATURAL RIGHTS***



**“ . . . Waivers of constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences. . . ”**

**[Brady v. United States, 397 U.S. 742, 748]**

## **DEDICATION**

*"It is the greatest absurdity to suppose it [would be] in the power of one, or any number of men, at the entering into society, to renounce their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defense of those very rights; the principal of which ... are life, liberty, and property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave."*

[Samuel Adams, The Rights of the Colonists, November 20, 1772; <http://www.foundingfatherquotes.com/father/quotes/2/>]

*Legal implications of the above:*

1. The POLITICAL status indicative of "entering into society" is that of a "citizen\*", meaning a NATIONAL having NATIONALITY. See *Minor v. Happersett*, 88 U.S. (21 Wall.) 164 (1874).

[https://scholar.google.com/scholar\\_case?case=5117525999793250938](https://scholar.google.com/scholar_case?case=5117525999793250938)

2. CIVIL status, on the other hand, is indicative of:
  - 2.1. LEGALLY associating with a specific municipal jurisdiction.
  - 2.2. Seeking the privileges associated with the CIVIL LAWS of that jurisdiction.
  - 2.3. Seeking a civil statutory status of "citizen" (national) or "resident" (alien).
  - 2.4. Agreeing to PAY for the delivery of the privileges you seek through income taxation.
  - 2.5. Joining the Private Membership Association (PMA) called "the State", which is legally defined as a people occupying a territory.

3. "Civil status" is described in:

Civil Status (Important), SEDM

<https://sedm.org/litigation-main/civil-status/>

4. The implication of the above is that NO CIVIL privileges can attach to the POLITICAL status of "citizen\*". For a description of what "privilege" means, see:

Government Instituted Slavery Using Franchises, Form #05.030

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

5. The reason that no CIVIL privileges can attach to the POLITICAL status of "citizen\*" is that privileges are the main method of surrendering natural or constitutional rights.

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

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

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

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

6. Because no privileges can attach to the POLITICAL "citizen\*", the status ALSO cannot be a privilege, and therefore cannot be a STATUTORY civil status.
7. Since the income tax is imposed upon "citizens\*\*+D" and "residents" in 26 C.F.R. §1.1-1, then these parties, BY DEFINITION cannot be people with natural or constitutional rights because the CIVIL status therein is treated as a taxable privilege in that context. 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>

8. The only way you can be a "citizen\*" WITHOUT privileges is therefore to be so in a POLITICAL rather than CIVIL STATUTORY context.

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

9. The above is why a "privilege" is defined as a private or special right imputed or assigned to those who are OTHER than "citizens\*":

*"Privilege. A particular benefit or advantage enjoyed by a person, company, or class **beyond the common advantages of other citizens.**"*  
[Black's Law Dictionary, Sixth Edition, p. 1197; SOURCE:  
<https://famguardian.org/TaxFreedom/CitesByTopic/privilege.htm>]

10. For the purposes of the above, "privileges", "civil status", and "benefits" are synonymous with a CIVIL status under any act of the government. All civil statutory law is law for government and not PRIVATE people:

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

11. The above concepts are ALSO why it is a maxim of the common law that you have a right to NOT receive, and by implication NOT PAY FOR, a "benefit"/privilege that you DO NOT WANT:

*"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."*

*"Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt. Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Co. 1."*  
[Bouvier's Maxims of Law, 1856; SOURCE:  
<https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

12. There is nothing inherently sinister about:

12.1. Having a political status.

12.2. Being a "national".

12.3. Calling yourself a Fourteenth Amendment "citizen of the United States\*\*\*\*" who has nationality.

13. Any attempt to abuse equivocation to make CIVIL STATUS and POLITICAL status appear synonymous is an act of CRIMINAL identity theft engineered to procure your consent usually INVISIBLY. See:

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

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*"Life, faculties, production—in other words individuality, liberty, property—that is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it."*  
[Frederic Bastiat (b. 1801 - d. 1850), *The Law*; <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]

*"Under our system the people, who are there called subjects, are the sovereign. Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of the monarch. The citizen here knows no person, however near to those in power, or however powerful himself, to whom he need yield the rights which the law secures to him when it is well administered. When he, in one of the courts of competent jurisdiction, has established his right to property, [106 U.S. 196, 209] there is no reason why deference to any person, natural or artificial, not even the United States, should prevent him from using the means which the law gives him for the protection and enforcement of that right."*  
[[U.S. v. Lee, 106 U.S. 196 \(1882\)](#)]

*"The erosion of a nation's concern for life and for individual rights, has always preceded the intrusion of tyranny."*  
[Gerry Spence, *"With Justice For None"* p.95]

*"And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe--the belief that the rights of man come not from the generosity of the state, but from the hand of God."*

[John F. Kennedy]

"The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power."

[Alexander Hamilton, 23 Feb. 1775]

"The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the [\[STATUTORY, Form #05.006\] citizenship](#) to the agencies of government."

[City of Dallas v Mitchell, 245 S.W. 944]

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**"For the principal aim of society is to protect individuals in the enjoyment of those absolute rights [meaning ABSOLUTE OWNERSHIP of PRIVATE property], which were vested in them by the immutable laws of nature; but which could not be preserved in peace without the mutual assistance and intercourse, which is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws is to maintain and regulate these absolute rights of individuals."**

"By the absolute rights [such as ABSOLUTE ownership of property] of individuals we mean those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy whether out of society [as a [non-resident non-person, Form #05.020](#)] or in it [as a [STATUTORY or CONSTITUTIONAL citizen, Form #05.006](#)]." - Ibid.

[William Blackstone, Commentaries on the Laws of England (1765), Book 1, Chapter 1; SOURCE:

<https://lonang.com/library/reference/blackstone-commentaries-law-england/bla-101/>]

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California Code of Civil Procedure  
Section 1866.

When a statute or instrument is equally susceptible of two interpretations, one in favor of natural right, and the other against it, the former is to be adopted.

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**U.S. Code, Annotated, Fourteenth Amendment, Westlaw, 2002**

**"All privileges granted to citizen by Amnds 1 to 10 against infringement by federal government HAVE NOT been absorbed by this amendment as privileges incident to citizenship of the United States and by this clause protected against infringement by the states."** Watkins v. Oaklawn Jockey Club. D.C.Ark.1949, 86 F.Supp. 1006, affirmed 183 F.2d. 440.

"Rights claimed under Amends. 1 to 8, adopted as restrictions of the powers of the national government, ARE NOT protected by this clause." Maxwell v. Dow, Utah 1900, 20 S.Ct. 448, 176 U.S. 601, 44 L.Ed. 597."

"Although it has been vigorously asserted that the rights specified in the Amends. 1 to 8 are among the privileges and immunities protected by this clause, and although this view has been defended by many distinguished jurists, including several justices of the federal Supreme Court, that [this] court holds otherwise and asserts that it is the character of the right claimed, whether specified as above or not, that is controlling." State v. Felch, 1918, 105 A. 23, 92 Vt. 477

[U.S. Code, Annotated, Fourteenth Amendment, Westlaw, 2002]

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## 1. Introduction and purpose

This document offers proof of the following:

1. Precisely under what circumstances constitutional rights can be voluntarily surrendered by the human beings protected by it.
2. The limitations, if any, that geography places on the protections of the constitution, statutory codes, the common law, and natural law.
3. When and how the protections of the common law or natural law are surrendered or need not be recognized or enforced by a specific court.
4. The relationship of absolutely owned private property to constitutional rights.
5. When and how absolutely owned private property protected by the Bill of Rights can lawfully be converted to public property in which the government shares a qualified property interest (moiety), a usufruct, or any degree of lawful CIVIL control.

Note that we do not intend to indicate by publishing this document that waivers of constitutional rights are, in fact, constitutional in the case of a REAL, DE JURE government, but only the courts have erected a multitude of methods NOT AUTHORIZED by the organic law to waive constitutional rights.

The most important considerations when dealing with loss of rights are the following concepts:

1. Constitutional and natural rights are PRIVATE property. Losing them means turning them into PUBLIC property.
2. Rights are property.
3. Anything that CONVEYS rights is property.
4. Contracts convey rights and are therefore property.
5. All franchises are contracts, and therefore property.
6. Civil statuses (Form #13.008) convey and enforce PUBLIC rights and are therefore PUBLIC property.
7. The Constitution conveys mainly PRIVATE rights, which are PRIVATE property in the case of the Bill of Rights.
8. Those who OFFER property to you are a Merchant (Seller) under U.C.C. §2-104(1).
9. The person RECEIVING the property is the Buyer under U.C.C. §2-103(1)(a).
10. The MERCHANT always prescribes ALL the terms of the offer and can withhold the property if those terms are not met. The withholding of the property is an exercise of the “right to exclude” aspect of ownership.
11. You should always strive to be the Merchant in every business transaction to give yourself the upper hand. Deut. 15:6, Deut. 28:12, Deut. 23:19, Deut. 23:20.
12. You should NEVER allow the GOVERNMENT to act as a Merchant in relation to you. Exodus 23:32-33, Judges 2:1-4. Here is what happens when you do.

*“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 pay dearly for the privilege. There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22. For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51, which is God’s curse upon those who allow a king above them. Click Here for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph.”*  
[SEDM Opening Page, <http://sedm.org/>]

13. The CREATOR of a civil statutory privilege/right/franchise is ALWAYS the owner and the Merchant granting or selling PUBLIC property. See:

13.1. United States v. Babcock, 250 U.S. 328 (1919)

[https://scholar.google.com/scholar\\_case?case=13911914425951042261](https://scholar.google.com/scholar_case?case=13911914425951042261)

*These general rules are well settled:*

**(1) That the United States, when it creates rights in individuals against itself, is under no obligation to provide a remedy through the courts.** *United States ex rel. Dunlap v. Black*, 128 U.S. 40; *Ex parte Atocha*, 17 Wall. 439; *Gordon v. United States*, 7 Wall. 188, 195; *De Groot v. United States*, 5 Wall. 419, 431-433; *Comegys v. Vasse*, 1 Pet. 193, 212.

**(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; *Arnsen v. Murphy*, 109 U.S. 238; *Barnet v. National Bank*, 98 U.S. 555, 558; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35.

*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; Parish v. MacVeagh, 214 U.S. 124; McLean v. United States, 226 U.S. 374; United States v. Laughlin, 249 U.S. 440.*  
[*United States v. Babcock*, 250 U.S. 328 (1919)]

Why would they use the phrase “when it creates rights” if the CREATOR and therefore OWNER didn’t matter?

13.2. *Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship

<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

14. A statutory civil right (which is PUBLIC PROPERTY) exercised against a [fiction of law \(straw man, Form #05.042\)](#) such as a “person” is a right exercised against the GRANTOR/CREATOR of the OFFICE, and not the human(s) FILLING the office. This is an outgrowth of the law of agency. Thus, a civil statute used as a remedy in court against someone else is a remedy against the GOVERNMENT GRANTOR/CREATOR of the right, and not the OFFICER filling the office to which the PUBLIC right attaches. The CREATOR is the OWNER, and the OWNER of the right is the person legally RESPONSIBLE for its effect on others.

The Declaration of Independence, which is ORGANIC law published on the first page of the Statutes At Large, indicates that your constitutional rights are UNALIENABLE, which means that they are INCAPABLE of being sold, bargained away, or transferred, even WITH your consent:

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

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

If, in fact, governments are instituted among men ONLY to protect PRIVATE property and PRIVATE rights as the Declaration of Independence requires, then it is inconsistent with the organic law to make a profitable business called a “franchise” or a “privilege” with the goal of alienating such rights. The most sacred and inviolable “benefit” of the Constitution, in fact, is the right of property. Some people claim the Declaration of Independence is NOT “law”, but that can’t be so, since it’s published on the first page of the very first volume of the Statues at Large as “law”. Judge Andrew Napolitano, in fact, says this is “the most frequently violated statute” ever published! See for yourself:

*Judge Andrew Napolitano says the Declaration of Independence is LAW enacted by Congress*, Exhibit #03.006  
[https://sedm.org/Exhibits/EX03.006-Andrew P. Napolitano-The Natural Law as a Restraint Against Tyranny-04-08.mp4](https://sedm.org/Exhibits/EX03.006-Andrew_P._Napolitano-The_Natural_Law_as_a_Restraint_Against_Tyranny-04-08.mp4)

To make a profitable business, or even a “trade or business” out of alienating such rights works a purpose OPPOSITE that of establishing government to begin with, and results in what we call an “anti-government” and a de facto government as described in:

1. Government Corruption, Form #11.401  
<https://sedm.org/home/government-corruption/>
2. De Facto Government Scam, Form #05.043  
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>
3. Corporatization and Privatization of the Government, Form #05.024  
<https://sedm.org/Forms/05-MemLaw/CorpGovt.pdf>
4. Government Corruption: Causes and Remedies Course, Form #12.026  
<https://sedm.org/GovCorruption/GovCorruption.pdf>

Government is supposed to be a non-profit charitable trust with a fiduciary duty to the Sovereign People to protect the MAIN “benefit” of the Constitution, which is PRIVATE PROPERTY, folks!

*“Indeed, in a free government almost all other rights would become worthless if the government possessed power over the private fortune of every citizen.”*  
[John Marshall; SOURCE: <http://quotio.com/quote/Indeed-in-a-free/315738>]

*“A constitutional right against unjust taxation is given for the protection of private property, but it may be waived by those affected who consent to such action to their property as would otherwise be invalid.”*  
[*Wight v. Davidson*, 181 U.S. 371 (1901)]  
[EDITORIAL: Anything you don’t consent to is unjust, if you exercise your right to NOT ACCEPT any and all CIVIL “benefits” of government, and they must recognize that right.]

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

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5 CFR § 2635.101 - Basic obligation of public service.  
[§ 2635.101 Basic obligation of public service.](#)

**(a) Public service is a public trust.**

Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

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<sup>1</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

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

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

<sup>4</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass) 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>5</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>6</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1 (b)General principles.

2 The following general principles apply to every [employee](#) and may form the basis for the standards contained in  
3 this part. Where a situation is not covered by the standards set forth in this part, [employees](#) shall apply the  
4 principles set forth in this section in determining whether their conduct is proper.

5 (1) Public service is a public trust, requiring [employees](#) to place loyalty to the Constitution, the laws and ethical  
6 principles above private gain.

7 (2) [Employees](#) shall not hold financial interests that conflict with the conscientious performance of duty.

8 (3) [Employees](#) shall not engage in financial transactions using nonpublic Government information or allow the  
9 improper use of such information to further any private interest.

10 (4) An [employee](#) shall not, except as permitted by [subpart B](#) of this part, solicit or accept any gift or other item of  
11 monetary value from any [person](#) or entity seeking official action from, doing business with, or conducting  
12 activities regulated by the [employee's agency](#), or whose interests may be substantially affected by the performance  
13 or nonperformance of the [employee's](#) duties.

14 (5) [Employees](#) shall put forth honest effort in the performance of their duties.

15 (6) [Employees](#) shall not knowingly make unauthorized commitments or promises of any kind purporting to bind  
16 the Government.

17 (7) [Employees](#) shall not use public office for private gain.

18 (8) [Employees](#) shall act impartially and not give preferential treatment to any private organization or individual.

19 (9) [Employees](#) shall protect and conserve Federal property and shall not use it for other than authorized activities.

20 (10) [Employees](#) shall not engage in outside employment or activities, including seeking or negotiating for  
21 employment, that conflict with official Government duties and responsibilities.

22 (11) [Employees](#) shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

23 (12) [Employees](#) shall satisfy in good faith their obligations as citizens, including all just financial obligations,  
24 [especially those - such as Federal, State, or local taxes - that are imposed by law.](#)

25 (13) [Employees](#) shall adhere to all laws and regulations that provide equal opportunity for all Americans  
26 regardless of race, color, religion, sex, national origin, age, or handicap.

27 (14) [Employees](#) shall endeavor to avoid any actions creating the appearance that they are violating the law or  
28 the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law  
29 or these standards have been violated shall be determined from the perspective of a reasonable [person](#) with  
30 knowledge of the relevant facts.

31 (c)Related statutes.

32 In addition to the standards of ethical conduct set forth in this part, there are conflict of interest statutes that  
33 prohibit certain conduct. Criminal conflict of interest statutes of general applicability to all employees, [18 U.S.C.](#)  
34 [201](#), [203](#), [205](#), [208](#), and [209](#), are summarized in the appropriate subparts of this part and must be taken into  
35 consideration in determining whether conduct is proper. Citations to other generally applicable statutes relating  
36 to [employee](#) conduct are set forth in subpart I and [employees](#) are further cautioned that there may be additional  
37 statutory and regulatory restrictions applicable to them generally or as [employees](#) of their specific agencies.  
38 Because an [employee](#) is considered to be on notice of the requirements of any statute, an [employee](#) should not  
39 rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself and obtain  
40 the advice of an [agency ethics official](#) as needed.

41 The first step in implementing that protection is to keep PRIVATE property from being converted to PUBLIC property, even  
42 WITH consent. A government that won't do the main job it was created to do and makes a business out of doing the  
43 OPPOSITE, must be FIRED, DISESTABLISHED, and REPLACED because it is really just a sham trust masquerading as a  
44 de jure government. The Declaration of Independence REQUIRES all good Americans to disestablish such a government  
45 and REPLACE it, folks!



1                   *"But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce*  
2                   *them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide*  
3                   *new Guards for their future security."*  
4                   *[Declaration of Independence, July 4, 1776; <https://www.archives.gov/founding-docs/declaration-transcript>]*

5 For a blueprint that fixes all the problems with the current, de facto government and which builds ON TOP of the existing  
6 organic documents, and which you can implement in fulfillment of what the Declaration of Independence REQUIRES you  
7 personally to do above, see:

*Self Government Federation Articles of Confederation*, Form #13.002  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/SGFArtOfConfed.pdf>

8 The Declaration of Independence also says that all just powers of the government derive from "CONSENT of the governed".  
9 Where the people individually consent to NOTHING, the only power remaining that the government may use to enforce  
10 peace and order is the criminal law and the common law of England. The civil statutory law of "social compact", if enforced  
11 against non-consenting parties who are not members of the club amounts to slavery, peonage, and human trafficking in such  
12 a scenario. More on efforts by the government to HIDE this fact can be found in:

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

13 The content of this document derives from:

*Enumeration of Inalienable Rights*, Form #10.002, Section 13  
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>

14 This document is separated out from the above for convenient use as a short attachment to court pleadings.

## 15 **2. Conversion of Constitutional or Natural PRIVATE Rights into Statutory Public Privileges is** 16 **called "Weaponization of Government" on This Website**

17                   *"The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law*  
18                   *involving the power to destroy. In order to show that the case turned entirely on that point, let us suppose that*  
19                   *the court had arrived to the conclusion that the bank [The Bank of the United States located in the state of*  
20                   *Maryland] was an authorised instrument of government; but that it was not the intention of the constitution to*  
21                   *prohibit the states from interfering with those instruments: would it not have been necessary to have decided that*  
22                   *the Maryland act was constitutional? Of what importance was it that the bank was an authorized means of power,*  
23                   *other than this, that it afforded a key to the meaning of the constitution? If the bank was a legitimate and proper*  
24                   *instrument of power, then the constitution intended to protect it. If not, then no protection was intended. The*  
25                   *question, whether it was a necessary and proper means, was auxiliary to the great question, whether the*  
26                   *constitution intended to shelter it; and when the court arrived to the conclusion that such protection was intended,*  
27                   *they interfered not in behalf of the bank, but in behalf of the sanctuary to which it had fled. They decided against*  
28                   *the tax; because the subject had been placed beyond the power of the states, by the constitution. They decided,*  
29                   *not on account of the subject, but on account of the power that protected it; they decided that a prohibition*  
30                   *against destruction was a prohibition against a law involving the power of destruction."*  
31                   *[Providence Bank v. Billings, 29 U.S. 514 (1830)]*

32                   *"That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless*  
33                   *the power to create; that there is a plain repugnance in conferring on one government a power to control the*  
34                   *constitutional measures of another, which other, in respect to those very measures, is declared to be supreme*  
35                   *over that which exerts the control, -are propositions not to be denied.' It is true that taxation does not necessarily*  
36                   *and unavoidably destroy, and that to carry it to the excess of destruction would be an abuse not to be*  
37                   *anticipated; but the very power would take from the states a portion of their intended liberty of independent*  
38                   *action within the sphere of their powers, and would constitute to the state a perpetual danger of embarrassment*  
39                   *and possible annihilation. The constitution contemplates no such shackles upon state powers, and by*  
40                   *implication forbids them."*  
41                   *[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (1895)]*

42  
43                   *'We are of opinion that a statute of a state granting powers and privileges to corporations must, in the absence*  
44                   *of plain indications to the contrary, be held to apply only to corporations created by the state, and over which*  
45                   *it has power of visitation and control. ... The legislature in such cases is dealing with its own creations, whose*

rights and obligations it may limit, define, and control.' To the same effect are *Catlin v. Trustees*, 113 N.Y. 133, 20 N.E. 864; *White v. Howard*, 46 N.Y. 144; *In re Balleis' Estate*, 144 N.Y. 132, 38 N.E. 1007; *Minot v. Winthrop*, 162 Mass. 113, 38 N.E. 512; *Dos P. Inh. Tax Law*, c. 3, 34. If the ruling of the court of appeals of New York in this particular case be not absolutely binding upon us, we think that, having regard to the purpose of the law to impose a tax generally upon inheritances, the legislature intended to allow an exemption only in favor of such corporations as it had itself created, and which might reasonably be supposed to be the special objects of its solicitude and bounty.

"In addition to this, however, the United States are not one of the class of corporations intended by law to be exempt [163 U.S. 625, 631] from taxation. What the corporations are to which the exemption was intended to apply are indicated by the tax laws of New York, and are confined to those of a religious, educational, charitable, or reformatory purpose. We think it was not intended to apply it to a purely political or governmental corporation, like the United States. *Catlin v. Trustees*, 113 N.Y. 133, 20 N.E. 864; *In re Van Kleeck*, 121 N.Y. 701, 75 N.E. 50; *Dos P. Inh. Tax Law*, c. 3, 34. *In Re Hamilton*, 148 N.Y. 310, 42 N.E. 717, it was held that the execution did not apply to a municipality, even though created by the state itself." [U.S. v. Perkins, [163 U.S. 625](#) (1896); EDITORIAL: You have to join the United States Corporation to be subject to the tax above as an officer of that corporation to be taxable]

On this site, we refer to every effort any government makes to convert constitutional or private or natural rights into statutory privileges or public rights as "weaponization of government". That term is defined in our Disclaimer as follows:

## 4. Meaning of Words

[...]

### 4.30 Weaponization of Government

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

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

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

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

*Separation Between Public and Private Course*, Form #12.025

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

1.3. A government that has superior or supernatural powers in relation to the people it was created to SERVE from below rather than RULE from above.

1.4. The creation of an ALLEGED but not ACTUAL consensual connection between a fictional office (the "franchisee") in the government and an otherwise PRIVATE human OUTSIDE the government.

1.5. A destruction of equality of treatment and protection between the GOVERNORS and the GOVERNED. See:

*Requirement for Equal Protection and Equal Treatment*, Form #05.033

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

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

*Socialism: The New American Civil Religion*, Form #05.016

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

2. Such activities:

2.1. Work a purpose OPPOSITE of that of establishing government in the first place, which is EXCLUSIVELY the protection of PRIVATE property and PRIVATE rights.

2.2. Violate the Bill of Rights of the constitution of the government doing so.

2.3. Violate the oath of office of those working in the government who conspire to engage in such activities.

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

*De Facto Government Scam*, Form #05.043

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

3. The method of instituting this weaponization of government usually consists of illegal "bundling" of a WANTED service with an UNWANTED service, privilege or franchise. This makes it IMPOSSIBLE to avoid the UNWANTED service, privilege, or franchise, because:

3.1. The government has a monopoly on the WANTED aspect of the product or service.

3.2. Private industry is usually legally prohibited from offering the WANTED service. In some cases, the offering of the service is a criminal offense, in order to ENSURE and protect this criminal mafia racketeering.

4. The techniques described herein fit in the following CRIMINAL categories:

4.1. Extortion. [18 U.S.C. §872](#). They are coercing you into a public office and franchise so you become a usually ONGOING sponsor of their criminal activities.

4.2. Offer to procure appointive public office. [18 U.S.C. §210](#). Offering you the UNWANTED portion of the service, which is usually a public office, constitutes a criminal offer to procure the public office with the bribe of "benefits" that you technically aren't eligible for.

4.3. Bribery of public officials and witnesses. [18 U.S.C. §201](#). The monies paid to the government under the coerced public office or fiction occupied by the victim of this extortion constitute bribes to a public official to treat you AS IF you are a real de jure public officer and to pay you "benefits" that only public officers can collect.

4.4. Conflict of interest. [18 U.S.C. §208](#). A criminal financial conflict of interest is created in the people offering the WANTED service to market and compel the UNWANTED service to increase their revenues.

4.5. Peonage and slavery. [18 U.S.C. §1581](#) and Thirteenth Amendment. The civil statutory obligations that attach to the compelled office that the VICTIM involuntarily occupies constitute PEONAGE.

4.6. Impersonating a public officer. [18 U.S.C. §912](#). Government can only regulate its own officers. Those officers must, in turn, be lawfully elected, appointed, or hired and they NEVER are. Following proper appointment, election, or hiring protocol would, after all, inform you that you are a volunteer, and they can NEVER admit that they need your consent to regulate you.

5. Those in government engaging in such activities protect themselves from criminal consequences by:

5.1. Abusing "equivocation" of key terms to make PUBLIC and PRIVATE indistinguishable.

5.2. Playing stupid.

5.3. Ensuring that people administering the program are NOT legally responsible or accountable for anything they say, write, or publish. See:

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

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

5.4. Compartmentalizing service personnel at the bottom by telling them to learn PROCEDURES and NEVER actual LAW. Thus, they can claim plausible deniability and never be prosecuted personally for their criminal activities. .

6. To ensure the continuation and protection of the weaponization of government, the corrupt government agents and employees engaging in it will:

6.1. Hide forms for quitting the programs.

6.2. Describe the program as "voluntary" but provide no regulations, forms, or internal procedures to QUIT.

- 6.3. Not offer options on the application for the WANTED service any method of UNBUNDLING or REMOVING the UNWANTED service from the transaction.
- 6.4. Define no statutory or regulatory terms which recognize ANYONE who has not volunteered for the UNWANTED service so that their PRIVATE rights can be legally recognized and even ADMINISTRATIVELY enforced.
- The above tactics, in a PRIVATE business context, would be referred to as "marketing".
7. To ensure that the government is never victimized by the above tactics by PRIVATE people using it against THEM, the corrupted and covetous government must implement SOVEREIGN IMMUNITY in its own case but DENY it to the sovereign people they serve:
- 7.1. Government must claim to have sovereign immunity which requires EXPRESS WRITTEN CONSENT to surrender that sovereign immunity. By the way, the CONSTITUTION DOES NOT AUTHORIZE sovereign immunity and there is therefore NO SUCH THING! See: [Najim v. CACI Premier Tech., Inc., 368 F.Supp.3d. 935 \(2019\).](#)
- 7.2. The Sovereign People from whom that sovereign immunity was delegated DO NOT have sovereign immunity. Thus, sovereign immunity is a "supernatural power" the people as the "natural" cannot and do not possess.
- 7.3. All people signing up for the SCAM UNWANTED service do so through usually IMPLIED rather than EXPRESS consent. Thus, they are UNAWARE that they are "electing" themselves ILLEGALLY into a public office and joining the government by doing so. This constitutes fraud, because they are NOT ALLOWED to know that is what they are doing, and if they knew that was what they were doing, they would DEMAND the ability to NOT CONSENT to the UNWANTED service connected to the office and receive only the WANTED service or product. See:

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

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

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

1. Passports. Most people use this document mainly for INTERSTATE travel and ID to conduct commerce, neither of which can be or should be "privileged" or regulated. Foreign travel use requests the PRIVILEGE of protection abroad is only secondary and should be optional. The Department of State should offer TWO passports, one for INTRASTATE use and one for FOREIGN use, so that you have a "NONPRIVILEGED" version of the document that you can obtain WITHOUT the need to collect an SSN or TIN. Forcing applicants to provide an SSN or TIN to receive ANY kind of passport essentially bundles a DE FACTO public office with otherwise PRIVATE travel. That office is called "STATUTORY citizen" under [8 U.S.C. §1401](#), 26 C.F.R. §1.1-1(c), etc. See:
- Getting a USA Passport as a "State National",* Form #10.013  
<https://sedm.org/product/getting-a-usa-passport-as-a-state-national-form-10-013/>
2. State "resident" ID. This id is intended primarily for use in commerce, and most people, if they had a choice, would AVOID the STATUTORY "resident" civil status and public office bundled with it.
3. Driver licensing. This id is intended primarily for use in commerce, and most people, if they had a choice, would AVOID the STATUTORY "driver" civil status and public office bundled with it.
4. Marriage licensing. Licensed marriage is a civil statutory privilege and a three-party contract. A licensed marriage is polygamy with the state, and the state is the only one of the three parties who can rewrite the contract at will any time they want. Thus, the state literally becomes god as the only party with superior or supernatural powers in violation of the First Amendment.
5. Professional licensing. Government uses licenses to institute in effect ECONOMIC EMBARGOES on all those who don't follow their rules. If you don't follow their rules and regulations, they take away the license. In the absence of a license, you lose business and could literally starve in some cases. The result is GENOCIDE.
6. Building permits. It is not your property if you need permission from the government to do anything to it that doesn't demonstrably injure others.
7. Property taxes. Through the Torrens Act and the building code, the state claims a shared ownership in the property and acquires absolute ownership. If you don't pay the property tax, they literally STEAL your property and all your equity. The absolute owner is the only party who can deprive other parties of the use of the property so they are the absolute owner.
8. The Federal Reserve counterfeiting franchise. We presently have "currency", and not "money". Currency in turn is a debt instrument, and the effective lender is the PRIVATE, for profit, Federal Reserve. Every attempt to regulate the use

of this fiat currency through money laundering statutes presupposes that those handling it are engaged in a public office in the national government. See:

8.1. *The Money Scam*, Form #05.041

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

8.2. *The Money Laundering Enforcement Scam*, Form #05.044

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

9. Criminal courts, who will insist that you must be "REPRESENTED" essentially by a public officer and officer of the court with a criminal financial conflict of interest, or they won't allow litigation to proceed. See:

*Unlicensed Practice of Law*, Form #05.029

<https://sedm.org/product/unlicensed-practice-of-law-form-05-029/>

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

1. The Google Android operating system:

1.1. If phone manufacturers what to implement on their phone, must agree to use Google Search as their default search engine.

1.2. Developers who want to sell their apps in the Google Play store must run all payments through the Google Play payment system and pay a commission to Google. They are NOT allowed to have their OWN private app store or payment platform.

2. The Apple IOS operating system. Vendors who want to offer their apps in the Apple Store must use the Apple payment platform and pay an exorbitant 30% of all revenues their app collects, even if it isn't the sale of their app initially. This is extortion.

3. The Microsoft Windows operating system. For years, Microsoft mandated that the Internet Explorer browser had to be installed as the default browser on all new PC's sold, or the manufacturer could not buy Windows to install on their computer.

4. Amazon marketplace. Third party vendors who sell on Amazon must agree in writing when they sign up to NEVER offer the products they sell on Amazon at a LOWER price than the Amazon price.

5. Banks. Most banks COMPEL you ILLEGALLY into a public office called a STATUTORY "U.S. Person" in order to open a bank account, even though it is ILLEGAL to occupy or elect yourself into such an office. They do this by refusing to accept the W-8 form and mandating the use of the W-9 form to open an account, even though the W-9 doesn't apply to most Americans. See:

*"U.S. Person" Position*, Form #05.052

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

6. Money Service Businesses (MSBs) such as Western Union. They require you to provide an SSN in order to obtain a reloadable gift card and claim that "the law" mandates this.

6.1. Their basis for doing so is usually "anti-money laundering" statutes (not "laws", but "statutes") that DO NOT apply to the average American. See:

*The Money Laundering Enforcement Scam*, Form #05.044

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

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

*About IRS Form W-8BEN*, Form #04.202

<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>

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

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

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

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



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

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

1. Pursue "justice", which is legally defined as the "right to be left alone" by everyone, INCLUDING and ESPECIALLY government. See:  
*What Is "Justice"?*, Form #05.050  
<https://sedm.org/Forms/05-MemLaw/WhatIsJustice.pdf>
2. Restore the constitutional separation between PUBLIC and PRIVATE. The Constitution is a TRUST indenture, and the main "benefit" it delivers, in fact, is PRIVATE PROPERTY! See:  
*Separation Between Public and Private Course*, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
3. Restore government to its DE JURE functions and eliminate all DE FACTO practices. See:  
*De Facto Government Scam*, Form #05.043  
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>
4. Eliminate the "Administrative State" that depends for its entire existence upon the ILLEGAL creation of the public offices that animate and implement the above FRAUD upon the people. See:  
*Administrative State: Tactics and Defenses Course*, Form #12.041  
<https://sedm.org/LibertyU/AdminState.pdf>
5. To eliminate the criminal activities and criminal financial conflicts of interest in both the judiciary and the legal profession created by the above.

[SEDM Disclaimer, Section 4.30: Weaponization of Government; <https://sedm.org/disclaimer.htm>]

### **3. Summary of Authorities Governing Conversion of Constitutional (PRIVATE) Rights to Statutory (PUBLIC) Privileges**

The following list summarizes the court doctrines governing the conversion of Constitutional Rights into Statutory privileges:

1. Waivers of constitutional or private or natural rights must, at all times, be willful, informed, and knowing acts.

*"... Waivers of constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences. . ."*  
[Brady v. United States, 397 U.S. 742, 748]

2. At a bare minimum the person "consenting" must know he or she has the RIGHT to NOT consent, and that they are volunteering. This is a requirement of the constitutional requirement for "reasonable notice" as described below:  
*Requirement for Reasonable Notice*, Form #05.022  
<https://sedm.org/Forms/05-MemLaw/ReasonableNotice.pdf>
3. An act of IMPLIED CONSENT or "assent" through an ACTION rather than a written agreement or informed consent, does NOT satisfy the criteria for what a "knowing, intelligent act" requires. Thus, there is no real consent because "assent" is not equivalent to informed consent, as in the following case.

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

**ASSENT.** Compliance: approval of something done; a declaration of willingness to do something in compliance with a request. *Norton v. Davis*, 83 Tex. 32, 18 S.W. 430; *Appeal of Pittsburgh*, 115 Pa. 4, 7 A. 778; To approve, ratify and confirm. *People v. Consolidated Indemnity and Ins. Co.*, 233 App.Div. 74, 251 N.Y.S. 566, 569. It implies a conscious approval of facts actually known, as distinguished from mere neglect to ascertain facts. *White-Wilson-Drew Co. v. Lyon Ratcliff Co.*, C.C.A.Ill., 268 F. 525, 526. Sometimes it is equivalent to "authorize." *Hagerla v. Mississippi River Power Co.*, D.C.Iowa, 202 F. 776, 783. In the sense of the law is a matter of overt acts, not of inward unanimity in motives, design or the interpretation of words. *Triboro Coach Corporation v. New York State Labor Relations Board*, 261 App.Div. 636, 27 N.Y.S.2d 83, 85.

"Assent" is an act of understanding, while "consent" is an act of the will or feelings. *Iilundby v. Hogden*. 202 Wis. 438, 232 N.W. 858, 860, 73 A.L.R. 648. It means passivity or submission which does not include consent. *Perryman v. State*, 63 Ga. App. 819, 12 S. E.2d 388, 390.

#### **Express Assent**

That which is openly declared.

#### **Implied Assent**

That which is presumed by law.

#### **Mutual Assent**

The meeting of the minds of both or all the parties to a contract; the fact that each agrees to all the terms and conditions, in the same sense and with the same meaning as the others. *Insurance Co. v. Young*, 23 Wall. 107, 23 L.Ed. 152.

[Black's Law Dictionary, Fourth Edition, p. 149]

4. Constitutional rights found in the first 8 amendments to the Constitution (the Bill of Rights) are "self-executing" and do not NEED statutes to enforce.

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

5. Those who claim or pursue the "benefits" of a statute cannot invoke the constitution if they don't like any part of the statute they invoked.

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

[. . .]

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



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

6. Those who invoke CIVIL STATUTORY remedies SURRENDER the protections of the common law for their natural rights:

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

[*The Privileges and Immunities of State Citizenship*, Roger Howell, PhD, 1918, pp. 9-10;

SOURCE:

[http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_immunities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)  
f]

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

7. It is a basic rule of statutory construction and interpretation that statutes cannot "impair rights given under a constitution". By "given" they can only mean RECOGNIZED but not CREATED by the Constitution:

"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)]

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

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

8. Congress cannot, by legislation, interfere with the interpretation or enforcement of the Constitution by any court.

**But Congress may not legislatively supersede our decisions interpreting and applying the Constitution.** See, e.g., *City of Boerne v. Flores*, 521 U.S. 507, 517—521 (1997). This case therefore turns on whether the Miranda Court announced a constitutional rule or merely exercised its supervisory authority to regulate evidence in the absence of congressional direction. Recognizing this point, the Court of Appeals surveyed *Miranda* and its progeny to determine the constitutional status of the *Miranda* decision. 166 F.3d, at 687—692. Relying on the fact that we have created several exceptions to *Miranda*'s warnings requirement and that we have repeatedly referred to the *Miranda* warnings as "prophylactic," *New York v. Quarles*, 467 U.S. 649, 653 (1984), and "not themselves rights protected by the Constitution," *Michigan v. Tucker*, 417 U.S. 433, 444 (1974), 2 the Court of Appeals concluded that the protections announced in *Miranda* are not constitutionally required. 166 F.3d, at 687—690.

[*Dickerson v. United States*, 530 U.S. 428 (2000)]

#### FOOTNOTES:

2. See also *Davis v. United States*, 512 U. S 452, 457—458 (1994); *Withrow v. Williams*, 507 U.S. 680, 690—691 (1993) ("*Miranda's safeguards are not constitutional in character*"); *Duckworth v. Eagan*, 492 U.S. 195, 203 (1989); *Connecticut v. Barrett*, 479 U.S. 523, 528 (1987) ("*[T]he Miranda Court adopted prophylactic rules designed to insulate the exercise of Fifth Amendment rights*"); *Oregon v. Elstad*, 470 U.S. 298, 306 (1985); *Edwards v. Arizona*, 451 U.S. 477, 492 (1981) (*Powell, J., concurring in result*).

9. Since Congress cannot legislatively control, tax, or interfere with constitutional PRIVATE rights, then when a STATUTORY remedy is exclusive such as the 26 U.S.C. §7422 refund statutes, it thereby EXCLUDES constitutional remedies and always must involve PUBLIC property that is PROVEN to be public property BEFORE administrative or

judicial enforcement may be used to “return” it. The ABSOLUTE OWNER is the only one who can have the right to exclude and there can only be ONE ABSOLUTE OWNER. Taxation of property in your possession is the process of EXCLUDING you from using, benefitting from, or controlling that specific property. Thus, government must, at some point, have become the ABSOLUTE owner of the thing taxed who has the right to exclude YOUR use or possession of the property. The money owed that must be “returned” is PUBLIC property and never PRIVATE property. The burden of proof upon the government is therefore to prove WHEN and HOW the money or property subject to tax was lawfully from PRIVATE ownership to PUBLIC ownership. That conversion can ONLY happen by CONSENT in some form:

*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]*

*“Quod meum est sine me auferri non potest.*

*What is mine cannot be taken away without my consent. Jenk. Cent. 251. Sed vide Eminent Domain.*

*Id quod nostrum est, sine facto nostro ad alium transferi non potest.*

*What belongs to us cannot be transferred to another without our consent. Dig. 50, 17, 11. But this must be understood with this qualification, that the government may take property for public use, paying the owner its value. The title to property may also be acquired, with the consent of the owner, by a judgment of a competent tribunal.”*

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

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

10. Income tax obligations are “quasi-contractual” and EXCLUSIVELY statutory, meaning PUBLIC. They are NEVER constitutional (PRIVATE) obligations and they ALWAYS involve PUBLIC property which lawfully BECAME public property by your VOLUNTARY consent.<sup>7</sup>

*“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., 127 U.S. 265, 292, et seq. 8 S.Ct.*

*1370, compare Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** United States v. Chamberlin, 219 U.S. 250, 31 S.Ct. 155; Price v. United States, 269 U.S. 492, 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. This was the rule established in*

<sup>7</sup> For a description of HOW you consented, see: *How American Nationals Volunteer to Pay Income Tax*, Form #08.024; <https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>.

1 the English courts before the Declaration of Independence. Attorney General v. Weeks, Bunbury's Exch. Rep.  
2 223; Attorney General v. Jewers and Batty, Bunbury's Exch. Rep. 225; Attorney General v. Hatton, Bunbury's  
3 Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. —, 2 Ans.Rep. 558; see Comyn's Digest (Title 'Dett,'  
4 A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77. "  
5 [Milwaukee v. White, 296 U.S. 268 (1935)]

6 "A tax is a legal imposition, exclusively of statutory origin (37 Cyc. 724, 725), and, naturally, liability to taxation  
7 must be read in statute, or it does not exist."  
8 [Bente v. Bugbee, 137 A. 552; 103 N.J. Law. 608 (1927)]

9 "The taxing power of the state is exclusively a legislative function, and taxes can be imposed only in pursuance  
10 of legislative authority, although the general charge, control, and conduct of taxation are an executive function.  
11 In other words, the power to tax must be drawn from express statutory authority, there being no such thing as  
12 taxation by implication, and the legislative authority must be positive and not negative in nature. All doubts will  
13 be resolved against the taxing power." Idaho Power Company v. Three Creek Good Roads Dist, 87 Idaho 109,  
14 114 (Idaho 1964)  
15 [84 C.J.S. Taxation § 7, p. 51]

16 "Quasi contract. An obligation which law creates in absence of agreement; it is invoked by courts where there is  
17 unjust enrichment. Andrews v. O'Grady, 44 Misc.2d. 28, 252 N.Y.S.2d. 814, 817. Sometimes referred to as  
18 implied-in-law contracts (as a legal fiction) to distinguish them from implied-in-fact contracts (voluntary  
19 agreements inferred from the parties' conduct). Function of "quasi-contract" is to raise obligation in law where  
20 in fact the parties made no promise, and it is not based on apparent intention of the parties. Fink v. Goodson-  
21 Todman Enterprises, Limited, 9 C.A.3d. 996, 88 Cal.Rptr. 679, 690. See also Contract."  
22 [Black's Law Dictionary, Sixth Edition, p. 1245]

- 23 11. You can be physically situated in a place protected by the Constitution, and yet still be "treated AS IF" you are located  
24 extraterritorially in a place not protected by the Constitution and subject to civil statutes. This is done under "Choice of  
25 Law Rules". It happens when:
- 26 11.1. You are DOING BUSINESS with people extraterritorially in either the government or the federal zone under the  
27 following:
- 28 11.1.1. The Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97  
29 11.1.2. International Shoe Co. v. Washington, 326 U.S. 310 (1945)
- 30 11.2. You declare a "domicile" or "residence" in that remote place. This confers civil statutory jurisdiction under Federal  
31 Rule of Civil Procedure 17.
- 32 11.3. You CONSENSUALLY represent an artificial entity (a legal fiction) that has a domicile in that place. This would  
33 be a status under the civil statutes of that place. See Federal Rule of Civil Procedure 17(b).
- 34 11.4. A dispute over federal property is involved. This invokes Article 4, Section 3, Clause 2, which empowers Congress  
35 and by implication the courts, to officiate over the use of federal property that they demonstrably own and lawfully  
36 acquired an interest in. This applies to all government property WORLDWIDE, including within the states.  
37 HOWEVER, the government has the burden of proof when invoking this kind of jurisdiction to prove exactly how  
38 they lawfully acquired an ownership interest in the property they seek to control or adjudicate. A failure to meet  
39 that burden of proof causes the dispute to default to the local laws where the property is physically situated.

40 "The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the  
41 territory or other property belonging to the United States. This power applies as well to territory belonging to  
42 the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be.  
43 The argument is, that the power to make 'ALL needful rules and regulations' 'is a power of legislation,' 'a  
44 full legislative power;' 'that it includes all subjects of legislation in the territory,' and is without any limitations,  
45 except the positive prohibitions which affect all the powers of Congress. Congress may then regulate or prohibit  
46 slavery upon the public domain within the new States, and such a prohibition would permanently affect the  
47 capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on  
48 Congress. This is a conclusion universally admitted. But the power to 'make rules and regulations respecting  
49 the territory' is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in  
50 the domain of the United States within the States; and whatever rules and regulations respecting territory  
51 Congress may constitutionally make are supreme, and are not dependent on the situs of 'the territory.'"  
52 [Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)]

- 53 12. Constitutional rights attach to LAND and not the [civil status \(Form #13.008\)](#) of people ON that land. Thus, when you  
54 LEAVE the land that is protected, you surrender your constitutional rights, whether you realize it or not. This surrender  
55 of constitutional rights can happen when you go abroad to a foreign country or when you set foot on federal territory not  
56 protected by the Constitution. When abroad or on federal territory, there ARE no constitutional rights other than the  
57 Thirteenth Amendment, and EVERYTHING you want government to do for you there is a CIVIL privilege, unless  
58 congress legislatively and irrevocably extends the constitution to the locality you are at.

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

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

20  
21 “Under the Insular Cases doctrine, only fundamental constitutional rights [\[\\*\\*10\]](#) extend to unincorporated  
22 United States territories, whereas in incorporated territories all constitutional provisions are in force. [Balzac v.](#)  
23 [Puerto Rico, 258 U.S. 298, 42 S.Ct. 343, 66 L.Ed. 627 \(1922\)](#). In [Balzac](#), the Court determined that Puerto Rico  
24 was an unincorporated territory. Thus, in order for the [Spending Clause](#) protections to apply to Puerto Rico,  
25 Congress must have subsequently incorporated the territory. Otherwise, the Clause would not apply because it is  
26 not the source of any fundamental rights. [3 See Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088](#)  
27 [\(1900\) \(holding that Article I, § 8 cl. 1 of the Constitution did not apply to Puerto Rico\).](#)”  
28 [Consejo de Salud v. Rullan, 586 F.Supp.2d. 22 (2008)]  
29 [EDITORIAL: By fundamental constitutional rights, they mean everything OTHER than the Bill of Rights]

- 30 13. There is only ONE constitutional right that attaches to land EVERYWHERE in the COUNTRY “United States” rather  
31 than only in land within the exclusive jurisdiction of a constitutional state. That right is freedom from involuntary  
32 servitude found in the Thirteenth Amendment:

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

42 “It is not open to doubt that Congress may enforce the 13th Amendment by direct legislation, punishing the  
43 holding of a person in slavery or in involuntary servitude except as a punishment for crime. In the exercise of  
44 that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in  
45 that condition of involuntary servitude. This legislation is not limited to the territories or other parts of the  
46 strictly national domain, but is operative in the states and wherever the sovereignty of the United States  
47 extends. We entertain no doubt of the validity of the legislation, or its applicability to the case of any person  
48 holding another in a state of peonage, and this whether there be a municipal ordinance or state law sanctioning  
49 such holding. It operates directly on every citizen of the Republic, wherever his residence may be.”  
50 [Clyatt v. United States, 197 U.S. 207, 25 S.Ct. 429, 49 L.Ed. 726 (1905)]

- 51 14. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate  
52 them. By “rule making” they mean REGULATIONS instituted under the authority of Article 4, Section 3, Clause 2 of  
53 the Constitution to regulate GOVERNMENT/PUBLIC property ONLY and NOT PRIVATE property.

54 “It is also urged upon us that we withhold decision on this issue until state legislative bodies and advisory groups  
55 have had an opportunity to deal with these problems by rule making.[65](#) We have already pointed out that the  
56 Constitution does not require any specific code of procedures for protecting the privilege against self-  
57 incrimination during custodial interrogation. Congress and the States are free to develop their own safeguards  
58 for the privilege, so long as they are fully as effective as those described above in informing accused persons of  
59 their right of silence and in affording a continuous opportunity to exercise it. In any event, however, the issues  
60 presented are of constitutional dimensions and must be determined by the courts. The admissibility of a statement



in the face of a claim that it was obtained in violation of the defendant's constitutional rights is an issue the resolution of which has long since been undertaken by this Court. See *Hopt v. People of Territory of Utah*, 110 U.S. 574, 4 S.Ct. 202, 28 L.Ed. 262 (1884). Judicial solutions to problems of constitutional dimension have evolved decade by decade. As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when *Escobedo* was before us and it is our responsibility today. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate [eliminate] them."

[*Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966)]

15. Under common law maxims, anything you consent to cannot form the basis for an injury in court. Thus, if you consent to the surrender of ANY constitutional right, you have no standing in any court to sue for an injury to that right. That consent can be manifested EXPRESSLY (in writing) or IMPLIEDLY (by conduct).

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

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

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

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

16. Most surrenders of constitutional rights occur IMPLIEDLY, when you seek temporary use, custody, or benefit of government property. The courts label this type of consent "ASSENT", and it is literally PURCHASED by "consideration" that they provide and your conduct in SEEKING that consideration or PUBLIC property<sup>8</sup>:

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

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

17. There is a BIBLICAL CURSE upon all nations and societies which abuse grants or loans of government property as a method to destroy constitutional or natural rights or convert them to PUBLIC rights as described in the previous step.<sup>9</sup>

*"The rich rules over the poor,*  
*And the borrower is servant [SLAVE] 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*

<sup>8</sup> It is VERY important to keep in mind that CIVIL STATUTES convey PUBLIC RIGHTS, and those rights are created by and owned by the government through legislation. Any pursuit of the PUBLIC rights or remedies provided by civil statutes is a request to use PUBLIC property for your "benefit", and thus to surrender ALL constitutional rights in the process. This is discussed in: *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037; <https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>. You can STILL get a remedy for a violation of PRIVATE or NATURAL or CONSTITUTIONAL rights, but you must invoke the common law of England and NOT civil statutes to properly invoke the remedy. This is covered in: *Choice of Law*, Litigation Tool #01.010, <https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>.

<sup>9</sup> See: *How Scoundrels Corrupted Our Republican Form of Government*, Family Guardian Fellowship; <https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>.

*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]*

#### **4. How Grants of Government Property (“Benefits”) Cause a Surrender of Constitutional/Private Rights That Causes You to represent a Privileged Government “Straw man”/Public Officer within a Dulocracy<sup>10</sup>**

*“Many [idolaters] seek the ruler’s favor [privileges], But justice [Form #05.050] for man comes from the Lord [rather than the government/Caesar].” [Prov. 29:26, Bible, NKJV]*

*“For the love of money [or government “benefits” or payments or privileges] is a root of all kinds of evil, for which some have strayed from the faith in their greediness, and pierced themselves through with many sorrows. [1 Tim. 6:10, Bible, NKJV]*

*“Most assuredly, I say to you, whoever commits sin is a slave of sin.” [John 8:34, Bible, NKJV]*

This article summarizes in a nutshell content from many different places on this site into a single, succinct, and cohesive explanation of how you lose your rights, liberty, and freedom by usually unknowingly exchanging them for government privileges. The fact that this process is largely unknown by most Americans is more a product of deficient legal education and legal ignorance than it is choice. That legal ignorance about this subject is deliberately fostered by the following culpable parties to protect the main source of their unjust authority over you:

1. The Internal Revenue Service, which isn’t even part of the U.S. government.<sup>11</sup>
2. American and State BAR Associations.
3. Tax Lawyers.
4. American Institute of Certified Public Accountants.
5. State Societies of CPA’s.
6. Individual Certified Public Accountants and Public Accounting Firms, who prepare income tax returns.
7. Professional Tax preparers.

All the conspirators earn billions of dollars every year and act essentially as uncompensated agents for the IRS. It is really an organized criminal conspiracy to subvert the private property rights of American citizens domiciled on non-federal land who are wholly employed within the private sector. The main organizers are corrupt federal judges, who protect the criminal activity mainly because their “benefits” and pay and retirement depend on it.<sup>12</sup>

<sup>10</sup> SOURCE: *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404, Section 3; <https://sedm.org/Forms/FormIndex.htm>.

<sup>11</sup> See: *Origins and Authority of the Internal Revenue Service*, Form #05.005; <https://sedm.org/Forms/FormIndex.htm>.

<sup>12</sup> See: *What Happened to Justice?*, Form #06.012; <https://sedm.org/Forms/FormIndex.htm>.

Throughout this site, we refer to equality or rights between you and the government in court as the MAIN source of your freedom, as acknowledged by the U.S. Supreme Court:

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

So, in order to destroy your freedom or private/constitutional rights, the government must make you subservient and unequal in relation to itself, and thus to create a "dulocracy". There is no other way.

*"Dulocracy: A government where servants and slaves have [so much license and privilege \[franchises\]](#) that they domineer."  
[Black's Law Dictionary, Fourth Edition]*

But how, you might ask, is this "dulocracy" created without violating the constitution or the laws protecting property? The answer is that you must CONSENT to it! And that to entice you to consent, they must bribe or entice you to give up rights in exchange for privileges. The bribe comes in the form of "benefits" or advantages or what we call ["civil services" \(in our Disclaimer, Section 4\)](#) offered by civil statutes. The bribe and the rights you have to give up to procure the bribe, in turn, are "property" from a legal perspective, so in effect, they are enticing you with PROPERTY of some kind:

***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]*

The property and rights to property can take many forms:

1. A privilege. All privileges constitute loans or grants of government property with conditions or legal strings attached taking the form of civil statutes. They can be taken away at the whim of the grantor of the property. This gets back to the original definition of "ownership", the essence of which is "the right to exclude" per the U.S. Supreme court:

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

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

FOOTNOTES:



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

2. A franchise. This is a specific TYPE of privilege which constitutes a contract or agreement. The legal definition of "franchise" is that it is "a privilege in the hands of a subject". So, to put government property in your HANDS or your CUSTODY, you become party to a franchise.
3. A commercial benefit offered by government.
4. A government "service". We call these "civil services" in our [Disclaimer, Section 4](#).
5. An "entitlement"
6. A license.
7. Free healthcare, which actually isn't really "free" because they make you pay for it one way or another.
8. Old age pension such as Social Security.
9. The ability to vote or serve on jury duty. Convicted felons cannot do either in most states, and therefore these two things are PRIVILEGES, not RIGHTS.
10. A privilege granted by a statute against the government, such as tax remedies.
11. A privilege granted by statute against ANOTHER man or woman who is ALSO party to the same franchise contract or compact that you are party to.
12. The civil status that the privilege attaches to, such as "person", "taxpayer", "citizen", or "resident", all of which are creations of and therefore PROPERTY of their creator, which is the Legislative branch.

The above all constitute property because:

1. All rights are property.
2. Anything that CONVEYS rights is property.
3. Contracts convey rights and therefore are property.
4. All franchises are implemented as contracts or agreements and therefore property.

So, to make you the LAWFUL target of any CIVIL STATUTORY enforcement, the only thing the government has to prove is that you either received a government commercial benefit or government property of some kind, or are even ELIGIBLE to receive such a benefit. Those who are "eligible" are assigned a civil STATUTORY status of some kind, such as "person", "driver", "citizen", "resident", "taxpayer", etc. This then gives them the lawful authority under Article 4, Section 3, Clause 2 of the Constitution to "make all needful rules" to REGULATE all those in custody of such property through DIRECT legislation. Thus, you become a SUBJECT because government property is "in your hands", as the definition of "franchise" proves. The statutes at 5 U.S.C. §553(a)(2) recognize the authority to DIRECTLY regulate your personal conduct as someone in custody of government property without the need for implementing regulations or even public notice!

[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.

What ALL of the above have in common is that they are government property or loans of government property of one kind or another. THIS, in fact, is why they call it a tax RETURN: You are RETURNING a portion of the government property in your custody, folks! In the context of "income taxation" as an excise tax upon the "public office"/"trade or business" franchise, no one we know of would refer to it as a "benefit", "contract", or grant, so the only thing it can relate to is "agency management and personnel", meaning activities WITHIN the federal and not state government ONLY.

Most of the time, the government doesn't even have the burden of proof to produce evidence that you are eligible for the benefit or property or service, because you actually HELP them produce it. How? Because most people are DUMB enough to either REQUEST or INVOKE a statutory civil status on a government form signed under penalty of perjury in order to PURSUE the privilege. This occurs when you fill out a "Driver License Application", a "Marriage License Application", or an SS-5 Application for Social Security CARD or even NUMBER. The CARD and the NUMBER are property of the

government on loan to you per 20 C.F.R. §422.103(d). Both of these are what the Federal Trade Commission calls a "franchise mark". The SSN is akin to an inventory control number. A unique identifier that people use to tag other property and attach other government privileges to that property. People use the Social Security Number to tag new bank accounts and then list those bank accounts on their tax returns to help Uncle keep better track of their property.

Acceptance of the application results in a transfer of GOVERNMENT property to you, with conditions or strings attached. Those conditions come in the form of civil statutes that IMPLEMENT the equivalent of a FRANCHISE contract or agreement.

Not surprisingly, even the current definition of "comity" itself recognizes this mechanism of regulating those in receipt, custody, control, or "benefit" of government property as follows:

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

Who exactly is "granting the privilege" above? Both YOU and the GOVERNMENT! The government as a MERCHANT under the U.C.C. grants it by creating the civil statutory franchise and offering a civil status it LEGISLATIVELY created to which the benefit attaches. It owns everything it creates, as is pointed out in:

*Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

You as the BUYER under the U.C.C. also grant it by asking for the civil status that makes you eligible to receive the benefit or property. This is how COMITY works!

Where's the constitutional problem with this? The problem is that Congress has NEVER had the authority to create or enforce franchises within the constitutional states of the Union!

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

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

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

Let's now apply these concepts to perhaps the most EGREGIOUS example at the federal level of a DENIAL and DESTRUCTION of equality of you in relation to them, done ironically in the NAME of PROTECTING equality! 42 U.S.C. §1981.

So-called STATUTORY "equal protection" is implemented in the enactments of Congress pertaining NOT to the Fourteenth Amendment, but to federal territory ONLY :

[TITLE 42 > CHAPTER 21 > SUBCHAPTER 1 > Sec. 1981.](#)  
[Sec. 1981. - Equal rights under the law](#)

(a) Statement of equal rights

*All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.*

This statute TECHNICALLY produces INEQUALITY and turns JUSTICE into a legislative PRIVILEGE. Whenever you turn justice into a revocable privilege, it becomes INJUSTICE, as we point out in Form #05.050, Section 5.3. It produces INEQUALITY between the governed and the governors because:

1. The government is the enforcer and you are not.
2. You can't make your OWN rules for your own property to enforce against the government under the statute as the government does to you, because the statute doesn't recognize that authority. Equality demands the same rights of ALL parties on both sides.
3. You are presumed to CONSENT to the statutes when invoking the status that implements the benefit you seek. Anything you consent to cannot form the basis for an injury under the common law. Thus, you can NEVER sue the government for any part of the statutes you claim the "benefit" of. Therefore, you have waived your sovereignty and sovereign immunity to pursue a "benefit"/property. They, however, can sue YOU for refusing to follow the statute as a precondition of receiving its "benefit". Is that "fair"?

*"Voluntati non fit injuria.*

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

*Consensus tollit errorem.*

*Consent removes or obviates a mistake. Co. Litt. 126.*

*Melius est omnia mala pati quam malo consentire.*

*It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.*

*Nemo videtur fraudare eos qui sciunt, et consentiunt.*

*One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*

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

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

The above is why we put the following warning on the opening page of our website:

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

*[SEDM Opening Page; <http://sedm.org>]*

The key word in the above statute is "benefit". The PRIVILEGES attached to the civil status of "person" and enforced by the courts is the BENEFIT afforded those who claim the status. Anyone who accepts ANY benefit based on adopting such a status waives ALL constitutional rights and all NATURAL rights. This is explained in the Constitutional Avoidance Doctrine documented below:

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

[...]

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

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#### FOOTNOTES

FN7 Compare Electric Co. v. Dow, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; Pierce v. Somerset Ry., 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; Leonard v. Vicksburg, etc., R. Co., 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.

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

The "taxes, licenses, and exactions" mentioned in the statute are examples of CIVIL STATUTORY OBLIGATIONS that TAKE AWAY CONSTITUTIONAL or NATURAL PRIVATE RIGHTS. Such civil statutory obligations cannot be imposed involuntarily, or else slavery in violation of the Thirteenth Amendment and an unconstitutional Fifth Amendment taking would result. Thus, the STATUTORY "equality" mentioned above is equality of TREATMENT in ENFORCING PRIVILEGES or "benefits" against those who have VOLUNTARILY accepted them. ABSOLUTELY OWNED, CONSTITUTIONALLY protected PRIVATE rights CANNOT be taken away by imposing "taxes, license, and exactions" without the express consent of the original PRIVATE owner. That [consent \(Form #05.003\)](#) is usually impliedly or tacitly expressed by claiming the "benefits" of a specific FICTIONAL civil statutory status, such as "person", "citizen", or "resident". The courts will NEVER admit this, because it is the source of ALL of their unjust statutory power over you. You have to KNOW it. By refusing to discuss this CRUCIAL "third rail issue", this legislation and the courts which enforce it are in effect making your consent to be CIVILLY "governed" essentially invisible, so that you can never find out how you gave your consent or expressly revoke it. This devious process is called "tacit procuration" or "sub silentio".

"SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of consent"  
[Black's Law Dictionary, Fourth Edition, p. 1593]

"Qui tacet consentire videtur.  
He who is silent appears to consent. Jenk. Cent. 32."  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

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"Procuration. Agency; proxy; the act of constituting another one's attorney in fact. The act by which one person gives power to another to act in his place, as he could do himself. Action under a power of attorney or other constitution of agency. Indorsing a bill or note "by procuration" is doing it as proxy for another or by his authority. The use of the word procuration (usually, per procuratione, or abbreviated to per proc. or p. p.) on a promissory note by an agent is notice that the agent has but a limited authority to sign.

An express procuration is one made by the express consent of the parties. An implied or tacit procuration takes place when an individual sees another managing his affairs and does not interfere to prevent it. Procurations are also divided into those which contain absolute power, or a general authority, and those which give only a limited power. Also, the act or offence of procuring women for lewd purposes. See also Proctor."  
[Black's Law Dictionary, Fifth Edition, pp. 1086-1087]

The U.S. Supreme Court describes this "tacit procuration" or "sub silentio" as follows:

"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)]

1 Notice the phrase "of course". They use this phrase so that they don't have to explain or address the method of consent further.  
2 It is their "dirty little secret" that they can't elaborate on because it is the source of ALL of their unjust authority. They just  
3 ASSUME/PRESUME it exists. For more on "invisible consent", see:

Requirement for Consent, Form #05.003, Section 9.4

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

4 The term "all laws" in 42 U.S.C. §1981 earlier means CIVIL STATUTORY privileges/benefits mentioned in [5 U.S.C. §553\(a\)\(2\)](#) that are NOT, in fact "law" as legally defined, but revocable privileges which must be voluntarily accepted to  
5 become the lawful target of ENFORCEMENT activity. For proof, see:  
6

What is "law"?, Form #05.048

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

7 42 U.S.C. §1981 is a SUBSTITUTE for the equal protection clauses of the constitution that applies ONLY to CIVIL  
8 STATUTORY "persons" [domiciled \(Form #05.002\)](#) on federal territory within the exclusive jurisdiction of Congress as  
9 required by [Federal Rule of Civil Procedure 17\(b\)](#). Those NOT so domiciled are beyond the reach of the CIVIL jurisdiction  
10 of the federal courts and have no "capacity to sue or be sued" under the federal civil statutes, but retain their standing under  
11 the constitution. This is because the Constitution does not limit or control what happens on federal territory, except possibly  
12 the Thirteenth Amendment, which applies everywhere IN THE COUNTRY. This statute implements [CIVIL STATUTORY](#)  
13 [PUBLIC PRIVILEGES \(Form #05.037\)](#) that can be taken away without your consent, not ABSOLUTELY OWNED  
14 PRIVATE RIGHTS that cannot be taken away. The "persons" they refer to are fictional civil statutory "persons", not  
15 CONSTITUTIONAL "persons". All constitutional "persons" are HUMAN BEINGS and not [Congressionally created](#)  
16 ["fictions of law" \(Form #05.042\), also called "straw men"](#). The rights spoken of attach to the [fictional civil statutory status](#)  
17 [\(Form #13.008\)](#) OF "person" not to human beings standing on land as the CONSTITUTION does. "Within the jurisdiction"  
18 means [domiciled \(Form #05.002\)](#) on federal territory. Domicile (Form #05.002) is a civil statutory protection franchise or  
19 privilege, not a PRIVATE right. "Within the jurisdiction" above does NOT refer to people physically within the boundaries  
20 of the COUNTRY "United States OF AMERICA" mentioned in the Articles of Confederation. The constitution is "self-  
21 executing" and needs no civil statutes such as this one to enforce or to define the extent of enforcement.

22 *"As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions*  
23 *of the Bill of Rights, are self-executing. Cf. [South Carolina v. Katzenbach](#), 383 U.S., at 325 (discussing Fifteenth*  
24 *Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary."*  
25 *[City of Boerne v. Flores, 521 U.S. 507 (1997)]*

26 Thus, CONSTITUTIONAL "persons" do not need civil statutes or the [civil statutes](#) they attach the privilege to such as the  
27 above to be entitled to protection of PRIVATE RIGHTS that are NOT statutory privileges within any court. This statute is  
28 therefore a devious attempt to deceive the reader into exchanging your PRIVATE CONSTITUTIONAL RIGHTS for  
29 REVOCABLE STATUTORY PUBLIC PRIVILEGES. Don't go for it! As a practical matter, the reader must always be aware  
30 that YOU CANNOT BE A CONSTITUTIONAL PERSON AND A STATUTORY PERSON under federal law at the SAME  
31 time! They are mutually exclusive and non-overlapping. This is the main implication of City of Boerne above and the  
32 Constitutional Avoidance Doctrine, in fact. Thus, they are using EQUIVOCATION between the STATUTORY and  
33 CONSTITUTIONAL contexts for "person" to deceive the reader into thinking they are equivalent. For more on  
34 "equivocation" as a tool of tyranny and deception, see:

Legal Deception, Propaganda, and Fraud, Form #05.014, Section 16.1

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

35 Some federal courts have INCORRECTLY interpreted this statute as an attempt to IMPLEMENT the [Fourteenth](#)  
36 [Amendment's "necessary and proper" clause, clause 5](#), which says

37 *"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."*

38 ... but this is simply not what it does, as explained in City of Boerne above. For an example of this MISINTERPRETATION  
39 of the purpose of this amendment, see the following, which deals with a closely related statute to this one:

40 1. Section 1983 Litigation, Litigation Tool #08.008



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

2. *Rosenstock's Section 1983 Civil Rights Digest*, Litigation Tool #08.009

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

It's now crystal clear to all readers from this discussion to not be tricked into thinking the beneficent government has crafted a civil rights statute for the protection and REAL benefit of the American people. Those days are long gone where legislation helps us.

The artfully employed, but always pernicious application of presumption, is ever-present in nearly every confusing, obfuscated federal statute and regulation. And the end goal is the destruction of personal liberty and the aggrandizement of money and power taken from the people, with a corresponding decrease in the freedom and liberty of these same sovereign people.

Stated simply, over a period of many decades, through the abuse of legislation and the pernicious drafting of same, the nation's core founding principles, have steadfastly been eroded, destroyed, and attacked from within, by the senators, by the elected representatives, and the many presidents who betrayed the American people and abrogated their respective oaths of office. It goes far beyond the pale and is the very essence of the devil incarnate.

These B.S. civil rights statutes in 42 U.S.C. are similar to the closely distanced steel rails/fences, that slowly narrow so the swine and cows will naturally form an obedient, single file line, and walk mindlessly in lock step, prior to their execution inside the meat harvesting and packing plants.

The corrupted statutes and regulations trick the masses of people and act as inducements and legal fences, to herd and guide the unsuspecting sheeple to their own eventual slaughter.

As an example of how the above process works as a method to HUNT you like an animal and trap you, consider the requirement to use a "franchise mark" called a Social Security Number to live or work.

1. You can only participate in Social Security by earning statutory "Wages" per 26 U.S.C. §3401.
2. Only those subject to FICA, meaning Social Security insurance, have to supply an SSN. 26 C.F.R. §31.6011(b)-2.
3. Reports of covered "wages" earnings are submitted under the authority of 26 C.F.R. §31.6051-1 and MUST include an SSN.
4. Jurisdiction over FICA insurance is "special maritime jurisdiction", meaning contract. See:

[Criminal Resource Manual, Section 662](#)

<https://www.justice.gov/archives/jm/criminal-resource-manual-662-maritime-territorial-and-indian-jurisdiction-generally>

5. You can only earn "wages" by volunteering in submitting a W-4 under 26 U.S.C. §3402(p). If you don't, the employer is stealing if they treat your PRIVATE, ABSOLUTELY OWNED earnings as STATUTORY "wages" and you must correct your earnings and request a refund of FICA tax when or if you file income tax.
6. It is otherwise ILLEGAL to compel the use of an SSN per 42 U.S.C. §408(a)(8).
7. Once you sign up for FICA using a Form W-4:

- 7.1. EVERYTHING you earn even as a nonresident alien, is and MUST be treated AS IF it was related to "services performed within the United States\*\*", meaning THE GOVERNMENT and not the GEOGRAPHICAL "United States" per 26 U.S.C. §7701(a)(9) and (a)(10). There is NO SUCH THING as "employment" for services performed OUTSIDE the "United States\*\*" government. For proof, see 26 C.F.R. §31.3121(b)-3(a). The IRS also admitted this on their own letterhead as follows:

*Cynthia Mills Letter, IRS Disclosure Officer Hoverdale Letter*, SEDM Exhibit #09.023

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

- 7.2. You agree to be treated as a STATUTORY government "EMPLOYEE" under 26 U.S.C. §3401(c) AND 5 U.S.C. §2105(a). That's what the W-4 says: "EMPLOYEE Withholding allowance certificate".
- 7.3. Everything you earn is now "effectively connected to a trade or business", meaning a PUBLIC OFFICE per 26 U.S.C. §7701(a)(26) .
- 7.4. Everything you earn will be TREATED as a "federal payment", meaning a GOVERNMENT payment instead of your PRIVATE absolutely owned property. For proof, see 26 U.S.C. §3402(p)(1)(C).
- 7.5. The REAL party in interest performing the services for the employer is UNCLE SAM and the office that he owns called "employee", which functions as the equivalent of a "Kelly Girl" on loan to your employer. You don't exist anymore, and the SSN is the "employee badge" identifying you as a franchisee.

8. Because everything then becomes “services performed WITHIN the United States\*\*\*”, then EVERYTHING is now taxable under the Internal Revenue Code. Thus, you had to agree to make ALL your earnings taxable even if they weren’t previously, in order to participate in FICA/Social Security. SCAM!
9. By participating in government social insurance, you now have surrendered ALL of your constitutional protections. The constitution does NOT protect government “employees” or even private employees on the job.

*“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O’Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm’n v. Letter Carriers, 413 U.S. 548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616-617 (1973).”*  
*[Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990) ]*

Thus, FICA/Social Security Insurance is the CONSIDERATION that creates the obligation to furnish the SSN. If you never consent to participate and don’t want the “benefit”, you can’t be compelled to use the number. AND it’s used as a CARROT to give up control and absolute ownership of ALL of your earnings. NOW do you understand the significance of the following scriptures?

*‘For among My people are found wicked men;  
They lie in wait as one who sets snares;  
They set a trap;  
They catch men.  
27 As a cage is full of birds,  
So their houses are full of deceit.  
Therefore they have become great and grown rich.  
28 They have grown fat, they are sleek;  
Yes, they surpass the deeds of the wicked;  
They do not plead the cause,  
The cause of the fatherless;  
Yet they prosper,  
And the right of the needy they do not defend.  
29 Shall I not punish them for these things?’ says the Lord.  
‘Shall I not avenge Myself on such a nation as this?’*

*30 “An astonishing and horrible thing  
Has been committed in the land:  
31 The prophets prophesy falsely,  
And the priests rule by their own power;  
And My people love to have it so.  
But what will you do in the end?  
[Isaiah 42:21-25, Bible, NKJV]*

It’s a biblical sin to number the people collectively, or to number yourself PERSONALLY. That’s what the Mark of the Beast is all about!

*14 So the Lord sent a plague upon Israel, and seventy thousand men of Israel fell.<sup>1</sup> And God sent an angel to Jerusalem to destroy it. As he was destroying, the Lord looked and relented of the disaster, and said to the angel who was destroying, “It is enough; now restrain your hand.” And the angel of the Lord stood by the threshing floor of Ornan the Jebusite.*

*16 Then David lifted his eyes and saw the angel of the Lord standing between earth and heaven, having in his hand a drawn sword stretched out over Jerusalem. So David and the elders, clothed in sackcloth, fell on their faces.<sup>17</sup> And David said to God, “Was it not I who commanded the people to be numbered? I am the one who has sinned and done evil indeed; but these sheep, what have they done? Let Your hand, I pray, O Lord my God, be against me and my father’s house, but not against Your people that they should be plagued.”  
[1 Chron. 21:14-17, Bible, NKJV]*



Ironically, the very purpose of the GOVERNMENT’S mark, meaning the Slave Surveillance Number, is essentially to ensure that an accounting system is in place to literally FORCE you to have to PAY for value of ALL property and services you demand from the government, and thus, to take responsibility for paying your own way. So it’s really about personal responsibility for pulling one’s own weight. The U.S. Supreme Court has held, in fact, that the ONLY occasion where the government can COMPEL you to provide a Social Security Number is if you are asking for a “benefit”, and by implication government property:

*“Roy may no more prevail on his religious objection to the Government’s use of a Social Security number for his daughter than he could on a sincere religious objection to the size or color of the Government’s filing cabinets. The Free Exercise Clause affords an individual protection from certain forms of governmental compulsion; it does not afford an individual a right to dictate the conduct of the Government’s internal procedures.*

[ . . . ]

*The Federal Government’s use of a Social Security number for Little Bird of the Snow does not itself in any degree impair Roy’s “freedom to believe, express, and exercise” his religion.<sup>[6]</sup> 701\*701 Consequently, appellees’ objection to the statutory requirement that each state agency “shall utilize” a Social Security number in the administration of its plan is without merit. It follows that their request for an injunction against use of the Social Security number in processing benefit applications should have been rejected. We therefore hold that the portion of the District Court’s injunction that permanently restrained the Secretary from making any use of the Social Security number that had been issued in the name of Little Bird of the Snow Roy must be vacated.*

[ . . . ]

*The statutory requirement that applicants provide a Social Security number is wholly neutral in religious terms and uniformly applicable. There is no claim that there is any attempt by Congress to discriminate invidiously or any covert suppression of particular religious beliefs. The administrative requirement does not create any danger of censorship<sup>[9]</sup> or place a direct condition or burden on the dissemination of religious views.<sup>[9]</sup> It does not intrude on the organization of a religious institution<sup>[10]</sup> or school.<sup>[11]</sup> It may indeed confront some applicants for benefits with choices, but in no sense does it affirmatively compel appellees, by threat of sanctions, to refrain from religiously motivated conduct<sup>[12]</sup> or to engage in conduct that they find objectionable for religious reasons.<sup>[13]</sup> Rather, it is appellees who seek benefits from the Government and who assert that, because of certain religious beliefs, they should be excused from compliance with a condition that is binding on all other persons who seek the same benefits from the Government.*

[ . . . ]

*We conclude then that government regulation that indirectly and incidentally calls for a choice between securing a governmental benefit and adherence to religious beliefs is wholly different from governmental action or legislation that criminalizes religiously inspired activity or inescapably compels conduct that some find objectionable for religious reasons. Although the denial of government benefits over religious objection can raise serious Free Exercise problems, these two very different forms of government action are not governed by the same constitutional standard. A governmental burden on religious liberty is not insulated from review simply because it is indirect, Thomas v. Review Board of Indiana Employment Security Div., 450 U.S. 707, 717-718 (1981) (citing Sherbert v. Verner, 374 U.S., at 404); 707\*707 but the nature of the burden is relevant to the standard the government must meet to justify the burden. [Bowen v. Roy, 476 U.S. 693 (1986)]*

If you want to abuse the tax system, the voter roles, and your time as a jurist to effect socialism by compelling the government to transfer wealth from the 1 percenters to subsidize your idle life of luxury, then the Bible says you DESERVE to be punished and curse. Who are we to interfere with such a curse?:

#### ***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]

For more on the main subjects of this article, which are equality and franchises, see:

1. Government Instituted Slavery Using Franchises, Form #05.030  
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>
2. Requirement for Equal Protection and Equal Treatment, Form #05.033  
<https://sedm.org/Forms/05-MemLaw/EqualProtection.pdf>
3. Consent and Exchange, Oren Bar-Gill, Harvard Law School  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1002046](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1002046)

## 5. The Role of Consent in Surrendering Your Rights

A very important subject to study and thoroughly understand is the exact mechanisms by which you surrender Constitutional and common law protections. That is the subject of this section. To put the issue as simply as we can, a waiver of Constitutional or common law protections is a waiver or surrender of your inherent sovereignty. The main mechanism is to accept privileges of one kind or another from any government. Below is how one court describes how you waive your sovereignty and sovereign immunity toward a specific government:

*"The rights of sovereignty extend to all persons and things **not privileged**, that are within the territory. They extend to all strangers [resident](#) therein; not only to those who are [naturalized](#), and to those who are domiciled therein, having taken up their abode with the intention of permanent residence, but also to those whose residence is transitory. All strangers are under the protection of the sovereign while they are within his territory and owe a temporary allegiance in return for that protection."*  
[Carlisle v. United States, 83 U.S. 147, 154 (1873)]

First, we should emphasize that according to the Declaration of Independence, which is organic law enacted in the first official act of Congress on page 1 of the statutes at large, all JUST powers of government derive from the CONSENT of the parties affected.

*"That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."*  
[Declaration of Independence]

Criminal law and common law do not need your consent to enforce but every other type of law does. Hence, every civil statutory enforcement proceeding requires that anyone who injured your rights has to either admit they STOLE them, or prove that you consented to give them away.

*"Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences."*  
[Brady v. U.S., [397 U.S. 742](#) (1970)]

For an exhaustive treatment of how consent is both explicitly and implicitly conveyed, we refer you to the following memorandum of law:

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

Below is a tabular list of the mechanisms we know of so far by which you voluntarily surrender your Constitutional rights or common law rights. This list grows over time, but these are the main mechanisms:

1. Explicit consent. This happens mostly in criminal cases such as:

1.1. Sex offenders agreeing to register in order to be able to leave jail.

1.2. Offenders posting bail and agreeing not to flee in exchange for not being incarcerated.

2. Misrepresenting your civil status on government forms to declare or elect an effective domicile or residence in a place you are not physically located and which is on federal territory. This includes:

2.1. Declaring yourself to be a STATUTORY “U.S. citizen” or STATUTORY “citizen of the United States” on a federal government form. State citizens are non-resident non-persons and cannot truthfully do this.

*“No white person born within the limits of the United States, and subject to their [the states, and not the federal government] jurisdiction, or born without those limits, and subsequently naturalized under their laws, owes the status of citizenship to the recent amendments [Thirteenth and Fourteenth Amendments] to the Federal Constitution.”*

*[Van Valkenburg v. Brown, 43 Cal. 43 (1872)]*

2.2. Filling out any government “benefit” form, which always causes you to nominate yourself to be treated AS IF you are a public officer in the national government.

For more details on how to AVOID misrepresenting your civil status on government forms, see:

*Avoiding Traps in Government Forms Course*, Form #12.023

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

3. Making mistakes in court:

3.1. Letting a government judge or prosecutor abuse the rules of statutory construction to add to the meaning of definitions of geographic terms, such as “United States”, “State”, etc. They do this because of a financial conflict of interest which is a crime, in violation of 18 U.S.C. §208, 28 U.S.C. §§144, 455. The result is that the judge essentially becomes a legislator in writing NEW definitions, and thereby violates the separation of powers. For all the devious means that they do this, see:

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

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

3.2. Invoking the “benefit” of federal statutes that only apply on federal territory by using them to establish standing or injury in a case in federal district court.

3.3. Not declaring your civil status as a non-resident non-person in federal court. The ONLY reason you can go into federal district court is for constitutional rights violations under either a 42 U.S.C. §1983 suit or a Bivens action. You can’t claim the benefit of any civil statutes other than these in federal court. If you show up in federal court and are not entertaining this type of action, you will be PRESUMED to be a STATUTORY “U.S. citizen” (8 U.S.C. §1401) domiciled on federal territory and NOT within a state of the Union. The “U.S. citizen” is a public office, and that office is domiciled on federal territory. When you invoke the “benefit” of this civil status, then you acquire the SAME domicile as the office, which is the District of Criminals pursuant to Federal Rule of Civil Procedure 17.

4. Participation in franchises or “benefits”, if domiciled on federal territory and not holding a public office.

4.1. Below is how you waive your common law rights, meaning your EQUALITY in relation to anyone and everyone:

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

*[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;*

*SOURCE:*

[http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_immunities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)

FOOTNOTES:

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

4.2. Below is the U.S. Supreme Court on the subject of waiving Constitutional rights. These are called the Constitutional Avoidance Doctrine:

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

[...]

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

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

[\[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 \(1936\)\]](#)

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“...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance.”  
[\[Papasan v. Allain, 478 U.S. 265 \(1986\)\]](#)

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California Civil Code

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

[SOURCE:

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

- 4.3. Federal franchises, such as Social Security, Medicare, Obamacare, etc. cannot lawfully be offered within a Constitutional state. The reason is that Constitutional rights of those in states of the Union are INALIENABLE, which means you aren't LEGALLY PERMITTED to give them up, even WITH your consent. That means you can't lawfully give consent to participate in a franchise, or consent to be treated as if you are domiciled or resident on federal territory when you in fact are not:

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

- 4.3.1. For a memorandum on this subject, see:

4.3.1.1. [Why You Aren't Eligible for Social Security](#), Form #06.001

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

4.3.1.2. [Government Instituted Slavery Using Franchises](#), Form #05.030, Section 11: Government Franchises may NOT lawfully be offered to persons domiciled in Constitutional states of the Union and may only be offered to those domiciled on federal territory

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

- 4.3.2. Below is what the U.S. Supreme Court held on this subject:

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

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

The result of violating any one or more of the above rules is COMMUNISM as defined by the United States Government:

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

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of Article 1, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to: force and violence [for using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed.

Consistent with the above, below is how we define "law" within our Disclaimer:

**SEDM Disclaimer**  
**4. Meaning of Words**  
**4.3. Private**

[...]

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

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

[...]

**4.8. Law**

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



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

[...]

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

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

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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]

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

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

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

[TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)  
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of the United States [and replace it with [a de facto government ruled by the judiciary](#)]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of [Article 1, Section 9, Clause 8 of the Constitution](#)] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to; force and violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE government publications and statements that the government is not accountable for the accuracy of, Form #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed.

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

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

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



1                   *the earth, by conquest or treaty, and hold them as mere colonies or provinces — the*  
2                   *people inhabiting them to enjoy only such rights as Congress chooses to accord to them*  
3                   *— is wholly inconsistent with the spirit and genius as well as with the words of the*  
4                   *Constitution."*  
5                   [Downes v. Bidwell, [182 U.S. 244](#) (1901), Justice Harlan, Dissenting]

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

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

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

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

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

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

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

- 46                   1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property  
47                   to PUBLIC property.
- 48                   2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory  
49                   NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a  
50                   Constitutional right or relieve a public servant of the fiduciary obligation to respect and  
51                   protect the right. Those domiciled in a constitutional but not statutory state and who are

1 "citizens" or "residents" protected by the constitution cannot alienate rights to a real, de  
2 jure government.

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

7 [SEDM Disclaimer, Section 4.3: Private; SOURCE: <http://sedm.org/disclaimer.htm>]

## 8 **6. The Constitutional Avoidance Doctrine**<sup>13</sup>

9 Every attempt to bring you under the control or regulation of civil statutes against your will represents a surrender of  
10 potentially ANY and ALL constitutional rights and a conversion of your PRIVATE property and PRIVATE rights to PUBLIC  
11 property and PUBLIC rights that should be AVOIDED in favor of common law protections instead. That is the conclusion  
12 of the following exhaustive analysis on the subject:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037 <a href="https://sedm.org/Forms/FormIndex.htm">https://sedm.org/Forms/FormIndex.htm</a>
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13 These concepts are recognized by the following U.S. Supreme Court Doctrine. The Constitutional Avoidance Doctrine is a  
14 principle of statutory interpretation that suggests that when a federal statute is susceptible to multiple interpretations, one of  
15 which would raise constitutional issues, courts should choose the interpretation that avoids the constitutional question. Here  
16 are a few notable U.S. Supreme Court cases that have involved or referenced the Constitutional Avoidance Doctrine:

- 17 1. Ashwander v. Tennessee Valley Authority, 297 U.S. 288 (1936): This case is often cited as one of the earliest instances  
18 of the Supreme Court discussing the principle of constitutional avoidance. The Court stated that it should avoid passing  
19 on constitutional questions if the case can be decided on other grounds.
- 20 2. Edward J. DeBartolo Corp. v. Florida Gulf Coast Building & Construction Trades Council, 485 U.S. 568 (1988): In  
21 this case, the Supreme Court applied the Constitutional Avoidance Doctrine to avoid deciding a First Amendment  
22 challenge to a state statute. The Court interpreted the statute in a way that would not raise constitutional issues.
- 23 3. Clark v. Martinez, 543 U.S. 371 (2005): This case involved a challenge to a federal statute that potentially impacted the  
24 equal protection rights of certain groups. The Supreme Court applied the Constitutional Avoidance Doctrine and  
25 interpreted the statute in a way that did not raise significant constitutional concerns.
- 26 4. National Labor Relations Board v. Catholic Bishop of Chicago, 440 U.S. 490 (1979): In this case, the Supreme Court  
27 applied the Constitutional Avoidance Doctrine to avoid deciding whether certain employees of religious schools were  
28 subject to federal labor law, as this could raise First Amendment concerns regarding the separation of church and state.
- 29 5. National Cable & Telecommunications Association v. Brand X Internet Services, 545 U.S. 967 (2005): While this case  
30 primarily focused on issues related to administrative law and the Chevron deference doctrine, it also touched on the  
31 concept of constitutional avoidance. The Court noted that if a statute could be reasonably interpreted to avoid a serious  
32 constitutional question, that interpretation should be preferred.

33 These cases demonstrate the application of the Constitutional Avoidance Doctrine in various legal contexts and its role in  
34 guiding the Court's approach to statutory interpretation when constitutional issues are potentially at stake.

35 The rules specifically include:

- 36 1. Rule 1) The Rule against Feigned or Collusive Lawsuits. Parties to a case must be adverse to each other. Justice  
37 Brandeis stated: The Court will not pass upon the constitutionality of legislation in a friendly, non-adversary,  
38 proceeding, declining because to decide such questions 'is legitimate only in the last resort, and as a necessity in the  
39 determination of real, earnest, and vital controversy between individuals.'<sup>8</sup>
- 40 2. Rule 2) Ripeness. The court should not resolve constitutional questions prematurely. As Justice Brandeis wrote: The  
41 Court will not 'anticipate a question of constitutional law in advance of the necessity of deciding it'<sup>9</sup> and '[i]t is not the  
42 habit of the Court to decide questions of a constitutional nature unless absolutely necessary to a decision of the case.'<sup>10</sup>

<sup>13</sup> Adapted from: *Catalog of U.S. Supreme Court Doctrines*, Litigation Tool #10.020, Section 5.13; <https://sedm.org/Litigation/10-PracticeGuides/SCDoctrines.pdf>

- 1 3. Rule 3) Judicial Minimalism. The court should decide questions of constitutional law narrowly. Justice Brandeis stated:  
2 The Court will not ‘formulate a rule of constitutional law broader than is required by the precise facts to which it is to  
3 be applied.’<sup>11</sup>
- 4 4. Rule 4) The Last Resort Rule. If possible, a court should resolve a case on non-constitutional grounds instead of  
5 resolving it on constitutional grounds. Explaining this rule, Justice Brandeis stated: The Court will not pass upon a  
6 constitutional question . . . if there is also present some other ground upon which the case may be disposed . . . [I]f a  
7 case can be decided on either of two grounds, one involving a constitutional question, the other a question of statutory  
8 construction or general law, the Court will decide only the latter.<sup>12</sup> He further added: Appeals from the highest court of  
9 a state challenging its decision of a question under the Federal Constitution are frequently dismissed because the  
10 judgment can be sustained on an independent state ground.<sup>13</sup>
- 11 5. Rule 5) Standing and Mootness. The complainant should suffer an actual injury; as Justice Brandeis noted: The Court  
12 will not pass upon the validity of a statute upon complaint of one who fails to show that he is injured by its operation.<sup>14</sup>
- 13 6. Rule 6) Constitutional Estoppel. A party cannot challenge a law’s constitutionality when he or she enjoys the benefits  
14 of such law.<sup>15</sup> Justice Brandeis stated: The Court will not pass upon the constitutionality of a statute at the instance of  
15 one who has availed himself of its benefits.<sup>16</sup>
- 16 7. Rule 7) The Constitutional-Doubt Canon. Courts should construe statutes to be constitutional if such a construction is  
17 plausible. Explaining this requirement, Justice Brandeis noted: ‘When the validity of an act of the Congress is drawn in  
18 question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first  
19 ascertain whether a construction of the statute is fairly possible by which the question may be avoided.’<sup>17</sup>

## 20 **FOOTNOTES:**

- 21 8. *Ashwander*, 297 U.S. at 348 (citing [St. Louis Malleable Casting Co. v. Prendergast Construction Co.](#), 260 U.S. 469  
22 (1923); [Wall v. Parrot Silver & Copper Co.](#) 244 U.S. 407, 411–12 (1917); [Great Falls Manufacturing Co. v. Garland](#),  
23 124 U.S. 581 (1888)).
- 24 9. *Id.* (quoting [Crowell v. Benson](#), 285 U.S. 22, 62 (1932) and citing [Interstate Com. Comm’n v. Or.-Wash. R.R. &](#)  
25 [Navigation Co.](#), 288 U.S. 14, 40 (1933); [Lucas v. Alexander](#), 279 U.S. 573, 577 (1929); [Richmond Screw Anchor Co.](#)  
26 [v. United States](#), 275 U.S. 331, 346 (1928); [Blodgett v. Holden](#), 275 U.S. 142, 148 (1928); [Mo. Pac. R.R. v. Boone](#),  
27 270 U.S. 466, 471–72 (1926); [Panama R.R. v. Johnson](#), 264 U.S. 375, 390 (1924); [Linder v. United States](#), 268 U.S. 5,  
28 17–18 (1922); [Texas v. E. Tex. R.R.](#), 258 U.S. 204, 217 (1922); [Baender v. Barnett](#), 255 U.S. 224 (1921); [United](#)  
29 [States v. Jin Fuey Moy](#), 241 U.S. 394, 401 (1916); [United States v. Del. & Hudson Co.](#), 213 U.S. 366, 407–08 (1909)).

30 See also:

[ArtIII.S2.C1.10.4 Ashwander and Rules of Constitutional Avoidance](#)  
[https://constitution.congress.gov/browse/essay/artIII-S2-C1-9-4/ALDE\\_00013156/](https://constitution.congress.gov/browse/essay/artIII-S2-C1-9-4/ALDE_00013156/)

## 31 **7. Surrenders of Constitutional Rights in the Context of Taxation**

32 “*A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution. Thus, it*  
33 *may not exact a license tax for the privilege of carrying on interstate commerce* ([McGoldrick v. Berwind-White](#)  
34 [Co.](#), 309 U.S. 33, 56–58), *although it may tax the property used in, or the income derived from, that commerce,*  
35 *so long as those taxes are not discriminatory.* *Id.*, p. 47 and cases cited. *A license tax applied to activities*  
36 *guaranteed by the First Amendment would have the same destructive effect. It is true that the First Amendment,*  
37 *like the commerce clause, draws no distinction between license taxes, fixed sum taxes, and other kinds of taxes.*  
38 *But that is no reason why we should shut our eyes to the nature of the tax and its destructive influence. The power*  
39 *to impose a license tax on the exercise of these freedoms is indeed as potent as the power of censorship which*  
40 *this Court has repeatedly struck down.* [Lovell v. Griffin](#), 303 U.S. 444; [Schneider v. State](#), *supra*; [Cantwell v.](#)  
41 [Connecticut](#), 310 U.S. 296, 306; [Largent v. Texas](#), 318 U.S. 418; [Jamison v. Texas](#), *supra*. *It was for that reason*  
42 *that the dissenting opinions in* [Jones v. Opelika](#), *supra*, *stressed the nature of this type of tax.* 316 U.S. pp. 607–  
43 609, 620, 623.  
44 [[Murdock v. Pennsylvania](#), 319 U.S. 105 (1943)]

45 “Legislature can name any privilege a taxable privilege and tax it....but legislature cannot name something to be  
46 taxable privilege unless it is first a privilege...”  
47 [[Jack Cole Co. v. Alfred T McFarland](#), Sup. Ct. Tenn. 337 S.W.2d. 453]

### 48 **7.1 Express “Elections” in the tax code**

An “election” within the Internal Revenue Code is an exercise of your right to consent and contract.

*election, n. (13c) 1. The exercise of a choice; esp., the act of choosing from several possible rights or remedies in a way that precludes the use of other rights or remedies <the taxpayers' election to file jointly instead of separately>. See ELECTION OF REMEDIES. 2. The doctrine by which a person is compelled to choose between accepting a benefit under a legal instrument and retaining some property right to which the person is already entitled; an obligation imposed on a party to choose between alternative rights or claims, so that the party is entitled to enjoy only one <the prevailing plaintiff was put to an election between out-of-pocket damages and lost profits>.- Also termed equitable election. See RIGHT OF ELECTION. 3. The process of selecting a person to occupy an office (usu. a public office), membership, award, or other title or status <the 2004 congressional election>. Cf. two-round voting under VOTING. ~ elect, vb. - elective, adj.*

*“'Election' is 'a choice by the major part of those who have a right to choose,' and who exercise that right. If 1 the electors are unanimous, or but a few dissent from the choice of the larger number, it is easy to determine the election by the view. So if there be no competitor to dispute the choice, nor any proposed, there can be no doubt who is the person elected, though some, or even the larger part of the electors do not give their voices.” Arthur Male, A Treatise on the Law and Practice of Elections 100-01 (1818). [Black’s Law Dictionary, 11<sup>th</sup> Edition, pp. 654-655]*

Every instance we know of in the Internal Revenue Code where an “election” is made involves ACCEPTING A COMMERCIAL BENEFIT, and by doing so, literally “electing” yourself into public office or agency of one kind or another. Below are a few examples of this phenomenon in action:

1. Under 26 U.S.C. §871(d), one can make an “election” to treat foreign real property located abroad or within the exclusive jurisdiction of a constitutional state as connected with “United States business”.

[26 U.S. Code § 871 - Tax on nonresident alien individuals](#)

*(d)ELECTION TO TREAT REAL PROPERTY INCOME AS INCOME CONNECTED WITH UNITED STATES BUSINESS*

*(1)IN GENERAL*

*A nonresident alien individual who during the taxable year derives any income—*

*(A) from real property held for the production of income and located in the United States, or from any interest in such real property, including (i) gains from the sale or exchange of such real property or an interest therein, (ii) rents or royalties from mines, wells, or other natural deposits, and (iii) gains described in [section 631\(b\)](#) or (c), and*

*(B) which, but for this subsection, would not be treated as income which is effectively connected with the conduct of a trade or business within the United States, may elect for such taxable year to treat all such income as income which is effectively connected with the conduct of a trade or business within the United States. In such case, such income shall be taxable as provided in subsection (b)(1) whether or not such individual is engaged in trade or business within the United States during the taxable year. An election under this paragraph for any taxable year shall remain in effect for all subsequent taxable years, except that it may be revoked with the consent of the Secretary with respect to any taxable year.*

*(2)ELECTION AFTER REVOCATION*

*If an election has been made under paragraph (1) and such election has been revoked, a new election may not be made under such paragraph for any taxable year before the 5th taxable year which begins after the first taxable year for which such revocation is effective, unless the Secretary consents to such new election.*

*(3)FORM AND TIME OF ELECTION AND REVOCATION*

*An election under paragraph (1), and any revocation of such an election, may be made only in such manner and at such time as the Secretary may by regulations prescribe.*

- 1.1. The PUBLIC RIGHT or “benefit” of pursuing this this election is that they can now take “deductions” against the property under 26 U.S.C. §162.
- 1.2. The OBLIGATION associated with this election is that the property now comes under the FIRPTA rules and thus sales or transfer of the property are subject to income taxation. This is a HORRIBLE IDEA because nearly all earnings of nonresident aliens are excluded under 26 U.S.C. §872 so that no deductions are needed to reduce taxable income! Thus, there is no real economic “benefit” to pursuing this election. See:

2. Under 26 U.S.C. §6013(g), a “nonresident alien” may make an election to be treated as a “resident” (alien) by filing jointly with their STATUTORY “citizen or resident of the United States\*\*” spouse filing a 1040 return. Since all “residents” are aliens under 26 U.S.C. §7701(b)(1)(A), this means they in effect are electing to be treated as an ALIEN. If they started out as a “national” who is a nonresident alien, then they are literally ALIENATING all their rights by doing so by becoming a privileged “alien” as a consequence of such an “election”.

*26 U.S. Code § 6013 - Joint returns of income tax by husband and wife*

**(g)ELECTION TO TREAT NONRESIDENT ALIEN INDIVIDUAL AS RESIDENT OF THE UNITED STATES**

**(1)IN GENERAL**

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

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

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

**(2)INDIVIDUALS WITH RESPECT TO WHOM THIS SUBSECTION IS IN EFFECT**

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

**(3)DURATION OF ELECTION**

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

**(4)TERMINATION OF ELECTION**

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

**(A)Revocation by taxpayers**

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

**(B)Death**

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

**(C)Legal separation**

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

**(D)Termination by Secretary**

*At the time provided in paragraph (5).*

**(5)TERMINATION BY SECRETARY**



The Secretary may terminate any election under this subsection for any taxable year if he determines that either spouse has failed—

(A) to keep such books and records,

(B) to grant such access to such books and records, or

(C) to supply such other information, as may be reasonably necessary to ascertain the amount of liability for taxes under chapter 1 of either spouse for such taxable year.

**(6) ONLY ONE ELECTION**

If any election under this subsection for any two individuals is terminated under paragraph (4) or (5) for any taxable year, such two individuals shall be ineligible to make an election under this subsection for any subsequent taxable year.

3. Under 26 C.F.R. §301.7701-3, a business entity may make an “election” to be treated as an association, disregarded entity, partnership, or corporation. This election is made on IRS Form 8832.

3.1. On our site, the only way to remain sovereign is to remain foreign, which means one CANNOT have a civil statutory status under any law of Congress, including association, disregarded entity, partnership, or corporation. Every civil status they pursue represents a waiver of constitutional rights. See:

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

3.2. Any attempt to be treated as a privileged corporation is a HORRIBLE idea, because corporations are taxable under the Internal Revenue Code and are treated as “agents” of the national government.

3.3. For details on how to structure your business as a foreign entity and REMAIN foreign and exclusively PRIVATE, see:

*Creating and Running a Business, Trust, or Estate*, Form #09.079 (Member Subscriptions)  
<https://sedm.org/Forms/FormIndex.htm>

## 7.2 Invisible (and often ILLEGAL) CIVIL STATUS elections

In addition to the EXPRESS “elections” directly referenced in the Internal Revenue Code, there are also several INVISIBLE “elections” that are not called “elections” but ACT is if they are. This section will list a few of them. We believe the reason that these are not listed in the Internal Revenue Code as EXPRESS “elections” is because they are ILLEGAL to make, an especially if they are FORCED upon you as a worker by a company or by a bank in order to open an account.

1. If you are a state national, filing a 1040 instead of the proper 1040NR return constitutes in effect an “election” to be treated AS IF you are domiciled on federal territory and representing an office within the Department of the Treasury. This is a HORRIBLE idea! This is NEVER called an “election” in the Internal Revenue Code but it BEHAVES as one. See:

1.1. *Why It Is a Crime for a State National to File a 1040 Income Tax Return*, Form #08.021

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

1.2. *How American Nationals Volunteer to Pay Income Tax*, Form #08.024

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

2. In 26 U.S.C. §6109, those apply for a “Taxpayer Identification Number” are making in effect an “election” to become a civil statutory “taxpayer”. They don’t CALL it an election in the statutes, but it BEHAVES as one.

2.1. Nonresident aliens apply for an International Taxpayer Identification Number (ITIN) using IRS Form W-7. This form is NOT available to those who are “nationals” or “state nationals”, because it is ONLY for ALIENS who are NONRESIDENT, not statutory “nonresident aliens” who also include NATIONALS.

2.2. STATUTORY but not CONSTITUTIONAL “citizens” and “residents” apply for a Social Security Card using IRS Form SS-5. Those born and domiciled or physically present within a constitutional state are INELIGIBLE for these numbers. See:

*Why You Aren’t Eligible for Social Security*, Form #06.001  
<https://sedm.org/Forms/FormIndex.htm>

2.3. Businesses apply for an Employer Identification Number (EIN) to become STATUTORY “employers” using IRS Form SS-4. Businesses operating OUTSIDE the federal zone and not engaged in foreign commerce are not

eligible for such a number. Details on how to fill this out to AVOID the civil statutory status of “employer” and retain FOREIGN civil status are available in:

*Creating and Running a Business, Trust, or Estate*, Form #09.079 (Member Subscriptions)

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

2.4. Tax Preparers apply for a Preparer Taxpayer Identification Number (PTIN) using IRS Form W-12.

The only reason anyone should need these is because they are FORCED to get one to open a bank account or just earn a living. Every such application should be filled out in such a way that you indicate that you are applying as:

*A nonresident nontaxpayer who does not seek any civil statutory status, benefit, or privilege, and for PRIVATE use protected by the constitution and NOT any civil statute.*

3. Submitting an IRS Form W-4 to a company you work for constitutes an “election” to treat ALL your earnings from labor as “gross income”.

3.1. Earnings from labor are NOT taxable otherwise. See:

*Proof that Involuntary Income Taxes on Your Labor are Slavery*, Form #05.055

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

3.2. The “election” is made under 26 U.S.C. §83(b) and 26 U.S.C. §3402(p), which permits earnings from labor to be included IN THEIR ENTIRETY as taxable income when an election to treat them as STATUTORY rather than COMMON LAW or PRIVATE “wages” is made using IRS Form W-4.

3.3. Submitting IRS Form W-4 itself also constitutes an “election” to be treated AS IF you are a federal government “employee” under 26 U.S.C. §3401(c) and 5 U.S.C. §2105(a).

[26 U.S.C. §3401\(c\) Employee](#)

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

3.4. The CORRECT form to file for income tax withholding and reporting to AVOID these “elections”, avoid withholding, avoid reporting, and avoid the need for an SSN or TIN is:

*W-8SUB*, Form #04.231

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

We emphasize that EVERY involuntary civil status election is a criminal act. This is because:

1. The Thirteenth Amendment outlaws involuntary servitude and civil legal obligations attach to every civil status which impose servitude in one form or another.
2. The civil legal obligations imposed involuntarily upon the victim represent rights and property that are in effect STOLEN from the victim without compensation and in violation of the Fifth Amendment.
3. Adopting a civil statutory status is the exercise of your First Amendment right to associate or not associate, which cannot be violated without your consent.

These often INVOLUNTARY civil status elections are compelled under duress by:

1. Telling you that you can’t open a bank account as a business without an EIN. This represents DISCRIMINATION in providing financial services and also compels businesses into government servitude and STEALS their rights and property.
2. Telling you that you can’t open a bank account as a human without an SSN and an IRS W-9 Form. This is BULLSHIT, because the average American is a nonresident alien and NOT a STATUTORY “U.S. person” who is protected by law in opening a bank account WITHOUT an SSN, without withholding, and without reporting as documented below.

*W-8SUB*, Form #04.231

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

3. A company telling you that they won’t hire you, will fire you, or will not promote you unless you submit IRS Form W-4 essentially ILLEGALLY consenting to be treated AS IF you are public officer of the national government in criminal violation of 18 U.S.C. §912. This is also discrimination in hiring. The only correct form for the average American is Form #04.231 mentioned above and anything else is FRAUD if you know the law.



Our *Path to Freedom*, Form #09.015, Section 2 process requires members to REPORT all the above forms of criminal identity theft using the following forms:

1. *Identity Theft Affidavit*, Form #14.020  
<https://sedm.org/Forms/FormIndex.htm>
2. *Resignation of Compelled Social Security Trustee*, Form #06.002  
<https://sedm.org/Forms/FormIndex.htm>

More on the subject of why the adoption of ALL civil statutory statuses MUST be voluntary and why it is a CRIME if they are compelled in the following:

1. *Government Identity Theft*, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>
2. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<https://sedm.org/Forms/FormIndex.htm>
3. *Civil Status (Important!)*, SEDM  
<https://sedm.org/litigation-main/civil-status/>

### **7.3 Equivocation between STATUTORY terms and CONSTITUTIONAL/Private terms**

There are many ways to unconstitutionally destroy the separation between PRIVATE and PUBLIC documented in the previous section, many of which are described in Form #12.025 mentioned at the end of the previous section. Below is a list of the more common and important ways:

1. Confusing PRIVATE “employees” with STATUTORY “employees” (5 U.S.C. §2105(a) and 26 U.S.C. §3401(c)). They are MUTUALLY exclusive and not equivalent. See:

*Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes*, Form #05.008  
<https://sedm.org/Forms/FormIndex.htm>

2. Confusing STATUTORY “U.S.[\*\*] citizens” (8 U.S.C. §1401 and 26 C.F.R. §1.1-1(c)) with CONSTITUTIONAL “citizens of the United States[\*\*\*]” (Fourteenth Amendment). They are MUTUALLY exclusive and not equivalent. See:

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

3. Confusing the STATUTORY geographical “United States[\*\*]” with the CONSTITUTIONAL geographical “United States[\*\*\*]”. They are MUTUALLY exclusive and not equivalent. See:

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

4. Confusing STATUTORY “persons” or “individuals” with CONSTITUTIONAL “persons”. They are NOT the same and mutually exclusive. See:

*Proof That There Is a “Straw Man”*, Form #05.042  
<https://sedm.org/Forms/FormIndex.htm>

5. Not defining WHICH context, STATUTORY or CONSTITUTIONAL they mean on government forms they make you fill out. In effect, they will try to deceive you into believing that the terms used have their PRIVATE or CONSTITUTIONAL or ordinary meaning but INTERPRET their meaning in court to have the STATUTORY meaning.

The above tactics of DECEPTION and criminal identity theft and how to PROSECUTE them as the CRIMES and breach of the public trust that they are is exhaustively described in:

1. *Legal Deception, Propaganda, and Fraud*, Form #05.014  
<https://sedm.org/Forms/FormIndex.htm>
2. *Government Identity Theft*, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

To give you some idea how this works, we refer back to 5 C.F.R. §2635.101, which shows EXACTLY how PRIVATE and PUBLIC are deliberately confused and made to appear equivalent:

5 CFR § 2635.101 - Basic obligation of public service.  
[§ 2635.101 Basic obligation of public service.](#)

(b)General principles.

[. . .]

(12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those - such as Federal, State, or local taxes - that are imposed by law.

The above mentions OBLIGATIONS. We prove in the following that obligations, in general, can only be created by either a demonstrated injury or a CONTRACT and by NO OTHER LAWFUL METHOD:

1. Lawfully Avoiding Government Obligations Course, Form #12.040  
<https://sedm.org/Forms/FormIndex.htm>
2. Proof of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073  
<https://sedm.org/Forms/FormIndex.htm>

Based on the above two documents and analysis, the OBLIGATIONS mentioned in 5 C.F.R. §2635.101(b)(12) MUST be a product of contract. But WHAT contract? The answer is your EMPLOYMENT contract with Uncle Sam!

"It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act [CONSENT], renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Anything which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King's Bench universal in all personal actions."  
[United States v. Worrall, 2 U.S. 384 (1798)]  
SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168](http://scholar.google.com/scholar_case?case=3339893669697439168)

In other words, you must be a statutory PUBLIC "employee" and not a PRIVATE or common law "employee" to have a revenue taxable obligation and the TAX is upon earnings from the office, and not PRIVATE earnings. Below is evidence supporting this which is not exhaustive.

1. The REAL obligation to file a tax return comes from the OFFICE of statutory "employee" and not the status of CONSTITUTIONAL "citizen";<sup>14</sup>

"I. DUTY TO ACCOUNT FOR PUBLIC FUNDS

§ 909. In general. -It is the duty of the public officer, like any other agent or trustee, although not declared by express statute, to faithfully account for and pay over to the proper authorities all moneys which may come into his hands upon the public account, and the performance of this duty may be enforced by proper actions against the officer himself, or against those who have become sureties for the faithful discharge of his duties."  
[Treatise on the Law of Public Offices and officers, p. 609, §909; Floyd Mechem, 1890;]  
SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>

2. The "citizens" mentioned in paragraph (12) above are 8 U.S.C. §1401 territorial STATUTORY "citizens", not state citizens or CONSTITUTIONAL "citizens of the United States[\*\*\*]". All territorial statutory "citizens" are franchisees of the national government exercising a PUBLIC privilege.

"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,

<sup>14</sup> For more on the subject of the legal obligation to file income tax returns, see: Legal Requirement to File Federal Income Tax Returns, Form #05.009; <https://sedm.org/Forms/FormIndex.htm>.

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.**”  
[*Tuaua v. U.S.A.*, 951 F.Supp.2d. 88 (2013)]

“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.**”  
[*Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

“... **the Supreme Court in the Insular Cases<sup>15</sup> provides authoritative guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment.** The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States. **The Court considered the territorial scope of the term "the United States" in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union.** U.S. Const. art. I, § 8 (“[A]ll Duties, Imposts and Excises shall be uniform throughout the United States.” (emphasis added)); see *Downes v. Bidwell*, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) (“**It can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives.**”); *Rabang*, 35 F.3d at 1452. **Puerto Rico was merely a territory "appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution."** *Downes*, 182 U.S. at 287, 21 S.Ct. at 787.

The Court's conclusion in *Downes* was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude “within the United States, or any place subject to their jurisdiction.” U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons “born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” U.S. Const. amend XIV, § 1 (emphasis added). **The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are not part of the Union" to which the Thirteenth Amendment would apply.** *Downes*, 182 U.S. at 251, 21 S.Ct. at 773. **Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States'] jurisdiction," "but is limited to persons born or naturalized in the states of the Union.** *Downes*, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also *id.* at 263, 21 S.Ct. at 777 (“**In dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located.**”).<sup>16</sup>  
[*Valmonte v. I.N.S.*, 136 F.3d. 914 (C.A.2, 1998)]

3. The ONLY “person” who is the subject of CRIMINAL provisions of the Internal Revenue Code are those in partnership with Uncle Sam or serving in offices within a FEDERAL and not STATE corporation.

[TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
[§7343. Definition of term “person”](#)

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

4. The ONLY “person” who is the subject of CIVIL enforcement such as penalties in the Internal Revenue Code are those in partnership with Uncle Sam or serving in offices within a FEDERAL and not STATE corporation.

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

<sup>15</sup> *De Lima v. Bidwell*, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); *Dooley v. United States*, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); *Armstrong v. United States*, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and *Downes v. Bidwell*, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

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

(b) Person defined

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

5. There are no enforcement implementing regulations for any of the criminal or civil provisions under Part 1 of the regulations, and therefore the only proper audience for ALL revenue enforcement is public officers and not private humans. More on this is found in:

Federal Enforcement Authority Within States of the Union, Form #05.032  
<https://sedm.org/Forms/FormIndex.htm>

6. The requirement to provide or use a Taxpayer Identification Number (TIN) or Social Security Number (SSN) found in 26 C.F.R. §301.6109-1(b) originates from your status as a statutory “employee” (5 U.S.C. §2105(a)) or public officer within the U.S. Treasury Department, not a PRIVATE or common law “employee”. Note that the regulation that is under 26 C.F.R. Part 301, which pertains to EMPLOYEES of the treasury. If the requirement had originated from Part 1, which is the income tax, it would be in Part 1 and therefore have the number of 26 C.F.R. §1.6109-1(b), instead of 26 C.F.R. §301.6109-1(b). See About SSNs and TINs on Government Forms and Correspondence, Form #05.012 for exhaustive proof of this subject.

TITLE 5 > PART 1 > CHAPTER 3 > § 301  
§ 301. Departmental regulations

*The head of an Executive department or military department **may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property.** This section does not authorize withholding information from the public or limiting the availability of records to the public.*

One cannot have “obligations” under the Internal Revenue Code WITHOUT being a statutory but not constitutional “person”. These obligations can either be CIVIL in the case of 26 U.S.C. §6671(b) or CRIMINAL in the case of 26 U.S.C. §7343. Note that STATUTORY “citizens” are NOWHERE mentioned in the definition of “person” above, and therefore the obligation does not attach to this civil statutory status of “citizen”. For more on how you can’t have an obligation under civil statutes WITHOUT a contract with the national government, see:

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/FormIndex.htm>

Mentioning “citizens” in 26 C.F.R. §2635.101(b)(12) is therefore a RED HERRING designed to make it falsely APPEAR that the obligation is associated with the status of STATUTORY “citizen” instead of what it is REALLY associated with, which is STATUTORY “employee”. The result is criminal IDENTITY theft if you let them get away with this, folks! We talk more about this deception in the context of income taxes in the following:

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

## **8. Membership in a Specific Class, Status, or Group As a Cause for Loss of Rights<sup>17</sup>**

A frequent source of debate on this site is the discrimination and inequality imposed by creating and enforcing civil franchises, how this inequality constitutes discrimination, and how it also causes a loss of constitutional rights. In the constitution, all protected “persons”, who are all HUMAN BEINGS are treated AND TAXED equally. So how does one become UNEQUAL and how can this inequality be PREVENTED? That is the subject of this article.

In speaking of the loss of constitutional rights at the hands of government, the U.S. Supreme Court has held:

**When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. “A body politic,” as aptly defined in the**

<sup>17</sup> Source: Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008, Section 11.6; <https://sedm.org/Forms/FormIndex.htm>.

preamble of the Constitution of Massachusetts, “is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.” This does not confer power upon the whole people to control rights which are purely and exclusively private, *Thorpe v. R. & B. Railroad Co.*, 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125\*125 has found expression in the maxim *sic utere tuo ut alienum non laedas*. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the *License Cases*, 5 How. 583, “are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things.” Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power upon the city of Washington “to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread,” 3 Stat. 587, sect. 7; and, in 1848, “to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers,” 9 id. 224, sect. 2.

From this it is apparent that, down to the time of the adoption of the Fourteenth Amendment, it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law. Under some circumstances they may, but not under all. The amendment does not change the law in this particular: it simply prevents the States from doing that which will operate as such a deprivation.

[*Munn v. Illinois*, 94 U.S. 113 (1877); SOURCE:

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

The term “compact” as used above means CONTRACT. Look it up if you don’t believe us. So can a government FORCE you to contract with them? NO! They are created to protect your right to contract or not contract with anyone and everyone, including THEM. If you can’t refuse to contract with the government, then you don’t own yourself because they can put anything in the contract or “social compact” they want! And what form does this “social compact take”? The civil statutory codes, that’s what. Rebut the following if you disagree or be found to agree:

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

The above *Munn* case, however, raises many more questions than it answers, because they are hiding a large part of the truth from the reader, as we will explain later:

1. If the Declaration of Independence says that all just powers of government derive from the consent of the governed, then what exactly constitutes CONSENT in this context?
2. What if one chooses to not consent to ANYTHING the government offers? Would they THEN retain all their constitutional rights and lose none of them to civil statutory regulation?
3. Is it possible to not give up ANY constitutional rights without being punished, ostracized, or targeted for economic sanctions such as those that result from not getting a “RES-IDENT” ID card or a driver license?
4. Exactly WHAT constitutes “membership” that causes a loss of CONSTITUTIONAL or PRIVATE rights? Is it:
  - 4.1. “nationality”?
  - 4.2. “residence”? In the tax code, this is the temporary dwelling place of an ALIEN who is NOT a national or a citizen.
  - 4.3. “domicile”? You can’t register to vote without a domicile within the district, and since you can only have one domicile, you can only vote in ONE place at a time. Voters are certainly POLITICAL members of the community by virtue of their ability to vote, but does that imply that they are LEGAL or CIVIL “persons” under the civil code? [Form #05.002](#) proves that they are.
  - 4.4. A VOLUNTARY franchise status such as “spouse” (under the family code), “person”, “taxpayer” (under the tax code), driver (under the vehicle code), or “citizen”, or “resident” under the civil code?

The only ones in the above list item 4 that ARE consensual are the last three: residence, domicile, and franchise statuses. And we prove in [Form #05.002](#) that 4.2 and 4.3 are a civil statutory protection franchises, so they are a subset of item 4.4 above indirectly. Nationality is NOT consensual, because an act of birth is not an explicit act of consent. “Residence” is



consensual in the case of aliens because you don't have to BE in a foreign country if you don't want to. Presence on the territory of a foreign country on the part of an alien is a PRIVILEGE, not a right.

*The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are found' were stated as follows: "When private individuals of one nation [states of the Unions are "nations" under the law of nations] spread themselves through another as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the government to degradation, if such individuals or merchants did not owe temporary and local allegiance, and were not amenable to the jurisdiction of the country. Nor can the foreign sovereign have any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him, nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons of this description from the jurisdiction of the country in which they are found, and no one motive for requiring it. The implied license, therefore, under which they enter, can never be construed to grant such exemption.' 7 Cranch, 144.*

*In short, the judgment in the case of The Exchange declared, as incontrovertible principles, that the jurisdiction of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory with its permission, and of their foreign ministers and public ships of war; and that **the implied license, under which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants, for purposes of business or pleasure, can never be construed to grant to them an exemption from the jurisdiction of the country in which they are found.** See, also, Carlisle v. U.S. (1872) 16 Wall. 147, 155 ; Radich v. Hutchins (1877) 95 U.S. 210 ; Wildenhus' Case (1887) 120 U.S. 1, 7 Sup. Ct. 385 ; Chae Chan Ping v. U.S. (1889) 130 U.S. 581, 603, 604, 9 Sup. Ct. 623. [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

*"Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizens. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children." [The Law of Nations, Vattel, Book I, Chapter 19, Section 213, p. 87]*

So the ONLY thing left that they can be talking about above that might cause a VOLUNTARY surrender of rights are franchises, which are then defined as temporary GRANTS of government property, keeping in mind that RIGHTS are also property. On this website, we use the term "franchise" and "privilege" interchangeably. We have never seen a court ruling that distinguishes the two, and privilege is used in the definition, so they are synonymous for all practical purposes. Below is the definition:

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

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

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

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

Exclusive Franchise. See Exclusive Privilege or Franchise.

General and Special. The charter of a corporation is its “general” franchise, while a “special” franchise consists in any rights granted by the public to use property for a public use but-with private profit. *Lord v. Equitable Life Assur. Soc.*, 194 N.Y. 212, 87 N.E. 443, 22 L.R.A. (N.S.) 420. [Black’s Law Dictionary, Fourth Edition, pp. 786-787]

Note the phrase “which does not belong to citizens of country generally of common right”, meaning that it does NOT apply EQUALLY to everyone in society, but only a SUBSET of people in the society. How then does one join this SUBSET that are participants in the franchise, one might ask? The answer is that you must have government property or even statutory privileges in “your hands” to prove that you are a “subject” of the franchise. But WHAT SPECIFIC property exactly are they referring to?

The word “privilege” in the above definition is a code word for grants of government property. A “grant” is a temporary loan of property with usually civil legal strings or conditions or obligations attached. The property can be demanded to be returned at any time by the grantor, which would then constitute a revocation of the franchise. Here is an example of the use of these two words as synonyms by the same court quoted in the lead post:

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

Later in the *Munn Case*, the same court obtusely admits that this is exactly what they are doing:

“The compensation which the owners of property, not having any special rights or privileges from the government in connection with it, may demand for its use, or for their own services in union with it, forms no element of consideration in prescribing regulations for that purpose.

[ . . . ]

“It is only where some right or privilege [which are GOVERNMENT PROPERTY] 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. Submission to the regulation of compensation in such cases is an implied condition 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 ceases.”  
[*Munn v. Illinois*, 94 U.S. 113 (1877); SOURCE:  
[https://scholar.google.com/scholar\\_case?case=6419197193322400931](https://scholar.google.com/scholar_case?case=6419197193322400931)]

“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); SOURCE:  
[https://scholar.google.com/scholar\\_case?case=6419197193322400931](https://scholar.google.com/scholar_case?case=6419197193322400931)]

So, the source of the government’s ability to enact civil legislation that regulates otherwise private, constitutionally protected property is the receipt and grant of government property of one kind or another with civil legal strings attached. That property can take the following forms listed:



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

3 (2) a matter relating to [agency](#) management or personnel or to public property, loans, grants, benefits, or  
4 contracts.

5 The context for the lead quote then is that membership implies receipt of at least one of the above types of government  
6 property, which includes government offices, public property, loans, grants, benefits and contracts, all of which are property.  
7 So we must then ask ourself:

- 8 1. What SPECIFIC type of “membership” are they talking about in the lead post?
- 9 2. How is it measured and identified and proven with evidence in court?
- 10 3. Why didn’t they IDENTIFY IN THE RULING HOW to identify when and how membership was pursued by the target  
11 of the enforcement action or regulation? Are they trying to hide it?
- 12 4. The definition of “franchise” above uses the phrase “in the hands of the subject”, as if to imply that it is property in the  
13 custody or “benefit” of the recipient. But HOW exactly can we prove with evidence that it is “IN YOUR HANDS”,  
14 because that in fact is exactly and only HOW you become a “subject” as they call it.

15 The answer is that they are talking about civil statuses under franchises to which privileges (public rights), or obligations are  
16 attached. In other words, to find the NAME of the “membership” they are talking about, you look in the definition section  
17 of the civil statutes which regulate and find definitions for various types of civil “persons” to whom the obligations attach,  
18 such as “driver” (under the vehicle code), “spouse” (under the family code), “citizen” or “resident” or “taxpayer” under the  
19 tax code, “person” (under civil statutes). Each of these civil statuses is what the U.S. Supreme court calls a “class”, and only  
20 members of that class are targeted to both RECEIVE the privilege (public right) AND to have the liability described. Here  
21 is how they describe it in the landmark case of Pollock v. Farmer’s Loan and Trust, in which the FIRST income tax of the  
22 modern era was declared UNCONSTITUTIONAL:

23 **“The income tax law under consideration is marked by discriminating features which affect the whole law.**  
24 **It discriminates between those who receive an income of four thousand dollars and those who do not. It**  
25 **thus vitiates, in my judgment, by this arbitrary discrimination, the whole legislation.** Hamilton says in one  
26 of his papers, (the *Continentalist*,) “the genius of liberty reprobates everything arbitrary or discretionary in  
27 taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property  
28 the State demands; whatever liberty we may boast of in theory, it cannot exist in fact while [arbitrary] assessments  
29 continue.” 1 Hamilton’s Works, ed. 1885, 270. The legislation, in the discrimination it makes, is class legislation.  
30 **Whenever a distinction is made in the burdens a law imposes or in the benefits it confers on any citizens by**  
31 **reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to oppression and**  
32 **abuses, and to general unrest and disturbance in society [e.g. wars, political conflict, violence, anarchy].** It  
33 was hoped and believed that the great amendments to the Constitution which followed the late civil war had  
34 rendered such legislation impossible for all future time. But the objectionable legislation reappears in the act  
35 under consideration. It is the same in essential character as that of the English income statute of 1691, which  
36 taxed Protestants at a certain rate, Catholics, as a class, at double the rate of Protestants, and Jews at another  
37 and separate rate. Under wise and constitutional legislation every citizen should contribute his proportion,  
38 however small the sum, to the support of the government, and it is no kindness to urge any of our citizens to  
39 escape from that obligation. If he contributes the smallest mite of his earnings to that purpose he will have a  
40 greater regard for the government and more self-respect [597\\*597](#) for himself feeling that though he is poor in  
41 fact, he is not a pauper of his government. And it is to be hoped that, whatever woes and embarrassments may  
42 betide our people, they may never lose their manliness and self-respect. Those qualities preserved, they will  
43 ultimately triumph over all reverses of fortune.”

44 [. . .]

45 “Here I close my opinion. I could not say less in view of questions of such gravity that go down to the very  
46 foundation of the government. If the provisions of the Constitution can be set aside by an act of Congress, where  
47 is the course of usurpation to end? **The present assault upon capital is but the beginning. It will be but the**  
48 **stepping-stone to others, larger and more sweeping, till our political contests will become a war of the poor**  
49 **against the rich; a war constantly growing in intensity and bitterness.**”

50 **“If the court sanctions the power of discriminating taxation, and nullifies the uniformity mandate of the**  
51 **Constitution,” as said by one who has been all his life a student of our institutions, “it will mark the hour**  
52 **when the sure decadence of our present government will commence.”** If the purely arbitrary limitation of  
53 \$4000 in the present law can be sustained, none having less than that amount of income being assessed or taxed  
54 for the support of the government, the limitation of future Congresses may be fixed at a much larger sum, at five  
55 or ten or twenty thousand dollars, parties possessing an income of that amount alone being bound to bear the  
56 burdens of government; or the limitation may be designated at such an amount as a board of “walking delegates”

may deem necessary. There is no safety in allowing the limitation to be adjusted except in strict compliance with the mandates of the Constitution which require its taxation, if imposed by direct taxes, to be apportioned among the States according to their representation, and if imposed by indirect taxes, to be uniform in operation and, so far as practicable, in proportion to their property, equal upon all citizens. **Unless the rule of the Constitution governs, a majority may fix the limitation at such rate as will not include any of their own number.** [Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895); SOURCE: [https://scholar.google.com/scholar\\_case?case=7292056596996651119](https://scholar.google.com/scholar_case?case=7292056596996651119)]

Note the use of the word “discriminates”. This is a sign that they are talking about a VOLUNTARY franchise to which you must be a member to be the target of the UNCONSTITUTIONAL tax, which they call “class legislation”. The DISTINCTION they are talking about is the CIVIL STATUS of the group targeted for the tax, instead of treating everyone equally. That status, in the case of the Internal Revenue Code is **STATUTORY “citizen”, STATUTORY “resident”, “nonresident alien” (Form #05.020), “person” (Form #08.023), and “taxpayer”**. Each of these civil statuses have a different subset of privileges (public rights) and corresponding obligations under the I.R.C. Since those privileges and obligations are not equal for every one of these statuses, then based on Pollock above, the tax code is “class legislation”. Another name for that is FRANCHISES. Franchises are also sometimes called “special law”:

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

VOLUNTARY franchises are the main method of creating INEQUALITY, implementing “special law”, and violating what the above case calls “uniformity”. When INEQUALITY is present, UNIFORMITY cannot be present because the tax discriminates against certain classes while not taxing others or taxing them at a reduced rate. Below is an example of this phenomenon:

*“Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the [national Government](#)] and not to non-taxpayers [[non-resident non-persons domiciled in states of the Union](#) without the exclusive jurisdiction of the national 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. With them [non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws.”* [[Economy Plumbing & Heating v. U.S., 470 F.2d, 585 \(1972\)](#)]

Those who argue against the idea that “taxpayer” is a privilege have no defense for the above except perhaps to say that the “nontaxpayer” above was not the SPECIFICALLY liable party, but that there was indeed an ACTUAL “taxpayer” in the above case. But WHAT about people who DO NOT WANT to BE “taxpayers” and are victims of identity theft by the filers of false information returns? Why can’t THEY claim that there IS no “taxpayer” in their case, and that the fiction of “taxpayer” is a product of a crime, and that they instead, like the above case retain all their constitutional rights and remedies? That crime is described in:

<p><b><u>Government Identity Theft, Form #05.046</u></b> <a href="https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf">https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf</a></p>
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They have no answer for that other than to say “frivolous” and have no rebuttal for any of the other evidence in this article. HOGWASH! It’s frivolous to say an argument is bad without rebutting the evidence it is based on, which is in this article. Here is another example:

*“A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power of assessment against **individuals not specified in the statutes as a person liable for the tax without an opportunity for judicial review of this status before the appellation of ‘taxpayer’ is bestowed upon them and their property is seized...**”* [[Botta v. Scanlon, 288 F.2d. 504 \(2nd Circuit Court of Appeals, March 6, 1961\)](#)]

In the above case:

1. Botta v. Scanlon was a claim for a refund based on the Fifth Amendment.  
[Botta v. Scanlon, 288 F.2d 504 \(2nd Circuit Court of Appeals, March 6, 1961\)](#)
2. The basis of the claim was honored.
3. So there is a constitutional Remedy.
4. Botta was a Nontaxpayer.
5. The only difference between the Botta Case and most other cases is the “taxpayer” status.
6. Those who INVOKE “taxpayer” status CANNOT accompany their claim with a constitutional claim.
7. So it’s ONE or the other: CONSTITUTION, or STATUTES, but never BOTH.
8. Botta was ONLY a CONSTITUTIONAL claim, not a statutory claim.

Constitutional claims ARE permitted for those who have their property seized and who are NOT “taxpayers” but are still protected by the Fifth Amendment. So “taxpayer” does come with obligations, and the obligations are that you LOSE constitutional protections. The U.S. Supreme Court even WARNS people that citing ANY statute waives constitutional rights, so you can’t claim a statutory status without forfeiting constitutional rights and replacing them with civil statutory privileges:

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

[ . . . ]

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

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FOOTNOTES:

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

What if you don’t volunteer to be a “taxpayer”? You retain Fifth Amendment protections.

“Taxpayer” status isn’t related DIRECTLY to your liability based on our reading of 26 C.F.R. §1.1-1, but it does produce an obligation to surrender constitutional or Fifth Amendment remedy, based on Botta. A LOSS of a specific remedy such as a constitutional remedy is, no doubt, an obligation you can’t avoid if you claim the status. Can obligations without corresponding consideration be valid without consent? NO.

So you’re a volunteer. Congress CANNOT by any legislation, compel a surrender of ALL constitutional protections. You must volunteer for the status that does so. Any other way is involuntary servitude.

That case even equated “liability” with “taxpayer” status. The only difference in Botta is that by “liability”, they don’t mean TAX liability, but liability to surrender constitutional protections. It’s not poorly worded. It’s encrypted truth.

Subsequent to the Botta Case, on Nov. 2, 1966, Congress enacted [26 U.S.C. §7426](#) giving remedy to “persons other than taxpayers”. Did these people suddenly LOSE their Fifth Amendment protections after this enactment? NO. Beyond that point, they had an administrative remedy to DISGUISE their Fifth Amendment remedy in administrative language. They still didn’t need “taxpayer” to get a remedy. But they had to agree to become a statutory “person” with a civil status who is now an “individual” who is subject. So these wrongful targets of enforcement activity were compelled to exchange CONSTITUTIONAL rights for STATUTORY privileges and became subject, even if they previously were not. See legislative notes under the statute:

26 U.S. Code § 7426 – Civil actions by persons other than taxpayers <a href="https://www.law.cornell.edu/uscode/text/26/7426">https://www.law.cornell.edu/uscode/text/26/7426</a>
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BUT, nontaxpayers can still invoke constitutional remedies if they don't want the statute or the status or its liabilities. 26 U.S.C. §7426 is not exclusive and CAN'T be exclusive because it doesn't deal with GOVERNMENT property. It protects PRIVATE property under the Fifth Amendment just like in Botta.

Keep in mind that "taxpayer" is a STATUTORY "civil status" or franchise status is PROPERTY, and that it was legislatively created by Congress. Whatever Congress creates it literally OWNS and controls, including anyone and everyone claiming the status. That's the hypothesis proven in the following article:

*Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

The U.S. Supreme Court has also admitted that the legislative creator of a thing is the owner and only legitimate controller:

*Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress [PUBLIC RIGHTS] and other [PRIVATE] rights, such a distinction underlies in part Crowell's and Raddatz' recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against "encroachment or aggrandizement" by Congress at the expense of the other branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a "privilege" or "public right" in this case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.*  
*[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]*

In the case of "taxpayer" per the above, Congress has dictated that ONLY "taxpayers" can go to Tax Court, and that they have the burden of proof as the "transferee" of government property under 26 U.S.C. §6903, to prove NON-LIABILITY. In other words, they have the unfortunate burden to prove a NEGATIVE, which is absurd and a literal impossibility in most cases. In other words, they are GOVERNMENT WHORES until they prove that they are NOT. Imagine the irony of the following quote proving this, which says "the taxpayer" has the burden, who simply by invoking the status, is a government whore:

*"...the taxpayer can not be left in the unpardonable position of having to prove a negative" [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 F.2d. 1169, 1175 (9th Cir. 1977); Portillo v Comm'r, 932 F.2d. 938, Affirming, reversing and remanding 58 TCM 1386, Dec 46, 373 (M), TC Memo, 1990-68 [91-2 USTC P50, 304]; Weimerschirch [79-1 USTC P9359], 596 F.2d. at 361]*

To this irony we respond with the following:

*"Maddam, you have all the equipment necessary to be a whore, but that does not make you one by presumption. Until such time as you demonstrate the traits of a whore or claim to be one, I'll presume that you are a lady who will be treated with respect."*

*"Maddam, we've already established you are a whore. We're just negotiating the PRICE now. Taxpayers are whores."*

Could it be that our detractor who ejected us from his forum didn't want his clients or friends, who he advocates calling themselves "taxpayers" on government forms, being referred to as WHORES? Probably so. He knew that the only remedy he could offer was a CIVIL STATUTORY remedy which required that his clients surrender ALL their constitutional rights to get an administrative remedy to recover money unlawfully withheld or reported or levied upon them AFTER they made the mistake of claiming to be "taxpayers" on government forms absent duress. Our detractor also incorrectly interpreted our allegation of being a whore as a "taxpayer" or civil "person", but GOD is the one who gave it that name, not us. See:

This detractor also told us that "taxpayer" really only means someone who PAID the "tax", not someone who actually surrenders any remedies, and cited court cases to prove it that even the IRS says cannot form the basis for a reasonable belief. To that, we respond by saying that if you HAVE to use a government form that identifies the submitter then simply attach or add a definition to the form defining the word "taxpayer" as follows:

"2. "taxpayer":

2.1. A fictional creation of Congress.

2.2. Described in [26 U.S.C. §7701\(a\)\(14\)](#) and [26 U.S.C. §1313](#).

2.3. A civil statutory status that is domiciled in the "United States\*\*" (federal zone, not a state of the Union) as defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) as required by Federal Rule of Civil Procedure 17.

2.4. Not a human being.

2.5. Animated by a human being under criminal compulsion to accept the civil obligations attached to the status in violation of the Thirteenth Amendment, human trafficking laws, identity theft criminal statutes, and criminal laws prohibiting peonage.

2.6. Suffers the disabilities of someone who has surrendered ALL of their constitutional rights and exchanged them for statutory public privileges. See [Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 \(1936\)](#), Constitutional Avoidance Doctrine, Rule 6.

See "nontaxpayer" later. It is BAD ENOUGH that I am a victim of human trafficking as a target of illegal tax enforcement and criminal identity theft, but to force me to submit a tax form that identifies me as a "taxpayer" who consents to the peonage to procure the PRIVILEGE of getting a criminal mafia to "leave me alone" (which is the legal definition of "justice", by the way) is unconscionable."

[Tax Form Attachment, Form #04.201, Section 4: Definitions of Key Words of Art; <https://sedm.org/Forms/04-Tax2-Withholding/TaxFormAtt.pdf>]

You know what they said to this suggestion?

"I am not going to risk not getting my refund through the statutory administrative remedy provided, because there IS NO CONSTITUTIONAL remedy and sovereign immunity requires Uncle's consent to get one."

How ridiculous is that? You can only lose a constitutional or Fifth Amendment right of PRIVATE property by VOLUNTARILY surrendering it to pursue a statutory remedy. What he is saying is that everyone has to surrender all their constitutional rights to go to court. Remember, however, that IN THE CASE OF CONSTITUTIONAL violations, there is an IMPLIED WAIVER of STATUTORY sovereign immunity! We saw this earlier with the Botta case. Congress cannot by legislation undermine or defeat a constitutional remedy. Only you can surrender it as PRIVATE PROPERTY.

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. "

[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]

The next question we must ask ourselves is WHAT specific type of property listed in [5 U.S.C. §553\(a\)\(2\)](#) earlier does the CIVIL STATUS of "taxpayer", for instance, fall under. No sane or rational jury would ever call taxation a contract or a "benefit", so it can't be that. The only thing LEFT in the list is "agency management and personnel" or "public property". Why does it HAVE to be "public property", you might ask? We explain in the following article that whenever the government wants to reach extraterritorial parties, the ONLY method they have is either CONTRACT or PROPERTY. Since CONTRACTS are a TYPE of property, then it all devolves to PROPERTY:

Proof that When a Government Wants to Reach a Nonresident Extraterritorially, the ONLY way They Have to Do It is through Property, SEDM Blog  
<https://sedm.org/proof-that-when-a-government-wants-to-reach-a-nonresident-extraterritorially-the-only-way-they-have-to-do-it-is-through-the-property-they-own/>

What type of property under [5 U.S.C. §553\(a\)\(2\)](#) is it? THE STATUS OF "TAXPAYER" ITSELF! If you claim the status to pursue the BENEFIT of the PUBLIC RIGHTS it entails as a "transferee", then you implicitly accept the corresponding obligations of the status. Welcome to the federal plantation, cows!



But wait a MINUTE! The U.S. Code says that when they establish a PRIVILEGED public office as “taxpayer” outside the District of Columbia, they must EXPRESSLY authorize it in the specific geographical place it is executed or else it is de facto and unlawful.

TITLE 4 > CHAPTER 3 > § 72  
§ 72. Public offices; at seat of Government

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

And guess what, they have NEVER done this in the exclusive jurisdiction of a constitutional state. We prove that in the following document:

Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052  
<https://sedm.org/Forms/FormIndex.htm>

Let’s then apply these concepts to the income tax to answer some of the questions posed by this article:

- QUESTION:** If the Declaration of Independence says that all just powers of government derive from the consent of the governed, then what exactly constitutes CONSENT in this context?  
**ANSWER:** Using a Social Security Number, which is what the FTC calls a “franchise mark” in connection with requesting a government “benefit” or service is what constitutes constructive consent. Also, invoking a specific status to which UNEQUAL “benefits” or public rights attach, such as “citizen”, “resident”, or “U.S. person”. All these statuses impose a tax on WORLDWIDE earnings (watch out!) and are subject to DEDUCTIONS under 26 U.S.C. §162. Deductions are a commercial privilege that comes with a COST. just ask COOK in the famous case of Cook v. Tait, 265 U.S. 47 (1924), in which Cook, who was a nonresident alien living in Mexico, erroneously filed a 1040 tax return and therefore had to pay income tax on his earnings from Mexico. IDIOT! See the following for the sordid details of that SCAM.:

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

- QUESTION:** What if one chooses to not consent to ANYTHING the government offers. Would they THEN retain all their constitutional rights and lose none of them to civil statutory regulation?  
**ANSWER:** YES.
- QUESTION:** Is it possible to not give up ANY constitutional rights without being punished, ostracized, or targeted for economic sanctions such as those that result from not getting a “RES-IDENT” ID card or a driver license?  
**ANSWER:** If you can travel and conduct commerce without ID connecting you to “resident” or “domiciliary” or “citizen” or “driver” status, and obtain the ID WITHOUT a Social Security Number, then you have retained all your constitutionally protected rights because you are not a “member” as they describe in the Munn Case. But of course, they will NEVER show you the exit door to the federal plantation, which is why they didn’t discuss this in the Munn Case. What good is a government farm without cows to milk?
- QUESTION:** Exactly WHAT constitutes “membership” that causes a loss of CONSTITUTIONAL or PRIVATE rights?  
**ANSWERS:**
  - It is NOT “nationality” or being an American National or State National because an act of birth is not an act of consent.
  - It is “resident” status of an alien, because being here as an alien is a privilege but you don’t HAVE to come here. If you come here there is an IMPLIED OBLIGATION to submit to regulations by the foreign government you are visiting.
  - It is “domicile” in the case of the civil statutory franchise codes, because they cannot be enforced without it pursuant to Federal Rule of Civil Procedure 17.
  - It is voluntarily invoking any civil status in the tax code that comes with either obligations or a REDUCTION in constitutional remedies, both of which are losses of property. Such statuses include “citizen”, “resident”, “person”, or “taxpayer”. They DO NOT include “nonresident alien” because you can be a “nonresident alien” WITHOUT being an alien who is privileged or the “individual” described in 26 U.S.C. §1441(e) or 26 C.F.R. §1.1441-1(c)(3) (SEDM Form #04.225). We call this status a “non-person”. Even “Taxpayer” is a form of membership, because it implies a LOSS of constitutional remedies and substituting STATUTORY remedies in their place.



In retort to our claims about “taxpayers” being a privilege, some members have suggested that the LIABILITY for income tax attaches to “citizens” and “residents” in 26 C.F.R. §1.1-1, and thus, there is no disability associated with being a statutory “taxpayer” as defined in 26 U.S.C. §7701(a)(14). This, however, cannot be true because:

1. The only way to surrender constitutional rights is with consent in some form.
2. The remedies under 26 U.S.C. §7433 pertain ONLY to STATUTORY “taxpayers”
3. The remedies under 26 U.S.C. §7433 are “exclusive”, meaning EXCLUSIVE of CONSTITUTIONAL remedies.
4. The ability to “exclude” constitutional remedies betrays that federal government property is involved, because the essence of OWNERSHIP of such property is, in fact “the right to exclude” as held by the U.S. Supreme Court:

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

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

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

So EVEN “taxpayer” status is a privilege, as we point out in:

1. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “taxpayer”  
<https://famguardian.org/TaxFreedom/CitesByTopic/taxpayer.htm>
2. *Who are “Taxpayers”, and Who Needs a “Taxpayer Identification Number”?*, Form #05.013  
<https://sedm.org/Forms/05-MemLaw/WhoAreTaxpayers.pdf>
3. *Your Rights as a “Nontaxpayer”*, IRS Publication 1a, Form #08.008  
<https://sedm.org/LibertyU/NontaxpayerBOR.pdf>

Below was part of the debate we had with one of our members suggesting that one should avoid “taxpayer” status. Their identity shall remain anonymous at this point for privacy purposes. The debate was held on a Telegram chat channel that we used to participate in, but were EJECTED from because of the issues raised in this article that the moderator positively refused to discuss but had no evidentiary basis to rebut any of the content of this article or objective reason for doing so:

5. I recognize that your channel is an important marketing platform for your services, since I don’t believe that you advertise. As such, you don’t want it poisoned with anything that would adversely affect your image. Thus, you can’t have debates on the platform and it is thus a propaganda vehicle more than an educational tool, at least for people like me, if not for all your members. You should at least have the decency to honestly admit that to your members, or else it’s another scam just like the IRS dribble we both vociferously oppose.

6. I also recognize that the channel is “your property” and that you have a right to “make all needful rules” to moderate it just like 4:3:2, including excluding specific “members”, or “persons”, whatever you want to call them. Far be it from me to interfere with the use of that property or anyone ELSE’S property.

7. Since there is no “benefit” or beneficial right conveyed to me by the use of your channel as property, then I choose to no longer be a “person” within your channel or community or your jurisdiction (within that channel) and I am proud and relieved of it by virtue of terminating my membership. This is the same right you claim to exercise by choosing NRA over US Person, ironically. So I must have that right or else you don’t.

8. The same arguments that apply to your Telegram channel apply to the government’s civil membership and franchise community called “citizens”, “residents”, “taxpayers”, and “persons”. If you think they don’t, then you are misleading people and promoting statism. It seems hypocritical to claim the following:

8.1 That they need your consent in some form to tax you. You allege that this consent is manifested by choosing a form of membership/status OR by demanding or accepting government property/privileges.

8.2 That as far as membership choice, you have a right to associate in the way you see fit under the First Amendment and your right to contract or NOT contract, including the right to associate politically as an NRA instead of a U.S. Person.

8.3 However, by telling me or anyone else that I MUST pick ONE of the membership statuses offered and cannot simply quit entirely from ALL civil statuses, there is a contradiction so obvious that anyone can see it. There are more choices than NRA or US Person and you know it. If there aren't we are ALL slaves in violation of the Thirteenth Amendment. Nationality is not consensual membership. Asking for government property, whether as a benefit or a domicile is consent. You only want to recognize the benefit or status component that goes with the benefit but there is more to it than that.

8.4 The contradiction of saying that I can't choose "none of the above" for a status would be the equivalent of saying: You have an OBLIGATION to participate in MY Telegram community and to obey MY rules, even though you don't want to be a member and don't see anything in there as a "benefit" or have any reason whatsoever to participate. AND YOU MUST pay your membership dues for the PRIVILEGE of doing so, or else we will levy your bank account and lien your property.

9. It's quite ironic that you say I shouldn't make it about status, but that is exactly what YOU have made it all about: Choosing the right status. The main difference between you and me is that you think no one can force you to be a "U.S. person", and that they have to give you the choice of NRA to escape obligations to avoid slavery, but you refuse to acknowledge the right to not choose ANY status and be "stateless". The U.S. Supreme Court recognizes they have no STATUTORY jurisdiction over those who are stateless, and yet you don't seem to care.

10. I'm not suggesting that any of the above membership issues should form a basis for challenging a tax liability, because the civil statutes in the IRC trade or business franchise agreement proving you aren't subject are sufficient proof without adopting ANY civil status beyond NRA. You maliciously put words in my mouth in your Telegram channel and I will not allow you to target me with such malicious, public abuse. You abused your platform to do to me exactly what you didn't want me to do to you and which I was NOT doing, which is slander you. That was never my intention and you ought to know that by now.

You can't talk butterfly talk with caterpillar people.

The opponent in the above debate could not rebut anything in this article, and until he at least rebuts it all, we must conclude that we are correct on the subject of "taxpayer" at least. In their defense, we must say that the two of us agree on 99.99% of everything and have only a small dispute over the "taxpayer" issue. They even helped us assemble some of the content of this article. We even agree that the income tax is a privilege tax, as described for the most part in:

[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/)  
<https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

Note that we ARE NOT suggesting, by this article, that claiming "non-taxpayer" status is a way to dispute a tax liability. It ISN'T and will be called "frivolous". But we ARE saying that if you want to retain AS MANY of your CONSTITUTIONAL rights as you can and NOT surrender them in exchange for civil statutory remedies, then you must approximate as closely as possible the civil status we define in our Disclaimer as a "non-resident non-person" but not CALL it that in your pleadings or correspondence. Instead, invoke the statutory terms used in the definition itself and ONLY those, so that you speak the language of your audience and don't confuse them. That status is described as follows for the benefit of the reader at this point:

**SEDM Disclaimer**

**Section 4, Meaning of Words**

**4.25 "Non-Person" or "non-resident non-person"**

**1. Tax status:**

**1.1. Is NOT a STATUTORY "nonresident alien individual" as defined in 26 U.S.C. §1441(e) and 26 C.F.R. §1.1441-1(c)(3)(ii), both of which are alien residents of Puerto Rico AND NO ONE ELSE.**

**1.2. Because they are "nonresident aliens" but not "nonresident alien individuals", then they are not a statutory "person". You must be an statutory "individual" to be a statutory "person" per 26 U.S.C. §7701(a) if you are a man or woman.**

**More on this at: [Tax Status Presentation, Form #12.043.](#)**

**2. 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.**

3. 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.

4. Not “purposefully or consensually availing themselves” of commerce with any government. Therefore, they do not waive sovereign immunity under the [Foreign Sovereign Immunities Act \(FSIA\), 28 U.S.C. Chapter 97](#).

5. Obligations and Rights in relation to Governments:

5.1. 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>]

5.2. 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”.

5.3. 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”.

6. For the purposes of citizenship on government forms:

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

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

7. Earnings originate from outside:

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

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

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

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

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

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

9. Expressly exempt from income tax reporting under:

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

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

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

10. Exempt from backup withholding because earnings are not reportable by [26 U.S.C. §3406\(g\)](#) and [26 C.F.R. §31.3406\(g\)-1\(e\)](#). Only “reportable payments” are subject to such withholding.

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

11.1. Only reportable income is taxable.

11.2. 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.  
11.3. 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, and Congress cannot establish public offices within the exclusive jurisdiction of the states of the Union to tax them, according to the License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 68 S.Ct. 331 (1866).

12. Continue to be a "national of the United States\*" (Form #05.006) and not lose their CONSTITUTIONAL citizenship while filing form 1040NR. See 26 U.S.C. §873(b)(3). They do NOT need to "expatriate" their nationality to file as a "nonresident alien" and will not satisfy the conditions in 26 U.S.C. §877 (expatriation to avoid tax). Expatriation is loss of NATIONALITY, and NOT loss of STATUTORY "citizen" status under 8 U.S.C. §1401.

13. If they submit a Form W-8 to control withholding and revoke Form W-4, then they:

13.1. Can submit SSA Form 7008 to correct their SSA earnings to zero them out. See SEDM Form #06.042.

13.2. 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.

14. 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:

14.1. Form W-7 for the application.

<https://www.irs.gov/forms-pubs/about-form-w-7>

14.2. Understanding Your IRS Individual Taxpayer Identification Number, Publication 1915

<https://www.irs.gov/pub/irs-pdf/p1915.pdf>

14.3. 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>

15. Must file the paper version of IRS Form 1040NR, because there are no electronic online providers that automate the preparation of the form or allow you to attach the forms necessary to submit a complete and accurate return that correctly reflects your status. This is in part because the IRS doesn't want to make it easy or convenient to leave their slave plantation.

16. 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:

16.1. 31 C.F.R. §1020.410(b)(3)(x).

<https://www.law.cornell.edu/cfr/text/31/1020.410>

16.2. 26 C.F.R. §301.6109-1(b)(2).

<https://www.law.cornell.edu/cfr/text/26/301.6109-1>

16.3. W-8BEN Inst. p. 1,2,4,5 (Cat 25576H).

<https://www.irs.gov/pub/irs-pdf/iw8ben.pdf>

16.4. Instructions for the Requesters of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY, p. 1,2,6 (Cat 26698G).

<https://www.irs.gov/pub/irs-pdf/iw8.pdf>

16.5.. 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](#)

[About SSNs and TINs on Government Forms and Correspondence, Form #04.104](#)

[SEDM Disclaimer, Section 4.25: "non-resident non-person"; SOURCE:

<https://sedm.org/disclaimer.htm#4.25. Non-Person> ]

For an example of how such a party would respond to a collection notice, read the following:

*Using the Laws of Property to Respond to a Federal or State Tax Collection Notice*, Form #14.015

<https://sedm.org/using-the-laws-of-property-to-respond-to-a-federal-or-state-tax-collection-notice/>

For information about how such a person described in this article would file a tax return, see:

If you want to read the Shepards Report on all the cases that cite *Munn v. Illinois*, see the following. This is a hugely important case:

[https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/Shepard\\_s\\_report\\_Munn%20v.%20Illinois%2094%20U.S.%20113%204%20Otto%20113%2024%20L.%20Ed.%2077%201876%20U.S.%20LEXIS-20201228.pdf](https://famguardian.org/Subjects/PropertyPrivacy/Property/PublicVPrivate/Shepard_s_report_Munn%20v.%20Illinois%2094%20U.S.%20113%204%20Otto%20113%2024%20L.%20Ed.%2077%201876%20U.S.%20LEXIS-20201228.pdf)

For those readers interested in exploring their constitutional rights, the private property that they constitute, and how that private property can be LAWFULLY converted to PUBLIC/GOVERNMENT property, see:

1. *Proof: God Says Spiritual Men and Women are NOT “Persons” or “Human Beings” as Legally Defined*-SEDM Blog  
<https://sedm.org/spiritual-men-and-women-are-not-human-beings-as-legally-defined/>
2. *Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
3. *Unalienable Rights Course*, Form #12.038  
<https://sedm.org/LibertyU/UnalienableRights.pdf>
4. *Separation Between Public and Private Course*, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>
5. *Private Right or Public Right? Course*, Form #12.044  
<https://sedm.org/LibertyU/PrivateRightOrPublicRight.pdf>
6. *Enumeration of Inalienable Rights*, Form #10.002  
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
7. *Legal Remedies That Protect Private Rights Course*, Form #12.019 (Member Subscription form)  
<https://sedm.org/product/legal-remedies-that-protect-private-rights-course-form-12-019/>

NOW do you know what the Lord means when he makes the following statement in the book of Revelation?

<sup>4</sup> And I heard another voice from heaven saying, “Come out of *her* [the Babylon Whore *De Facto* Government, *Form #05.043*], my people, lest you share in her sins, and lest you receive of her plagues. <sup>5</sup> For *her* sins [lawlessness, *Form #05.048*] have reached to heaven, and God has remembered her iniquities. <sup>6</sup> Render to her just as she rendered to you, and repay her double [THIEVES pay DOUBLE what they STOLE, *Exodus 22:7*] according to her works; in the cup which she has mixed, mix double for her. <sup>7</sup> In the measure that she glorified herself and lived luxuriously [a Socialist Security Check paid for with money STOLEN from young folk who will never collect a dime, *Form #11.407*], in the same measure give her torment and sorrow; for she says in her heart, ‘I sit as queen, and am no widow [for Christians are married to their Husband, God, *Isaiah 54:5*], and will not see sorrow.’ <sup>8</sup> Therefore her plagues will come in one day—death and mourning and famine. And she will be utterly burned with fire, for strong is the Lord God who judges her. [Rev. 18:4-8, Bible, NIKJV]

God is talking about citizenship, residence, domicile, and ALL government franchises and how we CANNOT participate and must EXIT them IMMEDIATELY. NOW do you ALSO know why we put the following warning on the opening page of our website, which indirectly is derived from the above scripture?

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 pay dearly for the privilege. 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; <https://sedm.org>]

Below is the BIBLICAL version of the above paragraph, which is also repeated in Deut. 28:43-51:

<sup>6</sup> But the thing displeased Samuel when they said, "Give us a king to judge us." So Samuel prayed to the Lord. <sup>7</sup> And the Lord said to Samuel, "Heed the voice of the people in all that they say to you; for they have not rejected you, but they have rejected Me, that I should not reign over them. <sup>8</sup> 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—so they are doing to you also. <sup>9</sup> Now therefore, heed their voice. However, you shall solemnly forewarn them, and show them the behavior of the king who will reign over them."

<sup>10</sup> So Samuel told all the words of the Lord to the people who asked him for a king. <sup>11</sup> And he said, "This will be the behavior of the king who will reign over you: He will take your sons and appoint them for his own chariots and to be his horsemen, and some will run before his chariots. <sup>12</sup> 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. <sup>13</sup> He will take your daughters to be perfumers, cooks, and bakers. <sup>14</sup> And he will take the best of your fields, your vineyards, and your olive groves, and give them to his servants. <sup>15</sup> He will take a tenth of your grain and your vintage, and give it to his officers and servants. <sup>16</sup> And he will take your male servants, your female servants, your finest young men, and your donkeys, and put them to his work. <sup>17</sup> He will take a tenth of your sheep. And you will be his servants. <sup>18</sup> 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."

<sup>19</sup> Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over us, <sup>20</sup> 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 8:6-20](#), Bible, NKJV]

The above biblical cite is again repeated in Deut. 28:43-51, and it's the scariest curse in all the bible reserved for those who borrow government property by the methods described in this article using franchises:

#### **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]*

And HERE is how this THIEVERY and enslavement by the Beast Babylon Whore is described by ITSELF!

**"The legislation in question is nothing less than a bold assertion of absolute power by the State to control at its discretion the property and business of the citizen, and fix the compensation he shall receive. The will of the legislature is made the condition upon which the owner shall receive the fruits of his property and the just reward of his labor, industry, and enterprise. "That government," says Story, "can scarcely be deemed to be free where the rights of property are left solely dependent upon the will of a legislative body without any**



1 restraint. The fundamental maxims of a free government seem to require that the rights of personal liberty and  
2 private property should be held sacred." Wilkeson v. Leland, 2 Pet. 657."  
3 [Munn v. Illinois, 94 U.S. 113 (1877) ]

4 This is VERY serious business, folks!



5  
6 Lastly, if you the reader find anything inaccurate in this article, please immediately bring it to our attention through our  
7 Contact Us page so that we may fix it. We published this article not to somehow be "right" or better than anyone else, but to  
8 subject our research on this subject to thorough peer review so that it can be continually improved. We don't censor or  
9 "cancel" people on this website, as the opponent described above tried to do to us or as the left makes a PROFESSION out  
10 of doing.

## 9. Warning About the Use of Labels or Civil Statutory Statutes to Describe Yourself<sup>18</sup>

Our [Member Agreement, Form #01.001](#), requires that all Members of this website and readers of our materials ARE NOT allowed to call themselves "sovereign citizens", STATUTORY "citizens", or "citizens" and they may not use or ANY OTHER name, label, or stereotype (other than [AMERICAN NATIONAL but not STATUTORY "citizen" as described in Form #05.006](#)) to describe themselves, and certainly not in a court of law, on a legal pleading, or on a [government form \(Form #12.023\)](#). God's example in the Bible applies here. The only thing He called HIMSELF was "[I Am](#)" ([Exodus 3:14](#)), and if you are truly a Christian serving and representing Him 24 hours a day, 7 days a week and thereby PRACTICING your faith, THAT is the only thing you can truthfully call YOURSELF as when interacting with any state officer. Anyone who interferes with that in the government is interfering with your First Amendment right to practice your religion in violation of the First Amendment and the [Religious Freedom Restoration Act \(RFRA\), 42 U.S.C. Chapter 21B](#). See also [TANZIN et al. v. TANVIR et al. No. 19-71, Decided Dec. 10, 2020, U.S. Supreme Court](#).

These considerations are the true significance of what it means to have "[separation of church and state](#)" and "[sanctification](#)" in a theological sense. [Your body is God's temple \(1 Cor. 6:19-20\)](#) and you can't worship (meaning serve or obey or accept CIVIL "obligations" in a legal sense as anyone other than a voluntary government employee of) Caesar in or with your Temple without violating the First Commandment of the Ten Commandments in [Exodus 20](#). That is the only way we know of in a legal sense that Christians can truthfully be described as "IN the world but not "OF the world". You are an [ambassador and agent of God \(2 Cor. 5:20\)](#) and can act in no other capacity or you will surrender the CIVIL protections of [God's law \(Form #13.001\)](#) in so doing. The Bible is your [DELEGATION OF AUTHORITY ORDER \(Form #13.007\)](#) as a Christian and Trustee over His property, which is [the entire Earth and all the Heavens \(Psalm 89:11\)](#). If in fact you are Trustees and the trust indenture (the Bible) says you can't contract with governments, then it is LEGALLY IMPOSSIBLE to [consent \(Form #05.003\)](#) to alienate or give up rights or property that belong to the trust and come from God and are GRANTED or LOANED to you temporarily as a Christian. Anyone from the [de facto government \(Form #05.024\)](#) who attempts to deceive or defraud you through [sophistry \(Form #12.042\)](#) to give up property or rights to them in that scenario cannot claim to have lawfully acquired such rights or property. This is because it is literally OUTSIDE of your delegation of authority order (the Bible) to convert them to public use or from the status of PRIVATE (owned by God) to PUBLIC (owned by Caesar) to do so as documented in [Separation Between Public and Private Course, Form #12.025](#). This is the SAME defense they use when THEY are sued for doing or refusing to do something and you can use it too! God is the only Sovereign, and we exercise sovereignty only when we are representing Him. On this subject, Jesus, our example, said about us being an agent of the Father who we represent as Christians the following:

*"He who receives you receives Me, and he who receives Me receives Him [God] who sent Me."*  
[Matt. 10:40, Bible, NKJV]

*"He who hears you hears Me, he who rejects you rejects Me, and he who rejects Me rejects Him [God] who sent Me."*  
[Luke 10:16, Bible, NKJV]

*Jesus said to them, "My food is to do the will of Him [God] who sent Me, and to finish His work."*  
[John 4:34, Bible, NKJV]

*"And he who sees Me sees Him [God] who sent Me."*  
[John 12:45, Bible, NKJV]

An important purpose of this website is to disassociate and disconnect from all [domicile \(a civil statutory protection franchise, Form #05.002\)](#), [privileges, franchises \(Form #05.030\)](#), "benefits", and civil statutory jurisdiction. This cannot be done WITHOUT abandoning all [civil statutes \(Form #13.008\)](#), labels, and stereotypes to which [CIVIL legal obligations \(Form #12.040\)](#), "benefits", privileges, exemptions, or rights might attach. The Apostle Paul warned of this by saying: "You were bought at a price. Do not become slaves of men" in [1 Cor. 6:20](#) and [1 Cor. 7:23](#). In a legal sense, the ONLY thing he can mean is that you can NEVER use any [CIVIL status](#), name, label, or stereotype to describe yourself that DOES in fact infer or imply a [legally enforceable CIVIL statutory obligation \(Form #05.037\)](#) against you in the context of any government. Anyone who CONSENSUALLY violates these requirements absent provable duress and in connection with administrative correspondence or litigation is clearly using our materials in an unauthorized manner in violation of our [Member Agreement, Form #01.001](#). For a clarification on THIS and other abuses of [the term "sovereign"](#), please read and heed: [Policy Document: Rebutted False Arguments About Sovereignty, Form #08.018](#). The reason we have to do this is that invoking a [civil status](#)

<sup>18</sup> SOURCE: *Citizenship, Domicile, and Tax Status Options*, Form #10.003, Section 5; <https://sedm.org/Forms/FormIndex.htm>.

that comes with CIVIL STATUTORY obligations makes you a borrower of government property. In law, all rights or privileges are property, and being a borrower makes you servant to the [GOVERNMENT grantor or lender](#) per [Prov. 22:7](#) and literally a [GOVERNMENT SLAVE \(Form #05.030\)](#). That slavery comes with the following curse:

*"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 \(1877\)\]](#)

#### 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.*  
[\[Deut. 28:43-51, Bible, NKJV\]](#)

To put this biblical prohibition and relationship with governments in commercial terms, the government grantor or "lender" of their property is called a "Merchant" in [U.C.C. §2-104\(1\)](#) and the debtor or borrower or renter is called a "Buyer" under [U.C.C. §2-103\(1\)\(a\)](#). God ONLY permits Christians to be "Merchants" and NEVER "Buyers" in relation to any and all governments. That way, they will always work for you and you can NEVER work for or "serve" them, since the First Four commandments of the Ten Commandments in [Exodus 20](#) prohibit such "worship" and/or servitude and the superior or supernatural LEGAL powers on the part of government that is used to COMPEL or ENFORCE (Form #05.032) it. This biblically mandated status of being a "Merchant" ONLY is explained [Path to Freedom, Form #09.015](#), Sections 5.6 and 5.7. The biblical Hierarchy of Sovereignty can be viewed by [clicking here](#) (<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>). Below are the commands of Jesus (God) Himself on this subject:

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

Lastly, note that this biblical approach is NOT anarchist in any fashion. Members are subject to the criminal laws, the common law, and biblical law. They can't be members WITHOUT being subject to the laws of their religion. The biblical mandate is that Christians cannot consent to anything government offers and thus contract with them. The only systems of law that do NOT depend on consent in some form to acquire "the force of law" are the criminal law, the common law, and biblical law. Everything else is essentially government contracting in one form or another under [a contract called "the social compact", as Rousseau called it](#). The Social Security Number is, in fact, what the FTC calls a "franchise mark" evidencing your status AS

a government contractor, as we describe in [About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#).  
Welcome to the [government farm/plantation](#), I mean "franchise", amigo! These distinctions are further described in:

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

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

DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/WhatIsLaw.pdf>

2. [Rebutted False Arguments About Sovereignty, Form #08.018](#), Sections 5.5 and 6.5

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

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

3. [Problems with Atheistic Anarchism](#), Form #08.020

Video: <http://youtu.be/n883Ce11ML0>

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

4. [Four Law Systems Course](#), Form #12.039

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

DIRECT LINK: <https://sedm.org/LibertyU/FourLawSystems.pdf>

5. [Rebutted False Arguments About the Common Law, Form #08.025](#)

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

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

## **10. Specific Acts that Trigger a Surrender of Constitutional Rights and How to Avoid the Surrender**



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**Table 1: Specific Acts that Trigger a Surrender of Constitutional Rights and How to Avoid the Surrender**

#	Act	Reason	Notes	How to avoid this type of surrender
1	Physically move from a Constitutional state to federal territory or abroad.	Constitutional rights attach to LAND within a Constitutional state.		Don't move.
2	Misrepresenting your physical location on a government form.	If you file a 1040, you are claiming to represent an office of "citizen" or "resident" with an effective domicile on federal territory where constitutional rights don't exist.		Use the correct form to submit and define the terms to place you and your domicile outside the federal zone as a nonresident.
3	Quote or invoke the "benefits" of a civil statute.	He who invokes the "benefit" of a statute cannot complain of its constitutionality. <i>Ashwander v. Tennessee Valley Authority</i> , 297 U.S. 288, 56 S.Ct. 466 (1936)		Invoke the English common law instead of civil statutory law in a civil case.
4	Claim a privileged tax status, such as "person", "taxpayer", "employee", "citizen", or "resident"	All such statuses are legislatively created by the government and property of the government. You are invoking the "benefit" of the civil privileges attached to these civil statuses and thus, must accept the obligations also attached to them.		File a nonresident tax form (1040NR) and ensure that all information returns connecting you unlawfully to a public officer are rebutted.
5	Being victimized by the presumption of a government officer that you have a privileged civil status such as STATUTORY "citizen", "resident", etc.	See item 4 above.		1. Challenge their enforcement authority using Forms #05.052 and 12.010. 2. File a criminal complaint of identity theft with the SSA, IRS, or FTC. See Form #05.046.
4	Being deceived by terms on a government form into declaring a privileged civil status.	See item 4 above.		Read our presentation: <u><i>Avoiding Traps in Government Forms Course, Form #12.023</i></u>

#	Act	Reason	Notes	How to avoid this type of surrender
5	Use any kind of license connection with a SPECIFIC commercial transaction.	The license is government property. You are receiving the “benefits” of the physical license and therefore agree to the civil statutory obligations attached to it status of “licensee”.	This includes driver license, marriage license, professional license, etc.	1. Get a foreign license. 2. Take public transportation. 3. Unregister your automobile and travel without a license. 4. Use our <u>Defending Your Right to Travel</u> , Form #06.010 in traffic court to dismiss any tickets.
6	Make an “election” to be treated as a STATUTORY “citizen” or “resident” under 26 U.S.C. §6013(g) and (h) as the spouse of such a “citizen” or “resident”	“citizen” and “resident” are privileged franchise offices subject to government regulation, and accepting the "benefit" of such statuses through an “election” constitutes consent to the obligations attached to these statuses.		File a nonresident tax form (1040NR) and ensure that all information returns connecting you unlawfully to a public officer are rebutted.
7	Using a Social Security Number (SSN) or Taxpayer Identification Number (TIN) in connection with a commercial transaction.	These numbers are de facto licenses to represent a public office engaged in a “trade or business” franchise. As such, their use is a privilege. See Form #05.012.		Use the following forms for withholding to rebut the presumption that an SSN/TIN is needed to complete the transaction: Form #04.202 and 04.231.
8	Accepting a court-appointed attorney to represent you in a criminal case.	This makes you a ward of the court because the licensed attorney has a criminal financial conflict of interest		1. Run your case entirely by yourself. 2. Accept the attorney only as a paralegal, ensure that the court can’t know his name so he can’t be sanctioned, and then hand him a contract limiting his role to paralegal and not representing you with no ability to do anything directly with the court without express consent. 3. Use Litigation Tool #01.004 to screen the attorney. 4. Motion the court to have him removed using Litigation Tool #03.003
9	Allowing information returns (W-2, 1099, etc) to be filed against you and not correcting them.	This creates the usually FALSE presumption that you are engaged in the “Trade or Business” excise taxable franchise.		If your business associates file them in SPITE of you handing them Form #04.231 or Form #02.001, then correct the information return in your tax filings using Forms #04.001.
10	Your business associates are trying to compel you to use an SSN/TIN	This connects you to a public office per 26 C.F.R. §301.6109-1(b).		Hand them Form #04.205.



#	Act	Reason	Notes	How to avoid this type of surrender
11	You are called to fill out a government form that could be construed as a request for services, “benefits”, or “protection” such as a passport.	This causes you to surrender sovereignty in exchange for a privilege.		<p>1. Define all terms on the form using an attachment to EXCLUDE all statutory and regulatory uses and to include on common law uses.</p> <p>2. Include an attachment WAIVING any and all services, benefits, and protection and seeking ONLY the physical item such as the passport for use INTERNAL to the state rather than abroad. See Form #06.007 for an example.</p> <p>3. See Form #06.041 as an example.</p>

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## 11. How “comity” has been redefined to allow franchises to be unconstitutionally extended outside the territory of the granting power<sup>19</sup>

The main method of extending franchises outside the territory of the granting power is through the concept called “comity”. Comity is the process by which courts voluntarily recognize the laws of a legislatively foreign jurisdiction that do not otherwise have the “force of law”. At the founding of America, franchises were not allowed to be enforced outside the territory of the granting powers. This is also clear from the original definition of Comity in Bouvier’s Law Dictionary, 1856:

*COMITY. Courtesy; a disposition to accommodate.*

*2. Courts of justice in one state will, out of comity, enforce the laws of another state, when by such enforcement they will not violate their laws or inflict an injury on some one of their own citizens; as, for example, the discharge of a debtor under the insolvent laws of one state, will be respected in another state, where there is a reciprocity in this respect.*

*3. It is a general rule that the municipal laws of a country do not extend beyond its limits, and cannot be enforced in another, except on the principle of comity. But when those laws clash and interfere with the rights of citizens, or the laws of the countries where the parties to the contract seek to enforce it, as one or the other must give way, those prevailing where the relief is sought must have the preference. 2 Mart. Lo. Rep. N. S. 93; S. C. 2 Harr. Cond. Lo. Rep. 606, 609; 2 B. & C. 448, 471; 6 Binn. 353; 5 Cranch, 299; 2 Mass. 84; 6 Mass. 358; 7 Mart.Lo.R. 318. See Conflict of Laws; Lex loci contractus.*

[Bouvier’s Law Dictionary, 1856; SOURCE: <http://famguardian.org/Publications/Bouviers/bouvienc.txt>]

As time progressed and courts became corrupted, comity was unilaterally and unconstitutionally and illegally redefined by the legal profession as the main means of protecting and expanding franchises outside of federal territory. They did this because it enhanced the importance of lawyers and judges. Judges did this by expanding the definition of “comity” to add to the definition the phrase “a willingness to grant a privilege”:

*COMITY. Courtesy; complaisance; respect; a willingness to grant a privilege [FRANCHISE], not as a matter of right, but out of deference and good will. Dow v. Lillie, 26 N.D. 512, 144 N.W. 1082, 1088, L.R.A. 1915D, 754; Cox v. Terminal R. Ass’n of St. Louis, 331 Mo. 910, 55 S.W.2d. 685.*

*Comity of Nations*  
(*Lat. comitas gentium*)

*The most appropriate phrase to express the true foundation and extent of the obligation of the laws of one nation within the territories of another. Story, Confl.Laws, §38. That body of rules which states observe towards one another from courtesy or mutual convenience, although they do not form part of international law. Holtz. Enc. s. v. Hilton v. Guyot, 159 U.S. 113, 16 S.Ct. 139, 40 L.Ed. 95; People v. Rushworth, 294 Ill. 455, 128 N.E. 555, 558; Second Russian Ins. Co. v. Miller, C.C.A.N.Y., 297 F. 404, 409.*

*It is derived altogether from the voluntary consent of the latter; and it is inadmissible when it is contrary to its known policy, or prejudicial to its interests. In the silence of any positive rule affirming or denying or restraining the operation of foreign laws, courts of justice presume the tacit adoption of them by their own government, unless repugnant to its policy, or prejudicial to its interests. It is not the, comity of the courts, but the comity of the nation, which is administered and ascertained in the same way, and guided by the same reasoning, by which all other principles of the municipal law are ascertained and guided.*

*The recognition which one nation allows within its territory to the legislative, executive, or judicial acts of another nation, having due regard both to international duty and convenience and to the rights of its own citizens or of other persons who are under the protection of its laws. State ex rel. National Surety Corporation v. Price, 129 Neb. 433, 261 N.W. 884.*

*“The use of the word ‘comity’ as expressing the basis of jurisdiction has been criticized. It is, however, a mere question of definition. The principles lying behind the word are recognized. \* \* \* The truth remains that jurisdiction depends upon the law of the forum, and this law in turn depends upon the public policy disclosed by the acts and declarations of the political departments of the government.” Russian Socialist Federated Soviet Republic v. Cibrario, 235 N.Y. 255, 139 N.E. 259, 260.*

*Judicial Comity*

<sup>19</sup> Source: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 11.6; <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>.

The principle in accordance with which the courts of one state or jurisdiction will give effect to the laws and judicial decisions of another, not as a matter of obligation, but out of deference and respect. *Franzen v. Zimmer*, 35 N.Y.S. 612, 90 Hun. 103; *Stowe v. Bank*, C.C.Me., 92 F. 96; *Strawn Mercantile Co. v. First Nat. Bank, Tex. Civ.App.*, 279 S.W. 473, 474; *Bobala v. Bobala*, 68 Ohio.App. 63, 33 N.E.2d. 845, 849.

**There is no statute or common-law rule by which one court is bound to abide by the decisions of another court of equal rank. It does so simply for what may be called comity among judges. There is no common law or statutory rule to oblige a court to bow to its own decisions; it does so on the ground of judicial comity. (1884) 9 P.D. 98, per Brett. M. R.**

Of such a use of the word, however, Dicey says: "The term 'comity' \* \* \* is open to the charge of implying that the judge, when he applies foreign law to a particular case, does so as a matter of caprice or favor."

**Comity is not a rule of law, but one of practice, convenience and expediency.** It is something more than mere courtesy, which implies only deference to the opinion of others, since it has a substantial value in securing uniformity of decision, and discouraging repeated litigation of the same question. But its obligation is not imperative. Comity persuades; but it does not command. It declares not how a case shall be decided, but how it may with propriety be decided. *Mast, Foos & Co. v. Mfg. Co.*, 177 U.S. 485, 488, 20 S.Ct. 708, 44 L.Ed. 856; *National Electric Signaling Co. v. Telefunken Wireless Telegraph Co. of United States*, C.C.A.N.Y., 221 F. 629, 632; *Lauer v. Freudenthal*, 96 Wash. 394, 165 P. 98, 99.

#### **Comity of States**

Simply a phrase designating the practice by which the courts of one state follow the decision of another on a like question, though not bound by law of precedents to do so. *Larrick v. Walters*, 39 Ohio.App. 363, 177 N.E. 642, 645.

[*Black's Law Dictionary, Fourth Edition, p. 334*]

Important principles emerge from the above which need to be emphasized:

1. **"Comity is not a rule of law, but one of practice, convenience and expediency."**
  - 1.1. They don't define WHO'S convenience it is for, but the implication is obvious: It is for the convenience and profit of the GOVERNMENT, and NOT the people that the government was created to PROTECT and SERVE. Hence, it creates an unequal and prejudicial relationship between the governed and the governors.
  - 1.2. The opportunity for a judge to exercise this type of discretion obviously cannot coexist with obligations under the constitution to protect PRIVATE rights. This would create a criminal conflict of interest in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455. Hence, no judge who exercises this kind of discretion can or should ALSO hear constitutional issues not involving franchises. Anyone who consents to the jurisdiction of a judge who wears TWO hats, "franchise" and "constitutional", is aiding and abetting crime.
2. **"The truth remains that jurisdiction depends upon the law of the forum, and this law in turn depends upon the public policy disclosed by the acts and declarations of the political departments of the government."** Comity therefore is the means by which judges act in a POLITICAL rather than LEGAL manner and implement "public policy" by caprice, rather than law. A true constitutional court cannot lawfully enforce public policy and therefore, only legislative franchise courts in the Executive Branch of the government can lawfully exercise this kind of comity. See:

**Political Jurisdiction**, Form #05.004  
<http://sedm.org/Forms/FormIndex.htm>
3. **"...they do not form part of international law."** This means that they are judge made law, not statutory law. That is why courts hearing franchise issues such as tax issues frequently will make their rulings "unpublished" so that they cannot be cited as precedence: Because they are not law but essentially an edict or command from the judge personally to a litigant before the court. Judges recognize that such unconstitutional and fraudulent commands cannot and do not have the "force of law", which is why they are published as "opinions" or "memorandum opinions" instead of "ORDERS". Under the Federal Rule of Evidence 610, "opinions" are inadmissible as evidence of ANYTHING, including an obligation. This is a sign that they are operating in a POLITICAL rather than LEGAL capacity AND that their "opinion" need not be obeyed.
  - 3.1. The only people they can issue "memorandums" to are OTHER public officers within the government.
  - 3.2. They can't issue civil commands to public officers in any branch of the government outside the judicial branch without violating the separation of powers. That's why FRANCHISE judges and FRANCHISEES have to BOTH be in the Executive Branch of the government, as the U.S. Supreme Court indirectly referenced in *Freytag v. Commissioner*, 501 U.S. 868 (1991).

4. “There is no statute or common-law rule by which one court is bound to abide by the decisions of another court of equal rank. It does so simply for what may be called comity among judges.”. This means that the mere will of the judge is the sole arbiter of whether the foreign law is enforced. The U.S. Supreme Court defined the exercise of this type of discretion as “the essence of slavery itself”:

**“And the law is the definition and limitation of power.** It is, indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the famous language of the Massachusetts bill of rights, the government of the commonwealth ‘may be a government of laws and not of men.’ **For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself.**”  
[Yick Wo v. Hopkins, [118 U.S. 356](#) (1886)]

In conclusion, it ought to be obvious to the reader that:

1. The exercise of “comity” as it is currently defined turns a “society of law” into a “society of men”.
2. Lodging the kind of discretion exercised by judges that is described above is extremely dangerous.

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

3. Franchises and franchise courts ought to be avoided entirely, because the conflict of interest, greed, and covetousness by the government that they create and perpetuate are a severe threat to one’s liberty.
4. It is a violation of the separation of powers for franchise judges to hear matters not involving those who are not lawfully appointed or elected to public offices within the federal and not state government. All such cases MUST be dismissed or they constitute an unconstitutional Bill of Attainder.

## **12. Proof that I and my Property are Still Protected by the Constitution and Therefore am NOT subject to Civil Statutes Which Would Abrogate such Protections<sup>20</sup>**

### **1. FACTS FOR JURY**

1. At the time of receiving earnings or the alleged civil offense, I was physically situated on land protected by the constitution.
2. The property or earnings targeted for government enforcement activity (meaning UNCONSTITUTIONAL taking in violation of the Fifth Amendment) does NOT satisfy any of the conditions that follow, and therefore remains private and constitutionally protected:

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

*[1] First, that he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit;*

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

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

<sup>20</sup> Source: *Enumeration of Inalienable Rights*, Form #10.002, Section 13; <https://sedm.org/Forms/FormIndex.htm>

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

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

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

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

7 Unless the property was thus dedicated [by one of the above three mechanisms], or some right bestowed  
8 by the government was held with the property, either by specific grant or by prescription of so long a time  
9 as to imply a grant originally, the property was not affected by any public interest so as to be taken out of  
10 the category of property held in private right.”  
11 [Munn v. Illinois, 94 U.S. 113, 139-140 (1876)]

- 12 3. I do not claim nor invoke the benefits or privileges, in this case, of any civil status such as “citizen”, “resident”, or  
13 “person”, “taxpayer”, “driver”, etc and thus, cannot be responsible for the obligations attached to such statuses. It is  
14 my RIGHT under the First Amendment and my right to NOT contract, to NOT adopt any civil status which might  
15 carry obligations or sanction a loss of property that such obligations might entail. Even IF I claim to be a MEMBER or  
16 even government “customer” called a “citizen” or “person” for one title of code, that does not make me a “citizen” for  
17 ALL titles of code. The rules of statutory construction and interpretation require that every title is independent of the  
18 other and that I must at all times have the ability to AVOID a “benefit” and the obligations or loss of property that  
19 might go with it:

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

25 “When one becomes a member of society [called a STATUTORY “citizen”, not a CONSTITUTIONAL “citizen”],  
26 he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others,  
27 he might retain. “A body politic,” as aptly defined in the preamble of the Constitution of Massachusetts, “is a  
28 social compact by which the whole people covenants with each citizen, and each citizen with the whole people,  
29 that all shall be governed by certain laws for the common good.” This does not confer power upon the whole  
30 people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but  
31 it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own  
32 property, as not unnecessarily to injure another. This is the very essence of government, and 125\*125 has found  
33 expression in the maxim sic utere tuo ut alienum non laedas. From this source come the police powers, which, as  
34 was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, “are nothing more or less than the powers  
35 of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things.” Under  
36 these powers the government regulates the conduct of its citizens one towards another, and the manner in which  
37 each shall use his own property, when such regulation becomes necessary for the public good. In their exercise  
38 it has been customary in England from time immemorial, and in this country from its first colonization, to regulate  
39 ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a  
40 maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day,  
41 statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been  
42 successfully contended that such legislation came within any of the constitutional prohibitions against  
43 interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power upon  
44 the city of Washington “to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of chimneys,  
45 and to fix the rates of fees therefor, . . . and the weight and quality of bread,” 3 Stat. 587, sect. 7; and, in 1848,  
46 “to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates  
47 of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers,” 9 id. 224,  
48 sect. 2.

49 [Munn v. Illinois, 94 U.S. 113 (1877),

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

51  
52 “Cujus est commodum ejus debet esse incommodum. He who receives the benefit should also bear the  
53 disadvantage.”

54 *Hominum caus jus constitutum est. Law [civil STAUTES] is established for the benefit of man.*

55 *Injuria propria non cadet in beneficium facientis. One’s own wrong shall not benefit the person doing it.*

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

3 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and*  
4 *his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

5 *Privilegium est beneficium personale et extinguitur cum person. A privilege is a personal benefit and dies with*  
6 *the person. 3 Buls. 8.*

7 *Que sentit commodum, sentire debet et onus. He who derives a benefit from a thing, ought to feel the*  
8 *disadvantages attending it. 2 Bouv. Inst. n. 1433.*

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

- 13 4. I am not aware of doing any of the things above necessary to LOSE constitutional protections or rights.  
14 5. Statutory "taxpayer" under the [Internal Revenue Code Section 7491](#) has the burden of proof, but I don't claim to be a  
15 "taxpayer" and imposing such a civil status and the obligations of such a status is an unconstitutional taking without  
16 my express consent. A third-party information return filer cannot "elect" me into the office of "taxpayer" without my  
17 consent and if they do, they are engaging in unconstitutional involuntary servitude. As pointed out in the  
18 Constitutional Avoidance Doctrine found in *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466  
19 (1936), one who avails himself of the "benefit" of a statute or the status that the benefit attaches to WAIVES  
20 constitutional rights, and I do not consent to waive and cannot be COMPELLED to waive constitutional rights. More  
21 at: *Policy Document: IRS Fraud and Deception About the Statutory Word "Person"*, Form #08.023;  
22 <https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>. Your solicitation or receipt of the "benefit" of my services as a  
23 "taxpayer" or a "person", in fact, is an acceptance of MY franchise agreement as documented in: *Injury Defense*  
24 *Franchise and Agreement*, Form #06.027; <https://sedm.org/Forms/06-AvoidingFranch/InjuryDefenseFranchise.pdf>.  
25 This is an outgrowth of my EQUAL right to "make all needful rules" under Article 4, Section 3, Clause 2 respecting  
26 MY property, just like you do with the Internal Revenue Code "trade or business" excise taxable franchise.

27 **13. Do those who have NOT waived CONSTITUTIONAL or Common law remedies have to**  
28 **exhaust administrative remedies prior to judicial review?**

29 **QUESTION:**

30 If a state citizen wants to file a complaint against a state agency, and the state has written rules governing the complaint  
31 process, is there case law that says that if the citizen does not first avail themselves of the state provided complaint process,  
32 they are not allowed to file suit in federal or state court?

33 Many years ago, I was a sole practitioner as management consultant and had a few clients for whom I wrote employee  
34 handbooks. And I learned that if a firm has a written grievance procedure, in some states the worker must use the firm's  
35 internal grievance procedure first, prior to being allowed to sue the employer in court.

36 I was reading this morning a section of the opaque Pa. Code which says,

37 *"Failure to pursue the administrative remedies provided by this chapter, which have been willingly made*  
38 *available by an agency, forecloses judicial review."*

39 If a citizen's position is that a state law is unconstitutional - do you think judicial review is available even if the internal state-  
40 approved complaint process is not followed?

41 **ANSWER:**

42 1. The Achilles' heel of the administrative state is property. See:

43 1.1 *The Achilles' Heel of the Administrative State*, SEDM Blog  
44 <https://sedm.org/the-achilles-heel-of-the-administrative-state/>



1 1.2 Administrative State: Tactics and Defenses Course, Form #12.041  
2 <https://sedm.org/LibertyU/AdminState.pdf>

3 2. In order for any government to regulate your conduct or impose civil statutory obligations upon you, they MUST be in a  
4 CONTRACTUAL position of providing you property, whether it be:

5 2.1 Services or benefits that you CONSENTED to receive, which are property.

6 2.2 Physical property or rights you are in possession of but not full control of. See:

Hot Issues: Laws of Property, SEDM  
<https://sedm.org/laws-of-property/>

7 3. If you are not in receipt of the above, it would be SLAVERY or THEFT to demand the CONSIDERATION of your services  
8 or compliance in any form whatsoever without express compensation. This is explained in:

Lawfully Avoiding Government Obligations Course, Form #12.040  
<https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf>

9 4. The purpose of establishing government is justice and the end of justice is to be entirely left alone. See:

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

10 5. If they are an administrative agency, they have to leave you alone and NEVER "enforce" against you UNLESS you  
11 approach THEM as their CONTRACTOR and ASK for services, "benefits", or property, which are all property. If they won't  
12 leave you alone, then they are committing a common law trespass upon your ownership of YOURSELF and criminally  
13 instituting SLAVERY, PEONAGE, HUMAN TRAFFICKING if they make you a target of any kind of enforcement. Here  
14 is an example of a criminal complaint against such enforcement:

Affidavit of Duress: Illegal Tax Enforcement by De Facto Officers, Form #02.005  
<https://sedm.org/Forms/02-Affidavits/AffOfDuress-Tax.pdf>

15 6. The requirement to exhaust administrative remedies only applies to CUSTOMERS who have consensual business with the  
16 agency engaging in the enforcement. The "state citizen" you mentioned in your lead question IS such a "customer".

17 7. It costs them NOTHING to leave you alone, so they can never claim it is a "benefit" to be left alone. It's a RIGHT. To  
18 have to follow a bunch of exhaustion remedies for customers when you aren't a patron or customer before you can get a  
19 common law or constitutional remedy is a violation of due process for those who are not customers, such as citizens or  
20 residents.

21 8. Those who are DUMB enough to BE customers called citizens or residents and who have RES-IDENT ID have to follow  
22 exhaustion rules. But those who aren't don't.

23 9. The exhaustion principle only limits STATUTORY remedies, not constitutional remedies. Congress CANNOT, by  
24 legislation, limit constitutional or even common law remedies or prescribe rules for when or if they may be exercised,  
25 INCLUDING the exhaustion of administrative remedies. However, they can for CUSTOMERS who have waived  
26 constitutional protections as indicated in:

How You Lose Constitutional or Natural Rights, Form #10.015  
<https://sedm.org/Forms/10-Emancipation/HowLoseConstOrNatRights.pdf>

27 The people described in the above are ALL "customers" and franchise participants engaging in patronage with the government  
28 parent that the administrative agency works for.

Only those who have NOT waived constitutional or natural remedies by becoming “club members” who have to follow exhaustion rules are entitled invoke common law or constitutional remedies, but ONLY beyond the point of giving the constitutionally required reasonable notice to the government to cease and desist all enforcement actions and the basis upon which you claim the right to be left alone as a matter of justice. Such a notice might be construed as exercising the full extent of exhaustion of remedies for those who do not have to follow the civil statutory exhaustion remedies ADDED to the constitutional remedy. For instance, it makes no sense for a “taxpayer” to exhaust all STATUTORY CIVIL remedies if he or she is NOT a statutory “taxpayer”, “citizen”, or “resident” made liable for tax in the Internal Revenue Code.

Caselaw to prove the content of this section is something we would like to add to this section eventually, but these are the basics as we understand them so far.

#### **14. The BEST Way to LAWFULLY Reject ANY and ALL Benefits in Court that is Unassailable<sup>21</sup>**

Throughout this site we frequently state that it is a maxim of law that you have an absolute RIGHT to reject any and all “benefits”, “privileges”, “franchises”, and government property and the obligation to pay for them. Below are some examples:

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

*“Que sentit commodum, sentire debet et onus.  
He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.”*

*Commodum ex injuri su non habere debet.  
No man ought to derive any benefit of his own wrong. Jenk. Cent. 161.*

*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>]

The above are principles of EQUITY that all maxims of law implement. We talk about the above principles in the following link on our opening page, in fact:

[Hot Issues: Common Law and Equity Litigation](https://sedm.org/common-law-litigation/), SEDM  
<https://sedm.org/common-law-litigation/>

But HOW exactly might one invoke these principles in a common law or equity setting to in effect COMPEL the court to respect them and which might be easy to explain to a common law jury? That is the focus of this article.

To answer that question, we must first focus on when and where we would most likely need to do this. Most often, this approach would be needed in tax litigation relating to civilly or criminally enforcing the payment or non-payment of a tax. We must remember that all taxes have the following characteristics in common:

1. The tax relates to your obligation to pay for a specific “benefit” or “privilege”.
2. The obligation to pay the tax covers a specific defined period of time such as a year.

<sup>21</sup> SOURCE: *Why the Government is the Only Real Beneficiary of All Government Franchises*, Form #05.051, Section 2;  
<https://sedm.org/Forms/FormIndex.htm>

3. You acquired the obligation to pay from a CIVIL perspective by joining a specific class, group, or civil status that has the obligation.
4. The government has the burden of proving that you voluntarily joined the group that is the only proper object of enforcement authority. If not, slavery and human trafficking are involved on their part.
5. The government attempting to enforce disguises the ORIGIN of the obligation to pay by calling it a “quasi-contract”. This is a code word for a voluntary act you engaged in that is excise taxable and which constituted CONSTRUCTIVE consent to join the civil legal group or class that is the only proper object of the civil obligation to pay.
6. The group or class that has the obligation is ALWAYS an OFFICE within the government that is legislatively created by civil legislation enacted by the government.
7. By claiming the status defined in the legislation creating the office, you in effect are deemed to VOLUNTEER for the obligations attached to the civil office by accepting the juridical privileges ([franchises, Form #05.030](#)) that are ALSO attached to it.
8. By invoking or accepting the civil statutory juridical PRIVILEGES and public rights ([franchises, Form #05.030](#)) attached to the office, you also implicitly accept the obligations that make the delivery of those rights possible. Thus, the government is a Merchant offering you its PUBLIC property, you are the Buyer, and there is a “tacit procurement” or “sub silentio” purchase of their property or services by seeking or invoking those property or services in an administrative or judicial setting.
9. The authority to force you to PAY for the benefit or privilege you are seeking originates not only from the above maxims of law, but the common law principle of unjust enrichment.

Unjust enrichment is described below:

**unjust enrichment.** (1897) 1. The retention of a benefit conferred by another not as a gift, but instead in circumstances where compensation is reasonably expected. 2. A benefit obtained from another, not intended as a gift and not legally justifiable, for which the beneficiary must make restitution or recompense. • Unjust enrichment is a basis of civil liability involving a claim for recovery that sometimes also goes by the name restitution. Instances of unjust enrichment typically arise when property is transferred by an act of wrongdoing (as by conversion or breach of fiduciary duty), or without the effective consent of the transferor (as in a case of mistake), or when a benefit is conferred deliberately but without a contract, and the court concludes that the absence of a contract is excusable as when the benefit was provided in an emergency, or when the parties once seemed to have a contract but it turns out to be invalid.; The resulting claim of unjust enrichment seeks to recover the defendant’s gains. 3. The area of law dealing with unjustifiable benefits of this kind.  
[Black’s Law Dictionary, Eleventh Edition, pp. 1849-1850]

The U.S. Supreme Court describes the concept of unjust enrichment in the context of taxation as follows by calling it “indebitatus assumpsit”, meaning an “assumed debt” on your part. The obligation it calls “quasi-contractual”:

“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see *Wisconsin v. Pelican Insurance Co.*, [127 U.S. 265](#), 292, et seq. 8 S.Ct. 1370, compare *Fauntleroy v. Lum*, [210 U.S. 230](#), 28 S.Ct. 641, still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit. *United States v. Chamberlin*, [219 U.S. 250](#), 31 S.Ct. 155; *Price v. United States*, [269 U.S. 492](#), 46 S.Ct. 180; *Dollar Savings Bank v. United States*, 19 Wall. 227; and see *Stockwell v. United States*, 13 Wall. 531, 542; *Meredith v. United States*, 13 Pet. 486, 493. This was the rule established in the English courts before the Declaration of Independence. *Attorney General v. Weeks*, *Bunbury’s Exch. Rep.* 223; *Attorney General v. Jewers and Batty*, *Bunbury’s Exch. Rep.* 225; *Attorney General v. Hatton*, *Bunbury’s Exch. Rep.* [296 U.S. 268, 272] 262; *Attorney General v. —*, 2 Ans.Rep. 558; see *Comyn’s Digest* (Title ‘Dett,’ A, 9); 1 *Chitty on Pleading*, 123; cf. *Attorney General v. Sewell*, 4 M.&W. 77. “  
[[Milwaukee v. White](#), [296 U.S. 268 \(1935\)](#)]

Therefore, in all unjust enrichment scenarios, someone is offering PROPERTY or SERVICES (which is also property) as a Merchant which cost money to produce or deliver and are implicitly NOT free. Although the property or services don’t come to you with a price schedule and they don’t specifically identify themselves as a Merchant, the courts inevitably will refer to the person offering as a Merchant and you as a Buyer under the U.C.C. You will therefore be treated AS IF you were Buyer under the Uniform Commercial Code (UCC) whether you know it or not and whether you wanted to be or not. By the government merely making the property or services available to you as a Buyer to ASK for on a government application constitutes an OFFER in commerce, and you applying for or accepting the property or sometimes even being ELIGIBLE to receive it constitutes an acceptance. The above scenario is sometimes referred to as:

1. Implied consent.

- 1 2. Quid pro quo.
- 2 3. Tacit procuration.
- 3 4. Sub silentio.
- 4 5. Excise taxable privilege.

5 So there is an INVISIBLE (in most cases) and IMPLIED commercial process at work whenever you deal with the government  
6 and ask them for their property, services, or privileges, whether they expressly communicate that to you or not. The U.S.  
7 Supreme Court even identified this as a “concession”. A “concession” is a process where someone is SELLING something  
8 to you and BY YOUR ACTIONS ALONE YOU BECOME A BUYER from a legal perspective:

9 *“The compensation which the owners of property, not having any special rights or privileges from the*  
10 *government in connection with it, may demand for its use, or for their own services in union with it, forms no*  
11 *element of consideration in prescribing regulations for that purpose.*

12 [. . .]

13 *“It is only where some right or privilege [which are GOVERNMENT PROPERTY] is conferred by the*  
14 *government or municipality upon the owner, which he can use in connection with his property, or by means*  
15 *of which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over*  
16 *others, that the compensation to be received by him becomes a legitimate matter of regulation. Submission to*  
17 *the regulation of compensation in such cases is an implied condition of the grant, and the State, in exercising*  
18 *its power of prescribing the compensation, only determines the conditions upon which its concession shall be*  
19 *enjoyed. When the privilege ends, the power of regulation ceases.”*  
20 [[Munn v. Illinois, 94 U.S. 113 \(1876\)](#)]

21 Unjust enrichment is an [equitable and common law principle](#). That means it applies EQUALLY to EVERYONE, not just the  
22 government. NO ONE can use it unless EVERYONE can use it. This also means that you CAN and even SHOULD use it  
23 against the government, and especially when they are trying to use it against you to justify or defend their authority to enforce  
24 against you. This approach is an implementation of the Sun Tzu proverbs of war, which say that you can defeat your enemy  
25 by using their greatest strength against them.

26 We give a high-level overview on the opening page of our site about the above conundrum that most people often  
27 UNKNOWINGLY volunteer for with the following succinct summary of how it operates:

28 *People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All*  
29 *are treated equally under REAL “law”. The only way to remain truly free and equal under the civil law is to*  
30 *avoid seeking government civil services, benefits, property, [special or civil status](#), exemptions, privileges, or*  
31 *special treatment. All such pursuits of government services or property require [individual and lawful consent](#) to*  
32 *[a franchise](#) and the surrender of [inalienable constitutional rights](#) AND [EQUALITY](#) in the process, and should*  
33 *therefore be AVOIDED. The rights and equality given up are the “cost” of procuring the “benefit” or property*  
34 *from the government, in fact. Nothing in life is truly “free”. Anyone who claims that such “benefits” or property*  
35 *should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or*  
36 *her behalf. All [just rights](#) spring from responsibilities/obligations under the [laws of a higher power](#). If that higher*  
37 *power is God, you can be [truly and objectively free](#). If it is government, you are [guaranteed to be a slave](#) because*  
38 *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](#)*  
39 *[it really bad from people with a monopoly, then you will pay dearly for the privilege](#). There are NO constitutional*  
40 *limits on the price government can charge for their monopoly services or property. Those who want no*  
41 *responsibilities can have no [real/PRIVATE rights](#), but only privileges dispensed to wards of the state which are*  
42 *disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-*  
43 *ownership and personal responsibility. For the biblical version of this paragraph, read [1 Sam. 8:10-22](#). For the*  
44 *reason God answered Samuel by telling him to allow the people to have a king, read [Deut. 28:43-51](#), which is*  
45 *God’s curse upon those who allow a king above them. [Click Here](#)*  
46 *(<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>) for a detailed description*  
47 *of the legal, moral, and spiritual consequences of violating this paragraph.*  
48 [[SEDM Opening Page](#); <http://sedm.org>]

49 Essentially then, the entire income tax system operates entirely under equity, is not expressly authorized by the constitution,  
50 and abuses “benefits” and “franchises” to unconstitutionally invade the states in violation of the Article 4, Section 4 of the  
51 Constitution:

52 *“Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and*  
53 *with the Indian tribes, may, without doubt, provide for granting coasting licenses, licenses to pilots, licenses to*  
54 *trade with the Indians, and any other licenses necessary or proper for the exercise of that great and*  
55 *extensive power; and the same observation is applicable to every other power of Congress, to the exercise of*

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

13 The advantage you have in your favor when you invoke this process against the government is that:

- 14 1. Most of the money the government spends is actually just PRINTED or BORROWED into existence. There is no  
15 “benefit” to you in them doing that and a LOT of injury to future generations who will have to foot the bill to service  
16 that debt.
- 17 2. The government ALWAYS charges WAY more for their property and services than it costs to deliver them. This is  
18 because they have to ADD the cost of the borrowing and printing of money spent on things OTHER than the “benefit”  
19 that often aren’t even constitutionally authorized. Thus, the UNAUTHORIZED spending usually dwarfs the cost of the  
20 actual “benefit” they DO deliver.
- 21 3. The inflation they invoke by printing the money erodes the actual benefit received, which often isn’t received until  
22 DECADES after it is paid for, as in the case of Social Security.
- 23 4. Most of the money the government spends is for service on the national debt. It doesn’t in actuality pay for the delivery  
24 of the product or service you are often seeking. This was one of the principles established by Ronald Reagan’s Grace  
25 Commission Report.
- 26 5. The time period for which a tax owes almost NEVER overlaps with WHEN the benefit or service is actually delivered.  
27 Thus, no matter what time period you are talking about, if you attempted to equitably BALANCE the cost with the  
28 payment, the government would ALWAYS lose in the accounting process and thereby ultimately be the ONLY party  
29 who in actuality would actually engage in an “unjust enrichment”.
- 30 6. Any calculations that might be done to reconcile the account under equitable principles must consider the Net Present  
31 Value adjusted for inflation of what was contributed and what is actually paid. The government always loses on that  
32 accounting as well, because their money printing in effect behaves as an INVISIBLE tax. That “tax” should be  
33 accounted for in the calculations as well in order to be truly equitable.
- 34 7. The government corruptly tries to deny their responsibility under rules of equity by invoking sovereign immunity  
35 unlawfully. It is unlawful because all their powers are delegated by THE SOVEREIGN people, and you can’t delegate  
36 it unless YOU have it and can use it against them AS WELL. Thus, the government are HYPOCRITES and elitists  
37 who deny the use of unjust enrichment against THEM but want to use it against you.
- 38 8. In most cases, the benefit delivered is not even expressly authorized by the written law. Social Security and income tax  
39 BOTH are never expressly authorized to be offered or paid in the constitutional state. See Form #06.002. Thus, the  
40 government in an unjust enrichment claim is abusing it to BENEFIT from an activity they have NO  
41 CONSTITUTIONAL authority to even engage in within the exclusive jurisdiction of a constitutional state. It is also a  
42 principle of equity that NO ONE should be allowed to BENEFIT from an unlawful, injurious, or criminal act and the  
43 government loses on this one as well.
- 44 9. The tax obligation being enforced is often, as in the case of statutory “wages” bundled with other obligations. On this  
45 site and [section 4.30 of our Disclaimer](#), we call this “weaponization of the government”. For instance, you can’t earn  
46 statutory “wages” under the Social Security Act without ALSO earning “wages” that are taxable under the Internal  
47 Revenue Code, even though THAT obligation is not a “benefit”. Thus, you are in effect being asked to pay an  
48 ADDITIONAL tax beyond SSI deductions for something that is not literally a “benefit” and which no one in their right  
49 mind would ever perceive as a “benefit”.

50 Therefore, if you invoke an equitable proceeding against the government to enforce an unjust enrichment AGAINST THEM,  
51 and actually quantify the value they can prove they delivered over the taxing period in question and compare that with what  
52 you actually paid for it, THEN NO MATTER WHAT, the government would ultimately and INEVITABLY LOSE and be  
53 the only one who actually should pay ANYTHING to ANYONE in that legal proceeding. We prove this in:

**Why the Government is the Only Real Beneficiary of All Government Franchises**, Form #05.051

<https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>



Below is sample language we would use to ensure the court and the jury must enforce your right to NOT receive the benefit, privilege, public right, or property of the government that gives rise to the civil obligation being enforced and which does not make you look irresponsible or narcissistic to the jury, but rather RESPONSIBLE, conscientious, and seeking to behave in a respectful and equitable manner that is more likely to help you win your case. That discussion follows after the line below.

“Ladies and gentlemen of the jury, there is no question that all those who consume the services of others should pay for them, including me. This includes both the government as a Merchant offering property and services to me, as well as me offering property and services to the government. Any attempt to apply these principles unequally to either party to this controversy ultimately results in an abuse of you the jury to participate in, condone, and even commit a THEFT on the part of the government. Under principles of the [common law and equity](#), this scenario is called ‘unjust enrichment’, which gives rise to an implied obligation to always pay for whatever you ask someone else for. If we didn’t run the government the government this way, then people could abuse their power to vote and serve on jury duty to use the government as a thief and a Robinhood to equalize OUTCOMES rather than merely OPPORTUNITY and treatment. On this subject, the U.S. Supreme Court has held:

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

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)]*

This case involves nonpayment of an alleged “tax” for the specific years \_\_\_\_\_ to \_\_\_\_\_. A proper accounting under equitable principles requires us to consider the “benefits”, services, or property dispensed to me personally by the government over that period with what I actually paid. Any other approach would violate the principles of equity and unjust enrichment and make this jury an instrument of THEFT.

A “tax”, in this case is legally defined by the U.S. Supreme Court as a sum of money that supports ONLY the government or people working in or for the government. That means it cannot be paid to private, constitutionally protected parties in states of the Union, and if it IS, it ceases to be a classical “tax” as legally defined and devolves merely into a purely commercial activity conducted for profit like any private business, in which BOTH parties are treated NOT as a “government” but merely equals under equitable principles under the Clearfield Doctrine of the U.S. Supreme Court.

In the instant case, I have not sought, do not want, and do not want to pay for any “benefit”, privilege, or exemption offered by any government. The ability to do so is my right under principles of equity, in fact:

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

*“Que sentit commodum, sentire debet et onus.*  
*He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.”*



1 *Commodum ex injuri su non habere debet.*  
2 *No man ought to derive any benefit of his own wrong. Jenk. Cent. 161.*

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

6 *Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*  
7 *A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv.*  
8 *Inst. n. 83.*

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

14 Paying or rendering a “benefit”, property, or service to someone who does not WANT it, has communicated that objection  
15 timely to the person offering, and who has identified any attempt to provide it against their will is not as a GRANT of a  
16 “benefit” but a GIFT by the provider, cannot therefore produce any equitable obligation whatsoever. Further, it is beyond the  
17 authority delegated to me by my principal, who is God under the Bible trust indenture, to ask for, accept, or pay for ANY  
18 benefit, property, or civil service that any so-called “government” might attempt to abuse to enslave me to them:

19 ***Curses of Disobedience [to God's Laws]***

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

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

27 *“Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of*  
28 *everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against*  
29 *you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes]*  
30 *on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of*  
31 *CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language*  
32 *[LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not*  
33 *respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare*  
34 *waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they*  
35 *shall eat the increase of your livestock and the produce of your land [with “trade or business” franchise taxes],*  
36 *until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or*  
37 *new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you.*  
38 *[Deut. 28:43-51, Bible, NKJV]*  
39

40 *“The rich rules over the poor,*  
41 *And the borrower is servant to the lender.”*  
42 *[Prov. 22:7, Bible, NKJV]*

43 When a government actor is sued for wrongdoing under the constitution, they can only be sued if the Plaintiff can prove they  
44 acted outside their delegated authority of their “principal” and “employer”, the U.S. Inc. federal corporation. The same  
45 principle applies here, except that the Plaintiff is a de facto government and the principal is different because MY principal,  
46 being God, is superior to that of any government. In the capacity of this proceeding, I am acting as an agent and fiduciary of  
47 God 24 hours a day, 7 days a week and have not stepped out of the protections of the Bible trust indenture that is my delegation  
48 of authority order, as documented in:

<i>Delegation of Authority Order from God to Christians</i> , Form #13.007 <a href="https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf">https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf</a>
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My delegation of authority order also forbids me from seeking the protection of anything but His laws, the common law, the criminal law, and the Constitution and NEVER the civil statutory franchise protection contract called “domicile”, as proven in:

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

Therefore, we must settle this matter under equitable rather than civil statutory terms, and to treat both parties absolutely equally. A failure by you the jury or this court will have the practical effect of turning the government into an unconstitutional civil religion in violation of the First Amendment, make the judge into the priest, make you into the apostle of the priest, make this courtroom into a church, make the attorneys into deacons of the church, and impute or enforce superior and supernatural powers to a [collective corporation called “U.S. Inc” \(Form #05.024\)](#) that I as the natural am not allowed to have. That unlawful establishment of religion in violation of the First Amendment is documented below in:

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

Over the tax period in question, a deduction of what I received from what I paid results in a net negative balance to the government. That means under principles of equity that:

1. The government has no standing to sue, because they cannot demonstrate an actual injury.
2. The government is the only one in this case engaging in “unjust enrichment”.
3. The government is the ONLY one receiving a net “benefit” or privilege from ME rather than the other way around. In that scenario, I am the only “Merchant” under the U.C.C. and I am the ONLY one who can define the terms of my offer of the privilege involved as its absolute owner. See:

*Why the Government is the Only Real Beneficiary of All Government Franchises*, Form #05.051  
<https://sedm.org/product/why-the-government-is-the-only-real-beneficiary-of-all-government-franchises-form-05-051/>

4. The government has a moral and implied legal duty to correct this inequity by paying me the DIFFERENCE to me as a Merchant offering MY property, services, and “benefits” to them.

Since I am the only Merchant involved in this interaction offering property for sale, I am the ONLY one allowed to write the terms of procuring my services. Those terms are documented below:

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

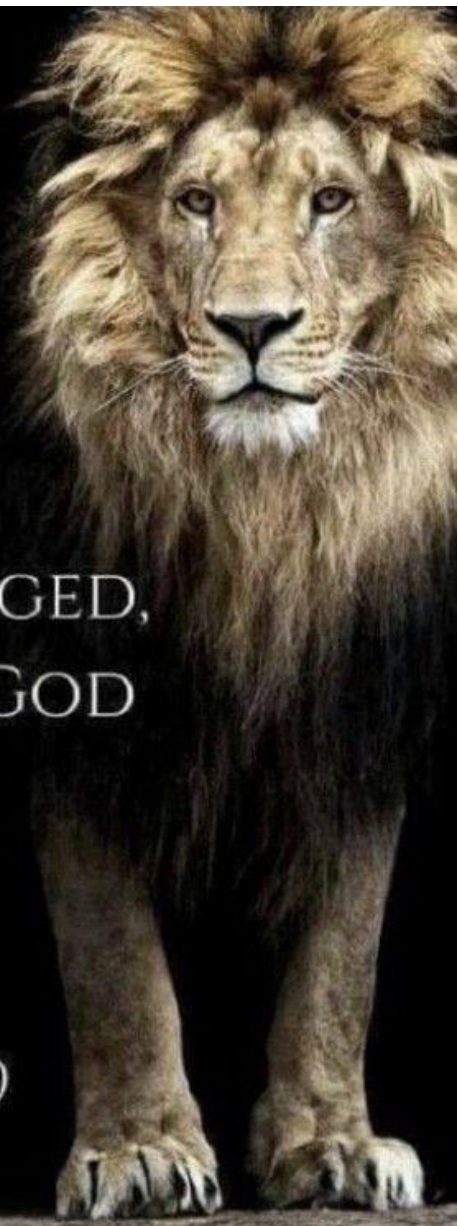
Further, the so-called “benefits” being enforced in this case cannot even lawfully be offered or enforced within a constitutional state of the union as described in:

1. *Why You Aren’t Eligible for Social Security*, Form #06.001  
<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.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>

It is a maxim of law and equity that one should not be allowed to “benefit” from illegal, injurious, or non-consensual acts against anyone. Thus, there is NO BENEFIT whatsoever delivered by the government to me AT ALL. Further, it is a crime for the government to try to BRIBE me illegally to create an office with a bribe of “benefits” that are not lawfully available to me. See [18 U.S.C. §§201](#) and [210](#), and [18 U.S.C. 912](#).

Therefore, you, the jury and this court have a moral obligation to:

1. Dismiss the government’s action against me.
2. Sanction them for the criminal and illegal and even unconstitutional conduct in this case per the terms of the above agreement, Form #06.027 equitably governing this relationship.



BE STRONG AND  
COURAGEOUS.  
DO NOT BE TERRIFIED;  
DO NOT BE DISCOURAGED,  
FOR THE LORD YOUR GOD  
WILL BE WITH YOU  
WHEREVER YOU GO.

—JOSHUA 1:9

## 15. Conclusions and summary

Below is a summary of the content and implications of this memorandum of law:

1. The United States government is a government of delegated powers ALONE:

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

*"The question is not what power the federal government ought to have, but what powers, in fact, have been given by the people... The federal union is a government of delegated powers. It has only such as are expressly conferred upon it, and such as are reasonably to be implied from those granted. In this respect, we differ radically from*

nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative body subject to no restriction except the discretion of its members." (Congress)  
[*U.S. v. William M. Butler*, 297 U.S. 1 (1936)]

**Sovereignty.** "Generally, the states of the Union sustain toward each other the relationship of independent sovereigns or independent foreign states, except in so far as the United States is paramount as the dominating government, and in so far as the states are bound to recognize the fraternity among sovereignties established by the federal Constitution, as by the provision requiring each state to give full faith and credit to the public acts, records, and judicial proceedings of the other states..."  
[81A Corpus Juris Secundum (C.J.S.), United States, §29 (2003)]

2. The Sovereign People as a collective group, also called "the State", is the entity that delegates powers through the constitution to the government. This group is called "the body politic" by the courts.

**"In the United States the people are sovereign, and the government cannot sever its relationship to the people by taking away their citizenship..."**The very nature of our free Government makes it completely incongruous to have a rule of law under which a group of citizens temporarily in office can deprive another group of citizens of their citizenship. We hold that the Fourteenth Amendment was designed to and does, protect every citizen of this Nation, against a congressional, forcible destruction of his citizenship, whatever his creed, color, or race. Our holding does no more than to give this citizen, that which is his own, a constitutional right to remain a citizen in a free country unless he voluntarily relinquishes that citizenship. " "  
[*Afroyim v. Rusk*, 387 U.S. 253 (1967)]

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. **"A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125\*125 has found expression in the maxim sic utere tuo ut alienum non laedas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things."** Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread," 3 Stat. 587, sect. 7; and, in 1848, "to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers," 9 id. 224, sect. 2.  
[*Munn v. Illinois*, 94 U.S. 113 (1876),  
SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

Notice the phrase above admitting that THE COLLECTIVE CANNOT control or regulate PRIVATE property or PRIVATE rights, meaning rights and property still under constitutional protections. Thus, no law enacted by the collective can tax, regulate, or control property they do not demonstrably prove that they have SOME ownership interest in, whether qualified or absolute. Property they have an ownership interest in is called a "public right":

**This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143**  
[*Munn v. Illinois*, 94 U.S. 113 (1876),  
SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

3. It is a maxim of law that no individual or group can delegate powers as part of a collective or "State" that they do not personally and individually ALSO possess.

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

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



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

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

5 Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.  
6 15 Bin. Ab. 327.

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

8 What a man cannot transfer, he cannot bind by articles.  
9 [Bouvier's Maxims of Law, 1856; SOURCE:  
10 <https://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

- 11 4. The relationship between COLLECTIVE rights of “the State” or the “Sovereign People” v. INDIVIDUAL rights was  
12 eloquently explained by a former judge in France who served for 8 years on the bench as follows:

13 **What Is Law?**

14 **What, then, is law? It is the collective organization of the individual right to lawful defense.**

15 Each of us has a natural right - from God - to defend his person, his liberty, and his property. These are the three  
16 basic requirements of life, and the preservation of any one of them is completely dependent upon the preservation  
17 of the other two. **For what are our faculties but the extension of our individuality? And what is property but an**  
18 **extension of our faculties?**

19 **If every person has the right to defend - even by force - his person, his liberty, and his property, then it follows**  
20 **that a group of men have the right to organize and support a common force to protect these rights constantly.**  
21 Thus the principle of collective right - its reason for existing, its lawfulness - is based on individual right. And the  
22 common force that protects this collective right cannot logically have any other purpose or any other mission  
23 than that for which it acts as a substitute. Thus, since an individual cannot lawfully use force against the person,  
24 liberty, or property of another individual, then the common force - for the same reason - cannot lawfully be used  
25 to destroy the person, liberty, or property of individuals or groups.

26 **Such a perversion of force would be, in both cases, contrary to our premise. Force has been given to us to**  
27 **defend our own individual rights. Who will dare to say that force has been given to us to destroy the equal**  
28 **rights of our brothers?** Since no individual acting separately can lawfully use force to destroy the rights of others,  
29 does it not logically follow that the same principle also applies to the common force that is nothing more than the  
30 organized combination of the individual forces?

31 If this is true, then nothing can be more evident than this: The law is the organization of the natural right of lawful  
32 defense. It is the substitution of a common force for individual forces. And this common force is to do only what  
33 the individual forces have a natural and lawful right to do: to protect persons, liberties, and properties; to  
34 maintain the right of each, and to cause justice to reign over us all.

35 **The Complete Perversion of the Law**

36 **But, unfortunately, law by no means confines itself to its proper functions. And when it has exceeded its proper**  
37 **functions, it has not done so merely in some inconsequential and debatable matters. The law has gone further**  
38 **than this; it has acted in direct opposition to its own purpose. The law has been used to destroy its own objective:**  
39 **It has been applied to annihilating the justice that it was supposed to maintain; to limiting and destroying**  
40 **rights which its real purpose was to respect. The law has placed the collective force at the disposal of the**  
41 **unscrupulous who wish, without risk, to exploit the person, liberty, and property of others. It has converted**  
42 **plunder into a right, defense into a crime, in order to punish lawful defense.**

43 How has this perversion of the law been accomplished? And what have been the results?

44 The law has been perverted by the influence of two entirely different causes: stupid greed and false philanthropy.  
45 Let us speak of the first.

46 **A Fatal Tendency of Mankind**

47 **Self-preservation and self-development are common aspirations among all people.** And if everyone enjoyed the  
48 unrestricted use of his faculties and the free disposition of the fruits of his labor, social progress would be  
49 ceaseless, uninterrupted, and unfailing.

*But there is also another tendency that is common among people. When they can, they wish to live and prosper at the expense of others. This is no rash accusation. Nor does it come from a gloomy and uncharitable spirit. The annals of history bear witness to the truth of it: the incessant wars, mass migrations, religious persecutions, universal slavery, dishonesty in commerce, and monopolies. This fatal desire has its origin in the very nature of man - in that primitive, universal, and insuppressible instinct that impels him to satisfy his desires with the least possible pain.*

#### **Property and Plunder**

*Man can live and satisfy his wants only by ceaseless labor, by the ceaseless application of his faculties to natural resources. This process is the origin of property.*

*But it is also true that a man may live and satisfy his wants by seizing and consuming the products of the labor of others. This process is the origin of plunder.*

*Now since man is naturally inclined to avoid pain - and since labor is pain in itself - it follows that men will resort to plunder whenever plunder is easier than work. History shows this quite clearly. And under these conditions, neither religion nor morality can stop it.*

*When, then, does plunder stop? It stops when it becomes more painful and more dangerous than labor.*

*It is evident, then, that the proper purpose of law is to use the power of its collective force to stop this fatal tendency to plunder instead of to work. All the measures of the law should protect property and punish plunder.*

*But, generally, the law is made by one man or one class of men. And since law cannot operate without the sanction and support of a dominating force, this force must be entrusted to those who make the laws.*

*This fact, combined with the fatal tendency that exists in the heart of man to satisfy his wants with the least possible effort, explains the almost universal perversion of the law. Thus it is easy to understand how law, instead of checking injustice, becomes the invincible weapon of injustice. It is easy to understand why the law is used by the legislator to destroy in varying degrees among the rest of the people, their personal independence by slavery, their liberty by oppression, and their property by plunder. This is done for the benefit of the person who makes the law, and in proportion to the power that he holds.*

*[The Law, Frederic Bastiat, SOURCE: <http://famguardian.org/Publications/TheLaw/TheLaw.htm>]*

5. To suggest that there can be NO individual sovereign and that the ONLY kind of sovereignty that can exist is COLLECTIVE sovereignty is FALSE. See:

*Rebutted False Arguments About Sovereignty*, Form #08.018, Section 6.18

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

6. To suggest that a collective group called “the State” or “The Sovereign People” can have any more rights than the individual humans that make it up therefore clearly:

6.1. Violates the maxims of law on delegation of powers.

6.2. Imputes superior or super-natural powers to government, where you are the NATURAL and “government” or “the State” claims to be ABOVE the natural.

*“Religion. Man's relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church, 142 Misc. 894, 255 N.Y.S. 653, 663.”*

*[Black's Law Dictionary, Sixth Edition, p. 1292]*

- 6.3. Makes the government or “State” into a religion to be worshipped and obeyed in violation of the First Amendment establishment clause. That unconstitutional religion is described in:

*Socialism: The New American Civil Religion*, Form #05.016

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

7. The process by which the Sovereign People constitutionally delegate powers to the government does NOT require the SURRENDER of those powers to the government receiving those powers.

7.1. The powers can also be retained by those delegating.

7.2. The powers can be exercised in competition with the government for those who have not joined the social compact by either choosing a civil domicile within a specific government or contracting with that government in a limited capacity described in the contract.



8. A government of delegated powers ALONE is one which must, in the interest of equality of treatment that is the foundation of the Constitution, allow everyone they serve or protect to EQUALLY be able to acquire rights and property against ALL others by all the same methods as GOVERNMENT does against the public.
- 8.1. Equality of treatment is the FOUNDATION of freedom, as established by the U.S. Supreme court.
- 8.2. If you aren't equal to the government IN COURT as a nonresident and under the English common law and principles of equity, then you are a vassal, a slave, and a peon worshipping a de facto state sponsored religion.
- 8.3. A government that is NOT equal but is superior to you is an ANARCHIST government that can and will destroy ANYONE and EVERYONE under it. It is advocating what we call "GOVERNMENT SUPREMACY" just as virulent as "white supremacy" ever was:

*SEDM Disclaimer*  
*Section 4: Meaning of Words*  
*Section 4.21: Anarchy*

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

*1. Are superior in any way to the people they govern UNDER THE LAW.*

*2. Are not directly accountable to the people or the law. They prohibit the PEOPLE from criminally prosecuting their own crimes, reserving the right to prosecute to their own fellow criminals. Who polices the police? THE CRIMINALS.*

*3. Enact laws that exempt themselves. This is a violation of the Constitutional requirement for equal protection and equal treatment and constitutes an unconstitutional Title of Nobility in violation of Article I, Section 9, Clause 8 of the United States Constitution.*

*4. Only enforce the law against others and NOT themselves, as a way to protect their own criminal activities by persecuting dissidents. This is called "selective enforcement". In the legal field it is also called "professional courtesy". Never kill the goose that lays the STOLEN golden eggs.*

*5. Break the laws with impunity. This happens most frequently when corrupt people in government engage in "selective enforcement", whereby they refuse to prosecute or interfere with the prosecution of anyone in government. The Department of Justice (D.O.J.) or the District Attorney are the most frequent perpetrators of this type of crime.*

*6. Are able to choose which laws they want to be subject to, and thus refuse to enforce laws against themselves. The most frequent method for this type of abuse is to assert sovereign, official, or judicial immunity as a defense in order to protect the wrongdoers in government when they are acting outside their delegated authority, or outside what the definitions in the statutes EXPRESSLY allow.*

*7. Impute to themselves more rights or methods of acquiring rights than the people themselves have. In other words, who are the object of PAGAN IDOL WORSHIP because they possess "supernatural" powers. By "supernatural", we mean that which is superior to the "natural", which is ordinary human beings.*

*8. Claim and protect their own sovereign immunity, but refuse to recognize the same EQUAL immunity of the people from whom that power was delegated to begin with. Hypocrites.*

*9. Abuse sovereign immunity to exclude either the government or anyone working in the government from being subject to the laws they pass to regulate everyone ELSE'S behavior. In other words, they can choose WHEN they want to be a statutory "person" who is subject, and when they aren't. Anyone who has this kind of choice will ALWAYS corruptly exclude themselves and include everyone else, and thereby enforce and implement an unconstitutional "Title of Nobility" towards themselves. On this subject, the U.S. Supreme Court has held the following:*

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

[United States v. Lee, 106 U.S. 196, 1 S. Ct. 240 (1882)]

10. Have a monopoly on anything, INCLUDING "protection", and who turn that monopoly into a mechanism to force EVERYONE illegally to be treated as uncompensated public officers in exchange for the "privilege" of being able to even exist or earn a living to support oneself.

11. Can tax and spend any amount or percentage of the people's earnings over the OBJECTIONS of the people.

12. Can print, meaning illegally counterfeit, as much money as they want to fund their criminal enterprise, and thus to be completely free from accountability to the people.

13. Deceive and/or lie to the public with impunity by telling you that you can't trust anything they say, but force YOU to sign everything under penalty of perjury when you want to talk to them. 26 U.S.C. §6065.

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

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

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

1. The establishment of a state sponsored religion in violation of the First Amendment and the Religious Freedom Restoration Act, 42 U.S.C. Chapter 21B. That religion is described in: Socialism: The New American Civil Religion, Form #05.016. The object of worship of such a religion is imputing "supernatural powers" to civil rulers and forcing everyone to worship and serve said rulers as "superior beings".

2. The establishment of an unconstitutional Title of Nobility in violation of Article 1, Section 9, Clause 8 of the United States Constitution.  
[SEDM Disclaimer, Section 4.21: Anarchy; SOURCE: <https://sedm.org/disclaimer.htm>]

9. The constitution confers jurisdiction over government property ANYWHERE it is found, including states of the Union and all places not within its exclusive jurisdiction under Article 1, Section 8, Clause 17 of the Constitution.

United States Constitution

Article 4, Section 3

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 510\*510 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 (1857); [https://scholar.google.com/scholar\\_case?case=3231372247892780026](https://scholar.google.com/scholar_case?case=3231372247892780026)]

10. Nearly ALL of the civil statutory jurisdiction exercised by the national government within the borders of constitutional states originates from Article 4, Section 3, Clause 2. This is true in the case of all:

10.1. Statutory civil statuses such as “citizen” or “resident”, which derive from VOLUNTARY domicile within a specific venue. These are PROPERTY granted or loaned to you by its legislative CREATOR, the government with civil legal strings attached. Those who don’t want to be STATUTORY “citizens” or “residents” merely describe themselves as “nonresidents” to avoid the civil statutory obligations that go with these civil statuses. See:

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

10.2. Statutory civil statuses resulting from applying for government “benefits” or “franchises” such as Social Security. All such statuses are a product of your consent and right to contract. See:

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

10.3. PUBLIC rights GRANTED by statute to anyone in the civil statutory law.

10.3.1. All rights are property.

10.3.2. Anything that conveys rights is property.

10.3.3. Contracts convey rights and are therefore property.

10.3.4. Franchises are contracts and therefore property.

10.4. Federal enclaves.

10.5. Licensing.

10.6. Franchises.

10.7. Privileges.

10.8. Income tax.

10.9. Property tax.

10.10. Professional licenses.

10.11. Marriage licenses.

10.12. Passports, , which are PROPERTY of the national government granted temporarily to you with legal strings or conditions attached that create jurisdiction that would not otherwise exist.

10.13. Social Security Numbers and cards, which are PROPERTY of the national government granted temporarily to you with legal strings or conditions attached that create jurisdiction that would not otherwise exist.

11. The temporary granting of PUBLIC property to specific individuals is the main and perhaps ONLY method of CIVILLY regulating, taxing, or controlling people in states of the Union. That mechanism is described below:

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

12. Acceptance of government property in the form of services, civil statutory privileges (misnamed as “rights” but actually PUBLIC rights) happens SUB SILENTIO and is “treated as if” there is IMPLIED rather than EXPRESS consent, based on the above. Thus:

12.1. Notice the above case of Munn the following language:

*“. . . its [government property] acceptance implies an assent to the regulation of its use and the compensation for it.”*  
[Munn v. Illinois, 94 U.S. 113 (1876) ]

12.2. So what you provide is ASSENT rather than explicit or overt “consent”. “Assent” and “consent” are NOT legally equivalent.

*ASSENT. Compliance: approval of something done; a declaration of willingness to do something in compliance with a request. Norton v. Davis, 83 Tex. 32, 18 S.W. 430; Appeal of Pittsburgh, 115 Pa. 4, 7 A. 778; To approve, ratify and confirm. People v. Consolidated Indemnity and Ins. Co., 233 App.Div. 74, 251 N.Y.S. 566, 569. It implies a conscious approval of facts actually known, as distinguished from mere neglect to ascertain facts. White-Wilson-Drew Co. v. Lyon Ratcliff Co., C.C.A.Ill., 268 F. 525, 526. Sometimes it is equivalent to "authorize." Hagerla v. Mississippi River Power Co., D.C.Iowa, 202 F. 776, 783. In the sense of the law is a matter of overt acts, not of inward unanimity in motives, design or the interpretation of words. Triboro Coach Corporation v. New York State Labor Relations Board, 261 App.Div. 636, 27 N.Y.S.2d 83, 85.*

"Assent" is an act of understanding, while "consent" is an act of the will or feelings. *Ilundby v. Hogden*. 202 Wis. 438, 232 N.W. 858, 860, 73 A.L.R. 648. It means passivity or submission which does not include consent. *Perryman v. State*, 63 Ga. App. 819, 12 S. E.2d 388, 390.

#### **Express Assent**

That which is openly declared.

#### **Implied Assent**

That which is presumed by law.

#### **Mutual Assent**

The meeting of the minds of both or all the parties to a contract; the fact that each agrees to all the terms and conditions, in the same sense and with the same meaning as the others. *Insurance Co. v. Young*, 23 Wall. 107, 23 L.Ed. 152.

[*Black's Law Dictionary, Fourth Edition, p. 149*]

The above, by the way, is the basis for what the IRS calls "voluntary compliance". It is "assent" invisibly given usually without knowledge of the law or a recognition and protection of the government to NOT consent or comply without threat of punishment or duress.

12.3. The Declaration of Independence says all just powers of government derive from CONSENT, not "assent"

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

[*Declaration of Independence*]

"Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred."

[*Black's Law Dictionary, Fourth Edition, p. 1693*]

Based on the above, what they are doing is tricking you into consent and making your consent essentially INVISIBLE, so they don't inform you that you have a right to NOT consent or to opt out of their offer as a Merchant offering government property or service IN ALL SUCH CASES. That trickery is described in:

**Hot Issues: Invisible Consent\***, SEDM

<https://sedm.org/invisible-consent/>

12.4. "Assent" (not CONSENT) is given "sub silentio".

"SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of consent"

[*Black's Law Dictionary, Fourth Edition, p. 1593*]

"Qui tacet consentire videtur.

He who is silent appears to consent. *Jenk. Cent. 32.*"

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

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

12.5. The assent provided does not satisfy the requirement for "reasonable notice" that rights are being given up established in the following:

12.5.1. The following court cite:

"... Waivers of constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences. . ."

[*Brady v. United States*, 397 U.S. 742, 748]

12.5.2. Requirement for Reasonable Notice, Form #05.022

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

13. A conversion from PRIVATE property to PUBLIC property can happen by one of only TWO ways:

13.1. Convert the CIVIL STATUS of the original PRIVATE OWNER. For instance, associating the original PRIVATE owner with a PUBLIC civil statutory status such as "citizen", "resident", "person", "taxpayer", etc.

This is usually done by filing the WRONG tax form, such as the 1040. If you don't want to be connected with any privileged civil statutory statuses, you use the 1040NR form. This approach is described in:

Non-Resident Non-Person Position, Form #05.020

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

- 13.2. Convert the CIVIL STATUS of the PRIVATE property itself to PUBLIC. For instance, filling out a W-4 as a PRIVATE human who is NOT a STATUTORY "employee" and thereby:

13.2.1. CONSENTING to be treated "as if" you are a statutory PUBLIC "employee".

13.2.2. Converting the earnings into statutory "wages" and a "federal payment (from the government, even if paid by an otherwise PRIVATE company)" under 26 U.S.C. §3402(p).

If you don't want to be treated as a statutory "employee" and don't want your earnings converted to taxable "wages", then use the Form W-8 to preserve your PRIVATE, NONRESIDENT civil status:

About IRS Form W-8BEN, Form #04.202

<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>

14. If you don't want to be CIVILLY taxed, regulated, or civilly controlled by government, you MUST:

- 14.1. Avoid asking the government for any kind of civil services or PUBLIC property or even civil statutory privileges. Don't feed the animals!, keeping in mind that YOU are the sovereign visiting the government zoo, and the animals will always try to escape their cage (the District of Criminals) or get more food (revenue) than they are entitled to.

*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 pay dearly for the privilege. 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.*

[Sovereignty Education and Defense Ministry (SEDM) Website Opening Page; <http://sedm.org/>]

- 14.2. Challenge the authority of the national government to offer statutory privileges or franchises within the constitutional states of the Union. See:

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

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

[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) ]

- 14.3. Approach ALL governments ONLY as a Merchant under U.C.C. §2-104(1) selling YOUR property with legal strings and NEVER as a Buyer under U.C.C. §2-103(1)(a) seeking their property, CIVIL "rights" (privileges),



CIVIL services, “benefits”, or franchises. That way, it’s IMPOSSIBLE for you to consent to any of their franchises or privileges and thereby waive your PRIVATE rights or convert PRIVATE to PUBLIC. For an example of the agreement you can associate with all offers to the government of your property or services, see:

*Injury Defense Franchise and Agreement*, Form #06.027  
<https://sedm.org/Forms/FormIndex.htm>

Your ownership of PRIVATE property is the origin of MOST of your sovereignty. If you have PRIVATE property, you can use your absolute ownership and control over it to control GOVERNMENT and keep them in their role as ONLY a servant serving INSIDE the “zoo” and “cage” that Mark Twain called “the District of Criminals”. The minute you start asking government for goodies, you facilitate their ESCAPE from that legal cage (4 U.S.C. §72). The Bible warns you to NEVER allow them to escape that cage, and comes with a CURSE if you allow that to happen:

#### Curses of Disobedience [to God’s Laws]

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

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

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

The purpose of establishing government is to protect MAINLY PRIVATE property. A government becomes “de facto” when it does the OPPOSITE by creating a profitable business, called a “franchise”, out of converting PRIVATE property into PUBLIC property. At that point, government becomes a SHAM trust and everyone in government has a criminal financial conflict of interest. It also becomes an “ANTI-GOVERNMENT”. See:

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

Those without private property or private rights are literally SLAVES! Never give it up or give it away by fornicating with the Beast government in the process of procuring “benefits”!

#### SEDM Ministry Introduction

What is a slave? A SLAVE IS A HUMAN BEING:

1. Who can be connected with any statutory status in civil franchises or civil law to which public rights attach *without their EXPRESS consent*. This is a Fifth Amendment taking without compensation, a violation of the right to contract and associate, and a conversion of PRIVATE property to PUBLIC property.
2. Who can’t ABSOLUTELY own PRIVATE PROPERTY. Instead, ownership is either exclusively with the government or is QUALIFIED ownership in which the REAL owner is the government and the party holding title has merely equitable interest or “qualified ownership” in the fruits.
3. Who is SOMEONE ELSE’S PROPERTY. That property is called a STATUTORY “person”, “taxpayer” (under the tax code), “driver”, “spouse” (under the family code) and you volunteered to become someone

else's property by invoking these statuses, which are government property. All such "persons" are public officers in the government. [Form #05.042](#).

4. Who is compelled to economic or contractual servitude to anyone else, including a government. All franchises are contracts. [Form #05.030](#).

5. Who is compelled to share any aspect of ownership or control of any property with the government. In other words, is compelled to engage in a "moiety" and surrender PRIVATE rights illegally and unconstitutionally.

6. Whose ownership of property was converted from ABSOLUTE to QUALIFIED without their EXPRESS written and informed consent.

7. Who is not allowed to EXCLUDE government from benefitting from or taxing property held as ABSOLUTE title.

8. Who is EXCLUDED from holding Title to property as ABSOLUTE or outside the "State", where "State" means the GOVERNMENT (meaning a CORPORATION FRANCHISE, [Form #05.024](#)) and not a geographic place.

9. Who the government REFUSES its constitutional duty to protect the PRIVATE rights or property of (Form #12.038) or undermines or interferes with REMEDIES that protect them from involuntary conversion of ownership from ABSOLUTE to QUALIFIED.

10. Who is compelled to associate PUBLIC property with PRIVATE property, namely Social Security Numbers or Taxpayer Identification Numbers and thereby accomplish a conversion of ownership. SSNs and TINs are what the FTC calls a "franchise mark" (Form #05.012).

11. Whose reservation of rights under U.C.C. §1-308 or 1-207 is interfered with or ignored and thereby is compelled to contract with and become an agent or officer of a government (Form #05.042) using a government application form (Form #12.023).

12. Who isn't absolutely equal (Form #05.033) to any and every government or who is compelled to become unequal or a franchisee (Form #05.030). The basis of ALL your freedom is EQUALITY of rights, as held by the U.S. Supreme Court. See [Form #12.021, Video 1](#).

[SEDM Ministry Introduction, Form #12.014; <https://sedm.org/Ministry/MinistryIntro.pdf>

People who give away ANY PART of their PRIVATE PROPERTY voluntarily to a government in the process of conducting "commerce" with that government are described by the bible literally as "harlots". Harlots seek pleasure for money. Black's Law Dictionary defines "commerce" as "intercourse", which means you are fornicating with the government "Beast":

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

*"Then one of the seven angels who had the seven bowls came and talked with me, saying [a]to me, **"Come, I will show you the judgment of the great harlot who sits on many waters, 2 with whom the kings of the earth committed fornication, and the inhabitants of the earth were made drunk with the wine of her fornication."**"*  
[Rev. 17:1-2, Bible, NKJV]

The "kings of the Earth" above are our modern-day government. The "many waters" are described as "nations", meaning GOVERNMENTS. Fornication above is a metaphor for "intercourse", meaning COMMERCE with the government.

We should also point out that anyone who believes that they have ANY CIVIL STATUTORY DUTY WHATSOEVER is an agent and officer of the government. Therefore, the above prohibition also applies to avoiding commerce or intercourse with those acting as agents of the government, such as "withholding agents", civil statutory "persons", franchisees, etc. For proof, see:

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

How does one avoid doing business with public officer whores mentioned in the civil statutes? Using Private Membership Associations (PMAs). Our Member Agreement is an example of such an association. It essentially uses your power to contract as a vehicle to contract the government COMPLETELY out of your relationship with others:

*SEDM Member Agreement*, Form #01.001  
<https://sedm.org/Membership/MemberAgreement.pdf>

The civil statutory code is the “membership agreement” for those who VOLUNTEER to be secular club members of the modern collective or “State”, and we know that secular civil or legal association with unbelievers or corrupted governments is anathema to what the Bible teaches, and in conflict with our delegation of authority order (the Bible) as Christians.

*And I heard another voice from heaven saying, “Come out of her, my people, lest you share in her sins, and lest you receive of her plagues.*  
*[Revelation 18:4, Bible, NKJV]*

*“Adulterers and adulteresses! Do you not know that friendship [and “citizenship”/domicile] with the world [or the governments of the world] is enmity with God? Whoever therefore wants to be a friend [statutory “citizen” or “taxpayer” or “resident” or “inhabitant”] of the world makes himself an enemy of God.”*  
*[James 4:4, Bible, NKJV]*

You can learn more about how the above corruption of society manifests itself to institute a “dulocracy”, in which the public servants and the slaves become masters:

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

## **16. Resources For Further Reading and Research**

The following resources may prove helpful to those readers who wish to further investigate the subject of this pamphlet:

1. *Hot Issues: Laws of Property*, SEDM  
<https://sedm.org/laws-of-property/>
2. *Laws of Property*, Form #14.018  
<https://sedm.org/Forms/14-PropProtection/LawsOfProperty.pdf>
3. *Enumeration of Inalienable Rights*, Form #10.002, Section 13  
<https://sedm.org/Forms/10-Emancipation/EnumRights.pdf>
4. *Sovereignty and Freedom Points and Authorities*, Litigation Tool #10.018-exhaustive points and authorities you can use in court pleadings to explain and prove and defend your unalienable rights  
<https://sedm.org/Litigation/LitIndex.htm>
5. *Constitution Research*-everything you could ever want to know about what the constitution requires and the rights it protects.  
<http://constitution.famguardian.org>
  - 5.1. *Rights, Powers, and Duties*  
[http://constitution.famguardian.org/cs\\_power.htm](http://constitution.famguardian.org/cs_power.htm)
  - 5.2. *Liberty Library of Constitutional Classics*-extensive historical background on U.S. Constitution  
<http://constitution.famguardian.org/liberlib.htm>
6. *Unalienable Rights Course*, Form #12.038 -course which gives you the basics of unalienable rights, and when they can lawfully be given up  
<http://sedm.org/Forms/FormIndex.htm>
7. *Separation Between Public and Private Course*, Form #12.025-How to stay private and challenge attempts to make you public. VERY IMPORTANT.  
<http://sedm.org/Forms/FormIndex.htm>
8. *SEDM Forms/Pubs Page, Section 1.14: Private Property Protection*  
<http://sedm.org/Forms/FormIndex.htm>
9. *Private v. Public Property/Rights and Protection Playlist*, SEDM Youtube Channel  
<https://www.youtube.com/playlist?list=PLin1scINPT0txYewMRT66TXyn6AUF0KTu>
10. *Understanding American Property Rights* (OFFSITE LINK) -Family Guardian Fellowship. Detailed exposition of the laws of property.

<http://famguardian.org/Publications/PropertyRights/tableoc.html>

11. Legal Remedies That Protect Private Rights Course, Form #12.019-This training course provides members with an overview of how to employ the courts to protect their PRIVATE rights. PRIVATE rights are the only thing that members can have, because they are not allowed to use our materials to interact with third parties unless they are NOT participating in any government franchise or benefit.  
<http://sedm.org/Forms/FormIndex.htm>
12. Famous Quotes About Rights and Liberty, Form #08.003  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FamousQuotes.pdf>
13. Know Your Rights and Citizenship Status, Form #10.009-detailed book explaining your rights  
<http://sedm.org/Forms/FormIndex.htm>
14. Property and Privacy Protection Topic (OFFSITE LINK)- Family Guardian Fellowship  
<http://famguardian.org/Subjects/PropertyPrivacy/PropertyPrivacy.htm>
15. Sovereignty and Freedom Topic, Section 6: Private and Natural Rights and Natural Law, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
16. Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: “rights” -Family Guardian Fellowship  
<http://famguardian.org/TaxFreedom/CitesByTopic/rights.htm>
17. Sovereignty and Freedom Topic, Section 6: Private and Natural Rights (OFFSITE LINK), Family Guardian Fellowship  
<http://famguardian.org/Subjects/Freedom/Freedom.htm#RIGHTS:>
18. Government Instituted Slavery Using Franchises, Form #05.030-how rights are unlawfully converted into statutory “privileges”  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Franchises.pdf>
19. Sovereignty and Freedom Topic, Section 6: Private and Natural Rights-Family Guardian Website. Resources for those who want to defend their rights.  
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
20. Rights of Man, Thomas Paine. Paine was instrumental in fomenting the American Revolution.  
<http://www.ushistory.org/paine/rights/>
21. Thomas Jefferson on Politics and Government, Form #11.206  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeffcont.htm>
22. Annotated Constitution of the United States  
Findlaw: <http://www.findlaw.com/casecode/constitution/>  
Congressional Research Service: <http://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf>