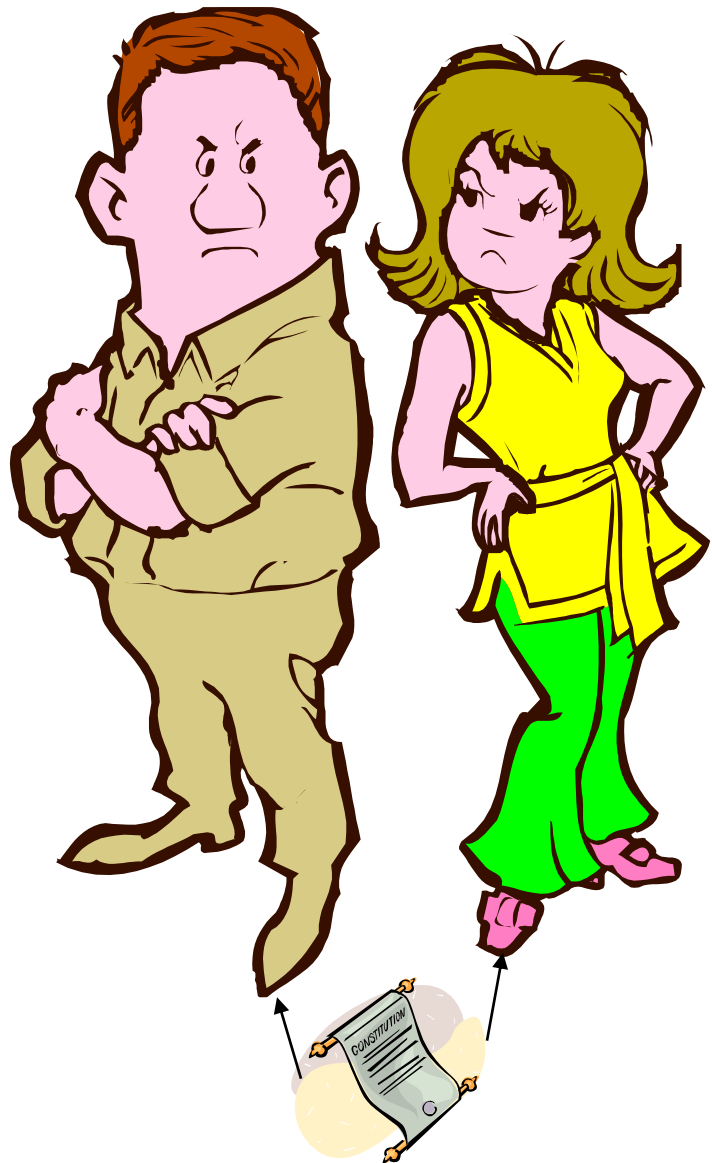


GOVERNMENT CONSPIRACY TO DESTROY THE SEPARATION OF POWERS

*"In the tension between federal and state power lies the promise of liberty."
[Gregory v. Ashcroft, 501 U.S. 452]*

Federal
government

State
government



Constitution
(Marriage Contract)



DEDICATION

"And I heard another voice from heaven [God] saying, 'Come out of her [[Babylon the Great Harlot](#), a [democratic](#), rather than [republican](#), state full of [socialist non-believers](#)], my people [Christians], lest you share in her sins, and lest you receive of her plagues.'"

[[Revelation 18:4](#), Bible, NKJV]

"And [have no fellowship \[for association\] with the unfruitful works of \[government\] darkness, but rather reprove \[rebuke and expose\] them.](#)

[[Eph. 5:11](#), Bible, NKJV]

"Come out from among them [[the unbelievers and government idolaters\]](#)

And be separate, says the Lord.

Do not touch what is unclean,

And I will receive you.

I will be a Father to you,

And you shall be my sons and daughters,

Says the Lord Almighty."

[[2 Corinthians 6:17-18](#), Bible, NKJV]

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

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

"And I saw the beast, the kings [[heathen political rulers and the unbelieving socialist democratic majorities who control them](#)] of the earth [[controlled by Satan](#)], and their armies, gathered together to make war against Him [[God](#)] who sat on the horse and against His army."

[[Revelation 19:19](#), Bible, NKJV]

“You shall not make for yourself a carved image—any likeness of anything [a legal “person”, which is a LIKENESS or an EFFIGY of a “human being”] that is in heaven above [your body is a temple and a church per 1 Cor. 6:19], or that is in the earth beneath, or that is in the water under the earth; you shall not bow down to them nor serve them [as PUBLIC OFFICERS]. For I, the LORD your God, am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generations of those who hate Me, but showing mercy to thousands, to those who love Me and keep My commandments.”
[Exodus 20:4-6, Bible, NKJV]

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

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

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

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

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1 Introduction

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

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

This memorandum of law will:

1. Describe the purpose and history of the separation of powers doctrine as the foundation for our Republican form of government.
2. Provide evidence which demonstrates the various ways that it has been systematically undermined and maliciously destroyed by our political leaders and public servants in the Legislative, Executive, and Judicial branches of the government.
3. Provide a high level overview of how all of the efforts to systematically destroy the separation of powers have produced a New American Civil Religion of Socialism within our society.
4. Describe biblical reasons why Christians cannot participate in the current form of government and must divorce the corrupted pagan society we live in.
5. Provide evidence supporting the conclusion that the founding fathers anticipated and expected all the usurpations described in this document and warned us well in advance of their occurrence. These predictions have, in fact, furnished a road map for our public servants to destroy our system of government.

The notion of separation of powers is the foundation of our “republican form of government”. The only mandate found in the Constitution is the one requiring the federal government to guarantee to every state of the Union a “republican form of government”:

[Constitution, Article 4, Section 4.](#)

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Separation of powers implements the following political principle:

Subsidiarity is an organizing principle of [decentralisation](#), stating that a matter ought to be handled by the smallest, lowest, or least centralised authority capable of addressing that matter effectively. The [Oxford English Dictionary](#) defines subsidiarity as the idea that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level. The concept is applicable in the fields of government, [political science](#), [neuropsychology](#), [cybernetics](#), management and in military command ([Mission Command](#)). In political theory, subsidiarity is sometimes viewed as a principle entailed by the idea of [federalism](#).

[Wikipedia: “Subsidiarity” (6/6/2014), SOURCE: <http://en.wikipedia.org/wiki/Subsidiarity>]

[Alexis de Tocqueville](#)'s classic study, [Democracy in America](#), may be viewed as an examination of the operation of the principle of subsidiarity in early 19th century America. De Tocqueville noted that the French Revolution began with "a push towards decentralization...in the end, an extension of centralization."¹ And he wrote that "Decentralization has, not only an administrative value, but also a civic dimension, since it increases the opportunities for citizens to take interest in public affairs; it makes them get accustomed to using freedom. And from the accumulation of these local, active, persnickety freedoms, is born the most efficient counterweight against the claims of the central government, even if it were supported by an impersonal, collective will."²

The term "subsidiarity" is also used to refer to a tenet of some forms of conservative or [libertarian](#) thought in the United States. For example, conservative author [Reid Buckley](#) writes:

¹ Vivien A. Schmidt, *Democratizing France: The Political and Administrative History of Decentralization*, p. 10.

² [A History of Decentralization](#), Earth Institute of Columbia University, accessed 4 February 2013.

1 Will the American people never learn that, as a principle, to expect swift response and efficiency from
2 government is fatuous? Will we never heed the principle of subsidiarity (in which our fathers were bred),
3 namely that no public agency should do what a private agency can do better, and that no higher-level public
4 agency should attempt to do what a lower-level agency can do better – that to the degree the principle of
5 subsidiarity is violated, first local government, the state government, and then federal government wax in
6 inefficiency? Moreover, the more powers that are invested in government, and the more powers that are
7 wielded by government, the less well does government discharge its primary responsibilities, which are (1)
8 defence of the commonwealth, (2) protection of the rights of citizens, and (3) support of just order.³

9 The United Nations Development Programme's 1999 report on decentralisation noted that subsidiarity was an important
10 principle. It quoted one definition:

11 *Decentralization, or decentralising governance, refers to the restructuring or reorganisation of authority so*
12 *that there is a system of co-responsibility between institutions of governance at the central, regional and local*
13 *levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the*
14 *system of governance, while increasing the authority and capacities of sub-national levels.⁴*

15 According to Richard Macrory, the positive effects of a political/economic system governed by the principle of subsidiarity
16 include:⁵

- 17 1. Systemic failures of the type seen in the crash of 2007/8 can largely be avoided, since diverse solutions to common
18 problems avoid common mode failure.
- 19 2. Individual and group initiative is given maximum scope to solve problems.
- 20 3. The systemic problem of moral hazard is largely avoided. In particular, the vexing problem of atrophied local
21 initiative/responsibility is avoided.

22 He writes that the negative effects of a political/economic system governed by the principle of subsidiarity include:

- 23 1. When a genuine principle of liberty is recognized by a higher political entity but not all subsidiary entities,
24 implementation of that principle can be delayed at the more local level.
- 25 2. When a genuinely efficacious economic principle is recognized by a higher political entity, but not all subsidiary
26 entities, implementation of that principle can be delayed at the more local level.
- 27 3. In areas where the local use of common resources has a broad regional, or even global, impact (such as in the
28 generation of pollutants), higher levels of authority may have a natural mandate to supersede local authority.⁶

29 **2 Historical Origins of the Separation of Powers Doctrine**

30 The foundation of our republican form of government is the notion of “separation of powers”. In the legal field, this is
31 called “the separation of powers doctrine”. The U.S. Supreme Court confirmed the purpose of the separation of powers
32 doctrine in the cases below:

33 *“The leading Framers of our Constitution viewed the principle of separation of powers as the central guarantee*
34 *of a just government. James Madison put it this way: “No political truth is certainly of greater intrinsic value*
35 *or is stamped with the authority of more enlightened patrons of liberty.” The Federalist No. 47, p. 324 (J.*
36 *Cooke ed.1961).”*
37 *[Freytag v. Commissioner, 501 U.S. 868 (1991)]*
38

39 *“In Europe, the Executive is almost synonymous with the Sovereign power of a State; and, generally, includes*
40 *legislative and judicial authority. When, therefore, writers speak of the sovereign, it is not necessarily in*
41 *exclusion of the judiciary; and it will often be found, that when the Executive affords a remedy for any wrong, it*
42 *is nothing more than by an exercise of its judicial authority. Such is the condition of power in that quarter of the*
43 *world, where it is too commonly acquired by force, or fraud, or both, and seldom by compact. In America,*
44 *however, the case is widely different. Our government is founded upon compact. Sovereignty was, and is, in the*

³ Reid Buckley, *An American Family – The Buckleys*, Simon & Schuster, 2008, p. 177.

⁴ Decentralization: A Sampling of Definitions, Joint UNDP (United Nations Development Programme)-Government of Germany evaluation of the UNDP role in decentralization and local governance, at the United Nations Development Programme website, October 1999, p. 2, 16, 26.

⁵ Macrory, Richard, 2008, *Regulation, Enforcement and Governance in Environmental Law*, Cameron May, London, p. 657

⁶ Macrory, Richard, 2008, *Regulation, Enforcement and Governance in Environmental Law*, Cameron May, London, p. 657.

1 *people. It was entrusted by them, as far as was necessary for the purpose of forming a good government, to the*
2 *Federal Convention; and the Convention executed their trust, by effectually separating the Legislative, Judicial,*
3 *and Executive powers; which, in the contemplation of our Constitution, are each a branch of the sovereignty.*
4 *The well-being of the whole depends upon keeping each department within its limits. In the State government,*
5 *several instances have occurred where a legislative act, has been rendered inoperative by a judicial decision,*
6 *that it was unconstitutional; and even under the Federal government the judges, for the same reason, have*
7 *refused to execute an act of Congress. ^{FN*} When, in short, either branch of the government usurps that part of*
8 *the sovereignty, which the Constitution assigns to another branch, liberty ends, and tyranny commences."*
9 *[The Betsey, 3 U.S. 6 (1794)]*

11 "We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.
12 Const., Art. I, 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal
13 government are few and defined. Those which are to remain in the State governments are numerous and
14 indefinite." *The Federalist* No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally**
15 **mandated division of authority "was adopted by the Framers**
16 **to ensure protection of our fundamental liberties."** *Gregory v. Ashcroft,*
17 **501 U.S. 452, 458 (1991) (internal quotation marks omitted).** "Just as the separation and independence of
18 **the coordinate branches of the Federal Government serves to prevent the accumulation of excessive power in**
19 **any one branch, a healthy balance of power between the States and the Federal Government will reduce the**
20 **risk of tyranny and abuse from either front."** *Ibid.* "
21 *[U.S. v. Lopez, 514 U.S. 549 (1995)]*

23 "The people of the United States, by their Constitution, have affirmed a division of internal governmental
24 powers between the federal government and the governments of the several states-committing to the first its
25 powers by express grant and necessary implication; to the latter, or [301 U.S. 548, 611] to the people, by
26 reservation, 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the
27 States.' The Constitution thus affirms the complete supremacy and independence of the state within the field of
28 its powers. *Carter v. Carter Coal Co., 298 U.S. 238, 295*, 56 S.Ct. 855, 865. The federal government has no
29 more authority to invade that field than the state has to invade the exclusive field of national governmental
30 powers; for, in the oft-repeated words of this court in *Texas v. White*, 7 Wall. 700, 725, 'the preservation of the
31 States, and the maintenance of their governments, are as much within the design and care of the Constitution as
32 the preservation of the Union and the maintenance of the National government.' The necessity of preserving
33 each from every form of illegitimate intrusion or interference on the part of the other is so imperative as to
34 require this court, when its judicial power is properly invoked, to view with a careful and discriminating eye
35 any legislation challenged as constituting such an intrusion or interference. See *South Carolina v. United*
36 *States, 199 U.S. 437, 448*, 26 S.Ct. 110, 4 Ann.Cas. 737."
37 *[Steward Machine Co. v. Davis, 301 U.S. 548 (1937)]*

38 Above we can see that the purpose of the separation of powers was to fulfill the purpose of the Declaration of
39 Independence, which is to institute government for the SOLE purpose of protecting PRIVATE rights.

40 **DECLARATION OF INDEPENDENCE, 1776**

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

46 The protection of PRIVATE INALIENABLE rights BEGINS with preventing them from being converted to PUBLIC
47 rights, franchises, or privileges, even WITH the consent of the owner. In other words, governments FIRST job is to keep
48 PRIVATE rights and PUBLIC rights legally separated and never comingling them. We cover this in the following:

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

49 The founders believed that men were inherently corrupt. They believed that where power concentrates, so does tyranny.
50 To prevent tyranny, they separated the power within our government in the following ways:

1. **Separation of church (God) and state.** The state and God (the church) are in competition with each other to protect the people, as was shown in section 4.3.5 of the *Great IRS Hoax*, Form #11.302. Guaranteed by the First Amendment to the Constitution.
2. **Separation of money and state.** Guaranteed by Article 1, Section 10, Clause 1 of the Constitution, which required that no State shall make anything but gold and silver money.
3. **Separation of marriage and state.** At the time, there were no marriage licenses and everyone got married in their church. Their marriage certificate was the family bible, because that is where they recorded the ceremony.
4. **Separation of education and state.** The Constitution did not authorize the federal government to get involved in education, and since everything not mentioned in the Constitution was reserved to the states under the Tenth Amendment, we also had separation of education and state.
5. **Separation of media and state:** The founders always believed that a free and independent media was a precursor to an accountable and moral government and they wrote the requirement for freedom of the press into the First Amendment to the U.S. Constitution.
6. **Separation of the people and the government.** The founders gave the people equal footing with the state governments by giving them the House of Representatives. The House of Representatives is equal in legislative power to the Senate, which represents the state governments.
7. **State v. Federal separation.** The states had complete sovereignty *internal* to their border over everything except taxes on foreign commerce, mail fraud, and counterfeiting. Slavery was later added to that by the Thirteenth Amendment. The federal government had jurisdiction over all *external* or foreign matters *only*. Guaranteed by Art. IV of the Constitution.
8. **Separation of powers within the above two distinct governments.** Guaranteed by Art. 1, Art. II, and Art. III of the Constitution:
 - 8.1. Executive
 - 8.2. Legislative
 - 8.3. Judicial

The founding fathers derived the idea of separation of powers from various historical legal treatises available to them at the time they wrote the Constitution. The main source which described this separation of powers and after which they patterned their design for our government was a book written by Montesquieu which you can read for yourself below:

The Spirit of Laws, Charles de Montesquieu, 1758
<http://famguardian.org/Publications/SpiritOfLaws/sol.htm>

The founders implemented separation between the federal and state governments to put the states in competition with each other for citizens and commerce, so that when one state became too oppressive by having taxes that were too high or too many laws, people would move to a better state where they had more freedom and lower taxes. This would ensure that the states that were most oppressive would have the fewest citizens and the worst economy. They also put the federal government in charge of foreign commerce *only*, so that the only way it could increase its revenues was to promote, not discourage or restrict, commerce with foreign nations. If the taxes on foreign commerce were too high, people would simply buy more domestic goods and the federal government would shrink. It was naturally self-balancing.

The founders also put branches within each government in competition with each other: Executive, Legislative, and Judicial. They ensured that each branch had distinct functions that could *not* be delegated to another branch of government. Each branch would then jealously guard its power and jurisdiction to ensure that it was not invaded or undermined by the other branch. This ensured that there would always be a balance of powers so that the system was self-regulating and the balance of powers would be maintained.

*"To the contrary, **the Constitution divides authority between federal and state governments for the protection of individuals. State sovereignty is not just an end in itself: "Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power."** Coleman v. Thompson, 501 U.S. 722, 759 (1991) (BLACKMUN, J., dissenting). "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." Gregory v. [505 U.S. 144, 182] Ashcroft, 501 U.S., at 458. See The Federalist No. 51, p. 323. (C. Rossiter ed. 1961).*

Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional plan cannot be ratified by the "consent" of state officials. An analogy to the separation of powers among the branches of the Federal Government clarifies this point. The Constitution's division of power among the

1 three branches is violated where one branch invades the territory of another, whether or not the encroached-
2 upon branch approves the encroachment. In *Buckley v. Valeo*, [424 U.S. 1, 118-137](#) (1976), for instance, the
3 Court held that Congress had infringed the President's appointment power, despite the fact that the President
4 himself had manifested his consent to the statute that caused the infringement by signing it into law. See
5 *National League of Cities v. Usery*, [426 U.S. at 842](#), n. 12. In *INS v. Chadha*, [462 U.S. 919, 944-959](#) (1983),
6 we held that the legislative veto violated the constitutional requirement that legislation be presented to the
7 President, despite Presidents' approval of hundreds of statutes containing a legislative veto provision. See *id.*,
8 at 944-945. The constitutional authority of Congress cannot be expanded by the "consent" of the governmental
9 unit whose domain is thereby narrowed, whether that unit is the Executive Branch or the States.

10 State officials thus cannot consent to the enlargement of the powers of Congress beyond those enumerated in
11 the Constitution. Indeed, the facts of this case raise the possibility that powerful incentives might lead both
12 federal and state officials to view departures from the federal structure to be in their personal interests. Most
13 citizens recognize the need for radioactive waste disposal sites, but few want sites near their homes. As a result,
14 while it would be well within the authority of either federal or state officials to choose where the disposal sites
15 will be, it is likely to be in the political interest of each individual official to avoid being held accountable to the
16 voters for the choice of location. If [505 U.S. 144, 183] a federal official is faced with the alternatives of
17 choosing a location or directing the States to do it, the official may well prefer the latter, as a means of shifting
18 responsibility for the eventual decision. If a state official is faced with the same set of alternatives - choosing a
19 location or having Congress direct the choice of a location - the state official may also prefer the latter, as it
20 may permit the avoidance of personal responsibility. The interests of public officials thus may not coincide with
21 the Constitution's intergovernmental allocation of authority. Where state officials purport to submit to the
22 direction of Congress in this manner, federalism is hardly being advanced. "
23 [New York v. United States, [505 U.S. 144](#) (1992)]

24 The founders put the states in charge of the federal government by filling the senate with delegates from each state and by
25 giving each state full and complete and exclusive control over all taxation within its borders, with the exception of taxes on
26 foreign commerce, which is commerce external to states of the Union and among foreign countries.

27 "In the states, there reposes the sovereignty to manage their own affairs except only as the requirements of the
28 Constitution otherwise provide. Within these constitutional limits the power of the state over taxation is
29 plenary."
30 [Madden v. Commonwealth of Kentucky, [309 U.S. 83](#) (1940)]

31 The states gave the federal government control only over taxes on foreign commerce under Article 1, Section 8, Clause 3 of
32 the Constitution.⁷ The states ensured this result by mentioning in two places in the Constitution, Article 1, Section 2,
33 Clause 3 and Article 1, Section 9, Clause 4, that all direct taxes had to be apportioned to the legislatures of each state. The
34 requirement to apportion direct taxes is the only mandate that appears twice in the Constitution, because they wanted to
35 emphasize this limit on federal taxing powers. This ensured that the federal government could never burden or
36 economically enslave individual citizens within each state or tax state governments directly:

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

43 The founders imposed these restrictions on direct taxation because they knew that direct taxes amounted to slavery and they
44 didn't want to become slaves to the federal government. Through the requirement for apportionment, state legislatures
45 became the intermediaries for all federal appropriations that depended on other than indirect taxes on foreign commerce.
46 Any other approach would require citizens in the states to serve two masters: state and federal, for the income they earn.
47 This is a fulfillment of the Bible, which said on this subject:

48 "No one can serve two masters [state and federal]: for either he will hate the one, and love the other; or else
49 he will hold to the one, and despise the other. Ye cannot serve God and mammon."
50 [[Matt. 6:24](#), Bible, NKJV]

51 Thomas Jefferson, one of our most important founding fathers, confirmed the purpose of the separation of powers between
52 state and federal governments. He confirmed that the purpose of the federal government was to regulate commerce and

⁷ See Federalist Paper #45 for confirmation of this fact.

1 interaction with foreign countries and that it never had the authority or jurisdiction to invade within states, either through
2 legislation or through police powers:

3 *"The extent of our country was so great, and its former division into distinct States so established, that we*
4 *thought it better to confederate [U.S. government] as to foreign affairs only. Every State retained its self-*
5 *government in domestic matters, as better qualified to direct them to the good and satisfaction of their*
6 *citizens, than a general government so distant from its remoter citizens and so little familiar with the local*
7 *peculiarities of the different parts."*
8 *[Thomas Jefferson to A. Coray, 1823. ME 15:483]*

9 *"I believe the States can best govern our home concerns, and the General Government our foreign ones."*
10 *[Thomas Jefferson to William Johnson, 1823. ME 15:450]*

11 *"My general plan [for the federal government] would be, to make the States one as to everything connected*
12 *with foreign nations, and several as to everything purely domestic."*
13 *[Thomas Jefferson to Edward Carrington, 1787. ME 6:227]*

14 *"Distinct States, amalgamated into one as to their foreign concerns, but single and independent as to their*
15 *internal administration, regularly organized with a legislature and governor resting on the choice of the people*
16 *and enlightened by a free press, can never be so fascinated by the arts of one man as to submit voluntarily to his*
17 *usurpation. Nor can they be constrained to it by any force he can possess. While that may paralyze the single*
18 *State in which it happens to be encamped, [the] others, spread over a country of two thousand miles diameter,*
19 *rise up on every side, ready organized for deliberation by a constitutional legislature and for action by their*
20 *governor, constitutionally the commander of the militia of the State, that is to say, of every man in it able to*
21 *bear arms."*
22 *[Thomas Jefferson to A. L. C. Destutt de Tracy, 1811. ME 13:19]*

23 You can read the above quotes from Thomas Jefferson on the website at:

[Thomas Jefferson on Politics and Government, Family Guardian Fellowship
http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1050.htm](http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1050.htm)

24 Note that Jefferson said that the federal government was given jurisdiction over foreign affairs only, which includes
25 foreign commerce. The only exception to this general rule is subject matter within the states over the following:

- 26 1. Slavery under the Thirteenth Amendment.
- 27 2. Counterfeiting under Article 1, Section 8, Clause 5 of the Constitution.
- 28 3. Mail under Article 1, Section 8, Clause 7 of the Constitution.
- 29 4. Assaults and infractions against its own officers under Article 1, Section 8, Clause 18 of the Constitution.
- 30 5. Treason under Article 3, Section 3, Clause 2 of the Constitution.

31 Every other type of subject matter jurisdiction exercised by the federal government within the states is not authorized by the
32 Constitution, and therefore can only be undertaken with the voluntary consent and participation of the state governments
33 and the people within them. This type of consensual jurisdiction is called "comity".

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

42 Jefferson's quotes are also fully consistent with our system of federal taxation. For instance, Article 1, Section 8, Clause 3
43 of the U.S. Constitution limits federal taxation powers to commerce with foreign nations and between, but not within,
44 states. 26 C.F.R. §1.861-8(f) also reveals that the only specific sources of "gross income" that are taxable under Subtitle A
45 of the Internal Revenue Code are those associated with Domestic International Sales Corporations (DISC) and Foreign
46 Sales Corporations (FSCs), both of whom are involved in commerce with foreign countries only. Even the IRS' own
47 publications in the Federal Register confirm that this was the original intent of the founders. Below is an excerpt from the
48 Federal Register, Volume 37, page 20960 dated October 5, 1972:

1 *"Madison's Notes on the Constitutional Convention [see [Federalist Paper #45](#)] reveal clearly that the*
2 *framers of the Constitution believed for some time [and wrote this permanent requirement into the*
3 *Constitution] that the principal, if not sole, support of the new Federal Government would be derived from*
4 *customs duties and taxes connected with shipping and importations. Internal taxation would not be resorted*
5 *to except infrequently, and for special [emergency] reasons. The first resort to internal taxation, the*
6 *enactment of internal revenue laws in 1791 and in the following 10 years, was occasioned by the exigencies of*
7 *the public credit. These first laws were repealed in 1802. Internal revenue laws were reenacted for the period*
8 *1813-17, when the effects of the war of 1812 caused Congress to resort to internal taxation. From 1818 to*
9 *1861, however, the United States had no internal revenue laws and the Federal Government was supported by*
10 *the revenue from import duties and the proceeds from the sale of public lands. In 1862 Congress once more*
11 *levied internal revenue taxes. This time the establishment of an internal revenue system, not exclusively*
12 *dependent upon the supplies of foreign commerce, was permanent."*
13 *[Federal Register, Volume 37, p. 20960; Oct. 5, 1972]*

14 What the IRS doesn't tell you in the above is that the resort to internal taxation under Subtitle A of the Internal Revenue
15 Code was only authorized against officers of the United States government and not against private citizens living in the
16 states of the Union. According to the U.S. Supreme Court, the enactment of the Sixteenth Amendment didn't change that
17 Constitutional requirement one iota either. You can view this document on the website at:

18 <http://famguardian.org/TaxFreedom/Evidence/OrgAndDuties/37FR20960-20964-OrgAndFunctions.pdf>

19 Those federal politicians, legislators, and judges intent on becoming tyrants or expanding their power must break down the
20 separation of powers established by the founders above if they want to concentrate power or take away powers from the
21 states. They have done this over the years mainly by the following means, which we devote nearly the entirety of this book
22 to exposing and explaining:

- 23 1. Deliberately deceiving people about the intent and result of ratifying the Sixteenth Amendment. According to the U.S.
24 Supreme Court, the Sixteenth Amendment "conferred no power of taxation" upon the federal government, but simply
25 reinforced the idea that federal income taxes are indirect excise taxes only on businesses.⁸ Yet, to this day, your
26 dishonest Congressman and the IRS itself both insist that the Sixteenth Amendment is the basis for their authority to
27 tax the labor of a natural person, in spite of the fact that these kind of taxes violate the Thirteenth Amendment and
28 constitute slavery and involuntary servitude.
- 29 2. Eliminating separation of church and state by either taxing churches or using the IRS to terrorize and gag them for their
30 political activities. This is already happening. See the following website for details: <http://www.hushmoney.org/>
- 31 3. Eliminating separation of money and state by eliminating the gold standard and transitioning to a fiat paper currency.
32 This was done in 1913 with the introduction of the Federal Reserve Act on Dec. 23, 1913, shortly after the ratification
33 of the Sixteenth Amendment in February 1913.
- 34 4. Eliminating separation of marriage and state by introducing marriage licenses. This was done in a large scale starting
35 in 1923, with the Uniform Marriage and Divorce Act of 1929. See section 4.14.6.7 of the *Great IRS Hoax*, Form
36 #11.302 for further details.
- 37 5. Confusing the definitions of words to make the separation of powers between state and federal unclear. For instance:
38 5.1. Confusing the definitions of "state" and "State".
39 5.2. Confusing the definition of "United States"
40 5.3. Not defining the word "foreign" in the Internal Revenue Code
- 41 6. Obfuscating the distinctions between "U.S. citizen" and "national" status within federal statutes. "U.S. citizens" were
42 born in the federal United States while "nationals" were born in states of the Union.
- 43 7. Judges violating the due process rights of the accused by making frequent use of false presumption against litigants
44 regarding citizenship and "taxpayer" status without documenting in their rulings what presumptions they are making or
45 having to defend with evidence why such presumptions are warranted. Remember that "presumption" is the opposite
46 of due process and also happens to be a sin in the Bible. Refer to section 2.8.2 of the *Great IRS Hoax*, Form #11.302
47 for details.
- 48 8. Refusing to acknowledge or recognize the limits of federal jurisdiction within federal courtrooms. We have been
49 informed of many individuals being brutalized and abused by itinerant federal judges whose jurisdiction was
50 challenged.
- 51 9. Suppressing any evidence or debate in courtrooms on the nature of separation of powers. Doing so by complicating
52 rules of evidence, and making citizens meet a higher standard for evidence than the government.

⁸ See *Stanton v. Baltic Mining*, 240 U.S. 103 (1916), *Peck v. Lowe*, 247 U.S. 165 (1918), and many others.

- 1 10. Using the proceeds of extorted or illegally-collected federal income tax revenues to break down the separation of
2 powers between states and the federal government. For instance, depriving states of federal revenues who do not do
3 what the federal government wants them to do. This is called “privilege-induced slavery”. Section 14 later explains
4 that this kind of artifice has been thoroughly exploited to create a de facto government that is completely at odds with
5 the de jure separation of powers required by our Constitution.
- 6 11. Discrediting and slandering legal professionals who bring attention to the separation of powers between state and
7 federal jurisdiction by calling them “frivolous” or “incompetent” and/or pulling their license to practice law. The
8 framing of Congressman Traficant and Congressman George Hansen are examples of this kind of political persecution
9 by abusing the legal system as a tool of persecution. See:
10 <http://www.constitution.org/ghansen/conghansen.htm>
- 11 12. Paying people in the legal publishing business to obfuscate the definitions of words. Section 6.8 of the *Great IRS*
12 *Hoax*, Form #11.302 shows several instances of such corruption.
- 13 13. Making the laws found in the U.S. Code so confusing that the average American can’t rely on his own understanding
14 of them to know what the law requires. Instead, he must be compelled to rely on a high-paid expert, such as a judge or
15 lawyer, both of whom have a conflict of interest in expanding their power, to say what the law really requires. This
16 transforms our society from a “society of laws and not men” into a “society of men”.⁹
- 17 14. Suppressing and oppressing the Right to Petition guaranteed to We the People in the [First Amendment](#). The Founders
18 believed that the people had an inalienable right to withhold payment of taxes until their petitions were heard and
19 responded to. Federal courts have evaded and avoided upholding this requirement, in what amounts to treason against
20 the Constitution punishable by death. See the article on the website below about this subject at:
21 <http://famguardian.org/Subjects/Taxes/LegalEthics/RightToPet-031002.pdf>

22 The U.S. Supreme Court in the case of *Baker v. Carr*, [369 U.S. 186](#) (1962) has developed some legal criteria for
23 determining whether a court may invade or undermine the duties of a coordinate branch of government in its rulings and
24 thereby undermine the separation of powers. Below is the criteria:

- 25 1. Has the issue been committed expressly by the Constitution to a coordinate political branch of the government?
- 26 2. Are there judicially discoverable and manageable standards for deciding the case?
- 27 3. Can the case be decided without some initial policy determination of a kind clearly for nonjudicial discretion?
- 28 4. Can the court decide the case independently without expressing lack of respect due a coordinate branch of the
29 government?
- 30 5. Is there an unusual need for unquestioning adherence to a political decision already made?
- 31 6. Is there a potentiality for embarrassment from multifarious decisions by different branches of the government on the
32 same question?

33 In the criteria above, the Executive and Legislative branches of the government are regarded as “political branches”, while
34 the judicial branch is not a political branch, but exclusively a legal branch. Understanding these criteria are important for
35 readers who want to challenge the exercise of political powers by the federal judiciary, such as in areas of:

- 36 1. Interfering with one’s political choice of domicile. See *Great IRS Hoax*, Form #11.302, Section 5.4.5 for details.
- 37 2. Interfering with one’s political choice of citizenship. See *Great IRS Hoax*, Form #11.302, Sections 4.11 through
38 4.11.13.
- 39 3. Interfering with the exercise of political rights or a political party. You as a private individual constitute an
40 independent sovereignty and political party and a court may not interfere with your political choices. See section 4.2.4
41 of the *Great IRS Hoax*, Form #11.302 for a definition of political rights.

42 A court that interferes with or questions or undermines a person’s political affiliations above is involving itself in political
43 questions and the judge is overstepping his authority.

44 *“Political questions. Questions of which courts will refuse to take cognizance, or to decide, on account of their*
45 *purely political character, or because their determination would involve an encroachment upon the executive or*
46 *legislative powers.*

47 *“Political questions doctrine” holds that certain issues should not be decided by courts because their resolution*
48 *is committed to another branch of government and/or because those issues are not capable, for one reason or*
49 *another, of judicial resolution. Islamic Republic of Iran v. Pahlavi, 116 Misc.2d. 590, 455 N.Y.S.2d. 987, 990.*

⁹ See *Marbury v. Madison*, [5 U.S. 137](#); 1 Cranch 137, 2 L.Ed. 60 (1803)

1 A matter of dispute which can be handled more appropriately by another branch of the government is not a
2 "justiciable" matter for the courts. However, a state apportionment statute is not such a political question as to
3 render it nonjusticiable. *Baker v. Carr*, 369 U.S. 186, 208-210, 82 S.Ct. 691, 705-706, 7 L.Ed.2d. 663.
4 [Black's Law Dictionary, Sixth Edition, pp. 1158-1159]

5 The U.S. Supreme Court has also insightfully defined the very harmful effect on society when the judicial branch of the
6 government involves itself in political questions of the above nature in the case of *Luther v. Borden*:

7 "But, fortunately for our freedom from political excitements in judicial duties, this court [the U.S. Supreme
8 Court] can never with propriety be called on officially to be the umpire in questions merely political. The
9 adjustment of these questions belongs to the people and their political representatives, either in the State or
10 general government. These questions relate to matters not to be settled on strict legal principles. They are
11 adjusted rather by inclination, or prejudice or compromise, often.

12 [. . .]

13 Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament
14 of judges would be that, in such an event, all political privileges and rights would, in a dispute among the
15 people, depend on our decision finally. We would possess the power to decide against, as well as for, them,
16 and, under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much
17 perverted, if not entirely prostrated. But, allowing the people to make constitutions and unmake them, allowing
18 their representatives to make laws and unmake them, and without our interference as to their principles or
19 policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as
20 empowered by the State or the Union, commence their functions and may decide on the rights which conflicting
21 parties can legally set up under them, rather than about their formation itself. Our power begins after theirs
22 [the Sovereign People] ends. Constitutions and laws precede the judiciary, and we act only under and after
23 them, and as to disputed rights beneath them, rather than disputed points in making them. We speak
24 what is the law, jus dicere, we speak or construe what is the constitution, after both are
25 made, but we make, or revise, or control neither. The disputed rights beneath
26 constitutions already made are to be governed by precedents, by sound legal principles,
27 by positive legislation e.g. "positive law", clear contracts, moral duties, and fixed
28 rules; they are per se questions of law, and are well suited to the education and habits
29 of the bench. But the other disputed points in making constitutions, depending often, as before shown, on
30 policy, inclination, popular resolves and popular will and arising not in respect to private rights, not what is
31 meum and tuum, but in relation to politics, they belong to politics, and they are settled by political tribunals,
32 and are too dear to a people bred in the school of Sydney and Russel for them ever to intrust their final
33 decision, when disputed, to a class of men who are so far removed from them as the judiciary, a class also who
34 might decide them erroneously, as well as right, and if in the former way, the consequences might not be able
35 to be averted except by a revolution, while a wrong decision by a political forum can often be peacefully
36 corrected by new elections or instructions in a single month; and if the people, in the distribution of powers
37 under the constitution, should ever think of making judges supreme arbiters in political controversies when
38 not selected by nor, frequently, amenable to them nor at liberty to follow such various considerations in their
39 judgments as [48 U.S. 53] belong to mere political questions, they will dethrone themselves and lose one of
40 their own invaluable birthrights; building up in this way -- slowly, but surely -- a new sovereign power in the
41 republic, in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at
42 least, than the worst elective oligarchy in the worst of times. Again, instead of controlling the
43 people in political affairs, the judiciary in our system was designed rather to control
44 individuals, on the one hand, when encroaching, or to defend them, on the other,
45 under the Constitution and the laws, when they are encroached upon. And if the judiciary at
46 times seems to fill the important station of a check in the government, it is rather a check on the legislature, who
47 may attempt to pass laws contrary to the Constitution, or on the executive, who may violate both the laws and
48 Constitution, than on the people themselves in their primary capacity as makers and amenders of constitutions."
49 [Luther v. Borden, 48 U.S. 1 (1849)]

50 If you would like a more thorough analysis of why courts do not have jurisdiction over "political questions" and why your
51 choice of citizenship and domicile are political questions, please see the following excellent memorandum of law:

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

3 “Separate”=“Sovereign”=“Foreign”

“Pure and undefiled religion before God and the Father is this: to visit orphans and widows in their trouble, and to keep oneself **unspotted** [“foreign”, “sovereign”, and/or “alien”] from the world [and the corrupt BEAST governments and rulers of the world].”
[James 1:27, Bible, NKJV]

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

“And I heard another voice from heaven [God] saying, “Come out of her [be legally “foreign” to Babylon the Great Harlot, a democratic, rather than republican, state full of socialist non-believers], my people [Christians], lest you share in her sins, and lest you receive of her plagues.”
[Revelation 18:4, Bible, NKJV]

“Come out from among them [the unbelievers and government idolaters] And be separate [“foreign” and “sovereign”], says the Lord. Do not touch what is unclean.
And I will receive you.
I will be a Father to you,
And you shall be my sons and daughters,
Says the Lord Almighty.”
[2 Corinthians 6:17-18, Bible, NKJV]

Going along with the notion of the Separation Of Powers doctrine in the previous section is the concept of “sovereignty”. Sovereignty is the foundation of all government in America and fundamental to understanding our American system of government. Below is how President Theodore Roosevelt, one of our most beloved Presidents, describes “sovereignty”:

“We of this mighty western Republic have to grapple with the dangers that spring from popular self-government tried on a scale incomparably vaster than ever before in the history of mankind, and from an abounding material prosperity greater also than anything which the world has hitherto seen.

As regards the first set of dangers, it behooves us to remember that men can never escape being governed. Either they must govern themselves or they must submit to being governed by others. If from lawlessness or fickleness, from folly or self-indulgence, they refuse to govern themselves then most assuredly in the end they will have to be governed from the outside. They can prevent the need of government from without only by showing they possess the power of government from within. A sovereign cannot make excuses for his failures; a sovereign must accept the responsibility for the exercise of power that inheres in him; and where, as is true in our Republic, the people are sovereign, then the people must show a sober understanding and a sane and steadfast purpose if they are to preserve that orderly liberty upon which as a foundation every republic must rest.”
[President Theodore Roosevelt; Opening of the Jamestown Exposition; Norfolk, VA, April 26, 1907]

In this section, we will cover some very important implications of sovereignty within the context of government authority and jurisdiction generally. We will analyze these implications both from the standpoint of relations WITHIN a government and the relationship that government has with its citizens and subjects.

In law, a “sovereign” is called a “foreigner”, “stranger”, “transient foreigner”, “sojourner”, “stateless person”, or simply a “nonresident”. This is an unavoidable result of the fact that states of the Union are:

1. Sovereign in respect to each other and in respect to federal jurisdiction.
2. “foreign countries” or “foreign states” with respect to federal legislative jurisdiction.

“The United States Government is a foreign corporation with respect to a state.” [N.Y. v. Merriam 36 N.E. 505, 141 N.Y. 479, affirmed 16 S.Ct. 1073, 41 L.Ed. 287]

- 2 3. Addressed as “states” rather than “States” in federal law because they are foreign.
3 4. The equivalent of independent nations in respect to federal jurisdiction excepting the subject of foreign affairs.

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

10 Many Americans naturally cringe at the idea of being called a “foreigner” in their own country. The purpose of this section
11 is to explain why there is nothing wrong with maintaining the status of being “foreign” and why it is the ONLY way to
12 preserve and protect the separation of powers that was put into place by the very wise founding fathers for the explicit
13 purpose of protecting our sacred Constitutional Rights.

14 The U.S. Supreme Court described how legal entities and persons transition from being FOREIGN to DOMESTIC in
15 relation to a specific court or venue, which is ONLY with their express consent. This process of giving consent is also
16 called a "waiver of sovereign immunity" and it applies equally to governments, states, and the humans occupying them. To
17 wit:

18 **Before we can proceed in this cause we must, therefore, inquire whether we can hear and determine the**
19 **matters in controversy between the parties, who are two states of this Union, sovereign within their respective**
20 **boundaries, save that portion of power which they have granted to the federal government, and foreign to**
21 **each other for all but federal purposes.** So they have been considered by this Court, through a long series of
22 years and cases, to the present term; during which, in the case of *The Bank of the United States v. Daniels*, this
23 Court has declared this to be a fundamental principle of the constitution; and so we shall consider it in deciding
24 on the present motion. 2 Peters, 590, 91.

25 *Those states, in their highest sovereign capacity, in the convention of the people thereof; on whom, by the*
26 *revolution, the prerogative of the crown, and the transcendent power of parliament devolved, in a plenitude*
27 *unimpaired by any act, and controllable by no authority, 6 Wheat. 651; 8 Wheat. 584, 88; adopted the*
28 *constitution, by which they respectively made to the United States a grant of judicial power over controversies*
29 *between two or more states. **By the constitution, it was ordained that this judicial power, in cases where a***
30 **state was a party, should be exercised by this Court as one of original jurisdiction. The states waived their**
31 **exemption from judicial power, 6 Wheat. 378, 80, as sovereigns by original and inherent right, by their own**
32 **grant of its exercise over themselves in such cases, but which they would not grant to any inferior tribunal,**
33 **By this grant, this Court has acquired jurisdiction over the parties in this cause, by their own consent and**
34 **delegated authority; as their agent for executing the judicial power of the United States in the cases specified.**

35 *[The State of Rhode Island and Providence Plantations, Complainants v. the Commonwealth of Massachusetts,*
36 *Defendant, 37 U.S. 657, 12 Pet. 657, 9 L.Ed. 1233 (1838)]*

37 The idea of the above cite is that all civil subject matters or powers by any government NOT expressly consented to by the
38 object of those powers are foreign and therefore outside the civil legal jurisdiction of that government. This fact is
39 recognized in the Declaration of Independence, which states that all just powers derive from the CONSENT of those
40 governed. The method of providing that consent, in the case of a human, is to select a civil domicile within a specific
41 government and thereby nominate a protector under the civil statutory laws of the territory protected by that government.
42 This fact is recognized in Federal Rule of Civil Procedure 17(b), which says that the capacity to sue or be sued is
43 determined by the law of the domicile of the party. Civil statutory laws from places or governments OUTSIDE the domicile
44 of the party may therefore NOT be enforced by a court against the party. This subject is covered further in:

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

45 A very important aspect of domicile is that whether one is domestic and a citizen or foreign and an alien under the civil
46 statutory laws is determined SOLELY by one's domicile, and NOT their nationality. You can be born anywhere in America
47 and yet still be a statutory alien in relation to any and every state or government within America simply by not choosing or
48 having a domicile within any municipal government in the country. You can also be a statutory "alien" in relation to the

1 national government and yet still have a civil domicile within a specific state of the Union, because your DOMICILE is
2 foreign, not your nationality.

3 Consistent with the above analysis of how one transitions from FOREIGN to DOMESTIC through CONSENT are the
4 following corroborating authorities.

- 5 1. The Declaration of Independence, which says that all JUST powers derive ONLY from the “consent of the governed”.
6 Anything not consensual is therefore unjust and does not therefore have the “force of law” or any civil jurisdiction
7 whatsoever against those not consenting.

8 [DECLARATION OF INDEPENDENCE, 1776](#)

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

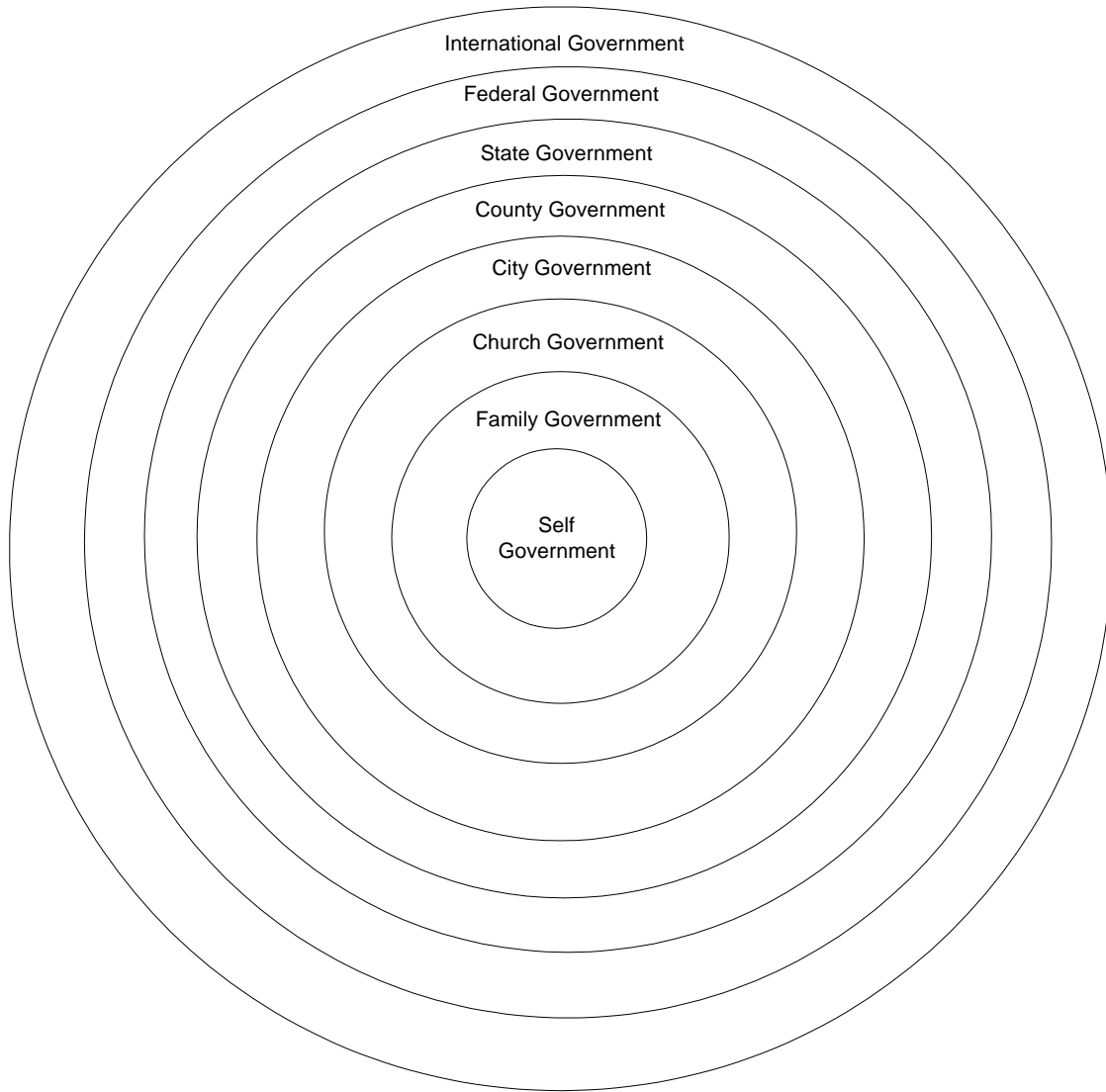
- 14 2. The concept of “comity” in legal field:

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

- 23 3. The Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Part 4, Chapter 97.
24 4. The Minimum Contacts Doctrine, U.S. Supreme Court of the U.S. Supreme Court. See International Shoe Co. v.
25 Washington, 326 U.S. 310 (1945).
26 5. The Longarm Statutes within your state. Each state has statutes authorizing nonresidents and therefore foreign
27 sovereigns to waive their sovereign immunity in civil court.

28 Sovereignty can exist within individuals, families, churches, cities, counties, states, nations, and even international bodies.
29 This is depicted in the “onion diagram” below, which shows the organization of personal, family, church, and civil
30 government graphically. The boundaries and relations between each level of government are defined by God Himself, who
31 is the Creator of all things and the Author of the user manual for it all, His Holy Book. Each level of the “onion” below is
32 considered sovereign, independent, and “foreign” with respect to all the levels external to it. Each level of the diagram
33 represents an additional layer of protection for those levels within it, keeping in mind that the purpose of government at
34 every level is “protection” of the sovereigns which it was created to serve and which are within it in the diagram below:

35 Figure 3-1: Hierarchy of sovereignty



1

2 The interior levels of the above onion govern and direct the external levels of the onion. For instance, citizens govern and
 3 direct their city, county, state, and federal governments by exercising their political right to vote and serve on jury duty.
 4 Here is how the U.S. Supreme Court describes it:

5 *"The words 'people of the United States' and 'citizens,' are synonymous terms, and mean the same thing. They*
 6 *both describe the political body who, according to our republican institutions, form the sovereignty, and **who***
 7 ***hold the power and conduct the government through their representatives.** They are what we familiarly call*
 8 *the 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. ..."*
 9 *[Boyd v. State of Nebraska, [143 U.S. 135](#) (1892)]*

10 *"...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country,*
 11 *but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal*
 12 *as fellow citizens, and as joint tenants in the sovereignty."*
 13 *[Chisholm v. Georgia, [2 Dall \(U.S.\) 419](#), 454, 1 L.Ed. 440, 455 @DALL 1793, pp. 471-472]*

14 City governments control their state governments by directing elections, controlling what appears on the ballot, and
 15 controlling how much of the property and sales tax revenues are given to the states. State government exercise their

1 authority over the federal government by sending elected representatives to run the Senate and by controlling the “purse” of
2 the federal government when direct taxes are apportioned to states.

3 Sovereignty also exists *within* a single governmental unit. For instance, in the previous section, we described the
4 Separation of Powers Doctrine by showing how a “republican form of government” divides the federal government into
5 three distinct, autonomous, and completely independent branches that are free from the control of the other branches.
6 Therefore, the Executive, Legislative, and Judicial departments of both state and federal governments are “foreign” and
7 “alien” with respect to the other branches.

8 Sovereignty is defined in man’s law as follows, in Black’s Law Dictionary:

9 *“Sovereignty. The supreme, absolute, and uncontrollable power by which any independent state is governed;
10 supreme political authority; paramount control of the constitution and frame of government and its
11 administration; self sufficient source of political power, from which all specific political powers are derived;
12 the international independence of a state, combined with the right and power of regulating its internal affairs
13 without foreign dictation; also a political society, or state, which is sovereign and independent. Chisholm v.
14 Georgia, 2 Dall. 455, 1 L.Ed. 440; Union Bank v. Hill, 3 Cold., Tenn 325; Moore v. Shaw, 17 Cal. 218, 79
15 Am.Dec. 123; State v. Dixon, 66 Mont. 76, 213 P. 227.”*
16 *[Black’s Law Dictionary Fourth Edition (1951), p. 1568]*

17 “Sovereignty” consists of the combination of legal authority and responsibility that a government or individual has within
18 our American system of jurisprudence. The key words in the above definition of sovereignty are: “foreign”,
19 “uncontrollable”, and “independence”. A “sovereign” is:

- 20 1. A servant and fiduciary of all sovereigns *internal* to it.
21 2. Not subject to the legislative or territorial jurisdiction of any *external* sovereign. This is because he is the “author” of
22 the law that governs the external sovereign and therefore not subject to it.

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

- 26 3. “Foreign” or “alien” with respect to other *external* sovereigns, from a legal perspective. This means that:
27 3.1. The purpose of the laws of the sovereign at any level is to establish a fiduciary duty to protect the rights and
28 sovereignty of all those entities which are *internal* to a sovereignty.
29 3.2. The existence of a sovereign may be acknowledged and *defined*, but not *limited* by the laws of an *external*
30 sovereign.
31 3.3. The rights and duties of a sovereign are *not* prescribed in any law of an external sovereign.
32 4. “Independent” of other sovereigns. This means that:
33 4.1. The sovereign has a duty to support and govern itself completely and to not place any demands for help upon an
34 external sovereign.
35 4.2. The moment a sovereign asks for “benefits” or help, it ceases to be sovereign and independent and must surrender
36 its rights and sovereignty to an external sovereign using his power to contract in order to procure needed help.

37 The purpose of the Constitution is to preserve “self-government” and independence at every level of sovereignty in the
38 above onion diagram:

39 *“The determination of the Framers Convention and the ratifying conventions to preserve complete and
40 unimpaired state [and personal] self-government in all matters not committed to the general government is
41 one of the plainest facts which emerges from the history of their deliberations. And adherence to that
42 determination is incumbent equally upon the federal government and the states. State powers can neither be
43 appropriated on the one hand nor abdicated on the other. As this court said in Texas v. White, 7 Wall. 700,
44 725, ‘The preservation of the States, and the maintenance of their governments, are as much within the
45 design and care of the Constitution as the preservation of the Union and the maintenance of the National
46 government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible
47 States.’ Every journey to a forbidden end begins with the first step; and the danger of such a step by the federal
48 government in the direction of taking over the powers of the states is that the end of the journey may find the
49 states so despoiled of their powers, or-what may amount to the same thing-so [298 U.S. 238, 296] relieved of
50 the responsibilities which possession of the powers necessarily enjoins, as to reduce them to little more than
51 geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under
52 consideration, it had been thought that any such danger lurked behind its plain words, it would never have been
53 ratified.”*

Below are some examples of the operation of the above rules for sovereignty within the American system of government:

1. No federal law prescribes a *duty* upon a person who is a “national” but not a “citizen” under federal law, as defined in 8 U.S.C. §1101(a)(21), 8 U.S.C. §1101(a)(22)(B), or 8 U.S.C. §1101(a)(21). References to “nationals” within federal law are rare and every instance where it is mentioned is in the context of duties and obligations of public servants, rather than the “national himself” or herself. This is further explained in pamphlet below:

Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>

2. Natural persons who have not expressly and in writing contracted away their rights are “sovereign”. Here is how the U.S. Supreme Court describes it:

...we are of the opinion that there is a clear distinction in this particular case between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.”
[Hale v. Henkel, 201 U.S. 43 at 74 (1905)]

3. States of the Union and the Federal government are both immune from lawsuits against them by “nationals”, except in cases where they voluntarily consent by law. This is called “sovereign immunity”. Read the Supreme Court case of *Alden v. Maine*, 527 U.S. 706 (1999) for exhaustive details on the constitutional basis for this immunity.
4. States of the Union are “foreign” with respect to the federal government for the purposes of legislative jurisdiction. In federal law, they are called “foreign states” and they are described with the *lower case* word “states” within the U.S. Code and in *upper case* “States” in the Constitution. Federal “States”, which are actually territories of the United States (see 4 U.S.C. §110(d)) are spelled in *upper case* in most federal statutes and codes. States of the Union are immune from the jurisdiction of federal courts, except in cases where they voluntarily consent to be subject to the jurisdiction. The federal government is immune from the jurisdiction of state courts and international bodies, except where it consents to be sued as a matter of law. This is called “sovereign immunity”.

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

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

5. The rules for surrendering sovereignty are described in the “Foreign Sovereign Immunities Act”, which is codified in 28 U.S.C. §§1602-1611. A list of exceptions to the act in 28 U.S.C. §1605 define precisely what behaviors cause a sovereign to surrender their sovereignty to a fellow sovereign.

The key point we wish to emphasize throughout this section is that a sovereign is “foreign” with respect to all other *external* (outside them within the onion diagram) sovereigns and therefore not subject to their jurisdiction. In that respect, a sovereign is considered a “foreigner” of one kind or another in the laws of every sovereign *external* to it. For instance, a person who is a “national” but not a subject “citizen” under federal law, as defined in 8 U.S.C. §1101(a)(21) or 8 U.S.C. §1452, is classified as a “nonresident *alien*” within the Internal Revenue Code if they are engaged in a public office or simply a “non-resident non-person” if they are not. He is “alien” to the code because he is *not* subject to it and he is a “nonresident” because he does not maintain a domicile in the federal zone. This is no accident, but simply proof in the law itself that such a person is in deed and in fact a “sovereign” with respect to the government entity that *serves* him. Understanding this key point is the foundation for understanding the next chapter, where we will prove to you with the government’s own laws that most Americans born in and living within states of the Union, which are “foreign states” with respect to federal jurisdiction, are:

- 1 1. Statutory “non-resident non-persons” if they are not engaged in a public office.
- 2 2. “nonresident aliens” as defined under 26 U.S.C. §7701(b)(1)(B) if they are engaged in a public office in the national
- 3 government.
- 4 3. Not “persons” or “individuals” within federal civil law, including the Internal Revenue Code. You can’t be a “person”
- 5 or an “individual” within federal law unless you either have a domicile within federal jurisdiction or contract with the
- 6 federal government to procure an identity or “res” within their jurisdiction and thereby become a “res-ident”. The U.S.
- 7 Supreme Court has held that the rights of human beings are unalienable, which means they can’t be bargained or
- 8 contracted away through any commercial process. Therefore, domicile is the only lawful source of jurisdiction over
- 9 human beings.

10 *“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’*
 11 *and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which*
 12 *a man has honestly acquired he retains full control of. . .”*
 13 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

14 Furthermore, the Bible says we can’t contract with “the Beast”, meaning the government and therefore, we have no
 15 delegated authority to give away our rights to the government:

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

- 21 4. Not “nonresident alien individuals”. You can’t be a “nonresident alien individual” without first being an “individual”
- 22 and therefore a “person”. 26 U.S.C. §7701(c) defines the term “person” to include “individuals”. Instead, they are
- 23 “non-resident NON-persons”.
- 24 5. “foreign” or “foreigners” with respect to federal jurisdiction. All of their property is classified as a “foreign estate”
- 25 under 26 U.S.C. §7701(a)(31). In the Bible, this status is called a “stranger”:

26 *“You shall neither mistreat a **stranger** nor oppress him, for you were **strangers** in the land of Egypt.”*
 27 *[Exodus 22:21, Bible, NKJV]*

28 *“And if a **stranger** dwells with you in your land, you shall not mistreat him.”*
 29 *[Leviticus 19:33, Bible, NKJV]*

- 30 6. Not “foreign persons”. You can’t be a “foreign person” without first being a “person”.
- 31 7. “nontaxpayers” if they do not earn any income from within the “federal zone” or that is connected with an excise
- 32 taxable activity called a “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as a public office in the United
- 33 States government.
- 34 8. Not qualified to sit on a jury in a federal district court, because they are not “citizens” under federal law.

35 Now do you understand why the Internal Revenue Code defines the term “foreign” as follows? They don’t want to spill the
 36 beans and inform you that you are sovereign and not subject to their jurisdiction! The definition of "foreign" in the Internal
 37 Revenue Code defines the term ONLY in the context of corporations, because the government only has civil statutory
 38 jurisdiction over PUBLIC statutory "persons" that they created and who are therefore engaged in a public office, of which
 39 federal corporations are a part:

40 26 U.S. Code § 7701 - Definitions

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

43 (3) Corporation

44 The term “corporation” includes associations, joint-stock companies, and insurance companies.

45 (4) Domestic

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

4 **(5) Foreign**

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

7 The reason they defined "foreign" as they did above is that:

- 8 1. The "United States" government is a "foreign corporation" in respect to a state. Everything OUTSIDE that corporation
9 is "foreign".

10 **"The United States government is a foreign corporation with respect to a state."**
11 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]*

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

25 **TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE**
26 **PART VI - PARTICULAR PROCEEDINGS**
27 **CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE**
28 **SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS**
29 **Sec. 3002. Definitions**

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

- 34 2. The only thing legally INSIDE the "United States" corporation as a legal person are public officers and federal
35 instrumentalities such as OTHER federal corporations.
- 36 3. The government can only regulate or control that which it creates, and it didn't create state corporations. Legislatively
37 foreign states did that. State corporations are therefore OUTSIDE the "United States" corporation and foreign to it
38 because not created by the United States government.
- 39 4. The power to tax is the power to create. They can't tax what they didn't create, meaning they can't tax PRIVATE
40 human beings. PRIVATE human beings are not statutory "persons" or "taxpayers" within the Internal Revenue Code
41 UNLESS they are serving in public offices within the national and not state government. See:

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

- 42 5. They know they only have jurisdiction over PUBLIC entities lawfully engaged in public offices WITHIN the
43 government, all of which they CREATED by statute.
- 44 6. The term "United States" in statutes has TWO possible meanings in statutes such as the I.R.C.:
- 45 6.1. The GEOGRAPHICAL "United States" consisting of Federal territory.
- 46 6.2. The "United States" federal corporation 28 U.S.C. §3002(15)(A).
- 47 7. Most uses of "United States" within the I.R.C. rely on the SECOND definition above, including the term "sources
48 within the United States" found in 26 U.S.C. §864(c)(3). That means a "source in the United States" really means an
49 OFFICE or INSTRUMENTALITY within the United States federal corporation.
- 50 8. They want to promote false presumption about federal jurisdiction by making everyone falsely believe that they are a
51 statutory "person" or "taxpayer" and therefore a public office in the national government. Acting as a "public officer"
52 makes an otherwise private human being INTO a public office and therefore LEGALLY but not GEOGRAPHICALLY

- 1 "within" the "United States" federal corporation.
- 2 9. They want to create and exploit “cognitive dissonance” by appealing to the aversion of the average American to being
- 3 called a “foreigner” or “non-resident non-person” with respect to his own federal government.
- 4 10. They want to mislead and deceiving Americans into believing and declaring on government forms that they are
- 5 statutory rather than constitutional “U.S. citizens” pursuant to 8 U.S.C. §1401 who are subject to their corrupt laws
- 6 instead of “nationals” but not a “citizens” pursuant to 8 U.S.C. §1101(a)(21) . The purpose is to compel you through
- 7 constructive fraud to associate with and conduct “commerce” (intercourse/fornication) with “the Beast” as a statutory
- 8 “U.S. citizen”, who is a government whore. They do this by the following means:
- 9 10.1. Using “words of art” to encourage false presumption.
- 10 10.2. Using vague or ambiguous language that is not defined and using political propaganda instead of law to define the
- 11 language.

12 Keep in mind the following with respect to a “foreigner” and the status of being a statutory “non-resident non-person” and

13 therefore sovereign:

- 14 1. What makes you legislatively “foreign” in respect to a specific jurisdiction or venue is a foreign civil DOMICILE, not
- 15 a foreign NATIONALITY.
- 16 2. Federal Rule of Civil Procedure 17(b) is the method of enforcing your foreign status, because it recognizes that those
- 17 who are not domiciled on federal territory are beyond the civil statutory jurisdiction of the CIVIL court. This does
- 18 NOT mean that you are beyond the jurisdiction of the COMMON law within that jurisdiction, but simply not beyond
- 19 the civil STATUTORY control of that jurisdiction.
- 20 3. The only way an otherwise PRIVATE human being not domiciled on federal territory can be treated AS IF they are is
- 21 if they are lawfully engaged in a public office within the national and not state government.
- 22 4. There is nothing wrong with being an “alien” in the tax code, as long as we aren’t an alien with a “domicile” on federal
- 23 territory, which makes us into a “resident”. The taxes described under Subtitle A of the Internal Revenue Code are not
- 24 upon “aliens”, but instead mainly upon “residents”, who are “aliens” with a legal domicile within federal exclusive
- 25 jurisdiction. This is covered in section 5.4.19 of the *Great IRS Hoax*, Form #11.302.
- 26 5. A “nonresident alien” is not an “alien” and therefore not a “taxpayer” in most cases. 8 U.S.C. §1101(a)(3) and 26
- 27 C.F.R. §1.1441-1(c)(3)(i) both define an “alien” as “any person who is neither a citizen nor national of the United
- 28 States”. 26 U.S.C. §7701(b)(1)(B) defines a “nonresident alien” as “neither a citizen of the United States nor a resident
- 29 of the United States (within the meaning of subparagraph (A))”.
- 30 6. A “nonresident alien” who is also an “alien” may elect under 26 U.S.C. §6013(g) or [26 U.S.C. §7701\(b\)\(4\)](#) to be
- 31 treated as a “resident” by filing the wrong tax form, the 1040, instead of the more proper 1040NR form. Since that
- 32 election is a voluntary act, then income taxes are voluntary for nonresident aliens.
- 33 7. A “nonresident alien” who is a state national may not lawfully elect to become a “resident alien” or a “resident”
- 34 pursuant to 26 U.S.C. §6013(g) or [26 U.S.C. §7701\(b\)\(4\)](#).
- 35 8. The only way that a “nonresident alien” who is also a state national can lawfully become domiciled in a place is if he
- 36 or she or it physically moves to that place and then declares an intention to remain permanently and indefinitely. When
- 37 the nonresident alien does this, it becomes a statutory citizen of that place, not a “resident alien”.
- 38 9. Only “aliens” can have a “residence” within the Internal Revenue Code pursuant to 26 C.F.R. §1.871-2. State
- 39 nationals or “non-citizen nationals of the United States**” under 8 U.S.C. §1408 cannot lawfully be described as
- 40 having a “residence” because that word is nowhere defined to include anything other than “aliens”.

41 If you would like to learn more about the rules that govern sovereign relations at every level, please refer to the table below:

42 Table 1: Rules for Sovereign Relations/Government

#	Sovereignty	Governance and Relations with other Sovereigns Prescribed By	
		God's law	Man's law
1	Self government	Bible Family Constitution, Form #13.003	Criminal code. All other “codes” are voluntary and consensual.
2	Family government	Bible Family Constitution, Form #13.003 Sovereign Christian Marriage	Family Code in most states, but only for those who get a state marriage license.
3	Church government	Bible Family Constitution, Form #13.003	Not subject to government jurisdiction under the Separation of Powers Doctrine
4	City government	Bible	Municipal code
5	County government	Bible	County code
6	State government	Bible	United State Constitution State Constitution

#	Sovereignty	Governance and Relations with other Sovereigns Prescribed By	
		God's law	Man's law
7	Federal government	Bible	State Code United State Constitution Statutes at Large United States Code Code of Federal Regulations
8	International government	Bible	Law of Nations , Vattel

NOTES:

- The *Sovereign Christian Marriage* book above may be downloaded from the Family Guardian website at:
<http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm>
- The *Family Constitution*, Form #13.003 above may be downloaded for free from the Family Guardian website at:
<http://famguardian.org/Publications/FamilyConst/FamilyConst.htm>
- Man's laws may be referenced on the Family Guardian website at:
<http://famguardian.org/TaxFreedom/LegalRef/LegalResrchSrc.htm>
- God's laws are summarized on the Family Guardian Website below:
http://famguardian.org/Subjects/LawAndGovt/ChurchVState/BibleLawIndex/bl_index.htm
- You can read *The Law of Nations* book mentioned above on the Family Guardian website at:
<http://famguardian.org/Publications/LawOfNations/vattel.htm>

This concept of being a “foreigner” or statutory “non-resident non-person” as a sovereign is also found in the Bible as well. Remember what Jesus said about being free?:

*"Ye shall know the Truth and the Truth shall make you free."
[John 8:32, Bible, NKJV]*

We would also add to the above that the Truth shall also make you a “non-resident non-person” under the civil statutory “codes”/franchises of your own country! Below are a few examples why:

*"Adulterers and adulteresses! Do you now know that friendship [and "citizenship"] with the world [or the governments of the world] is enmity with God? **Whoever therefore wants to be a friend ["citizen" or "taxpayer" or "resident" or "inhabitant"] of the world makes himself an enemy of God.**"
[James 4:4, Bible, NKJV]*

*"**For our citizenship is in heaven [and not earth],** from which we also eagerly wait for the Savior, the Lord Jesus Christ"
[Philippians 3:20, Bible, NKJV]*

*"**I am a stranger in the earth;** Do not hide Your commandments [laws] from me."
[Psalm 119:19, Bible, NKJV]*

*"**I have become a stranger to my brothers, and an alien to my mother's children;** because zeal for Your [God's] house has eaten me up, and the reproaches of those who reproach You have fallen on me."
[Psalm 69:8-9, Bible, NKJV]*

It is one of the greatest ironies of law and government that the only way you can be free and sovereign is to be “foreign” or what the Bible calls a “stranger” of one kind or another within the law, and to understand the law well enough to be able to describe *exactly* what kind of “foreigner” you are and why, so that the government must respect your sovereignty and thereby leave you and your property alone.

*"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men.**"
[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting) ; see also Washington v. Harper, 494 U.S. 210 (1990)]*

The very object of "justice" itself is to ensure that people are "left alone". The purpose of courts is to enforce the requirement to leave our fellow man alone and to only do to him/her what he/she expressly consents to and requests to be done:

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

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

14 A person who is “sovereign” must be left alone as a matter of law. There are several examples of this important principle
15 of sovereignty in operation in the Bible as well. For example:

16 *Then Haman said to King Ahasuerus, “There is a certain people scattered and dispersed among the people in*
17 *all the provinces of your kingdom; their laws are different from all other people's, and they do not keep the*
18 *king's laws [are FOREIGN with respect to them and therefore sovereign]. Therefore it is not fitting for the*
19 *king to let them remain. If it pleases the king, let a decree be written that they be destroyed, and I will pay ten*
20 *thousand talents of silver into the hands of those who do the work, to bring it into the king's treasuries.”*
21 [Esther 3:8-9, Bible, NKJV]

22 In the Bible, when the Jews were being embarrassed and enslaved by surrounding heathen populations, they responded in
23 the Book of Nehemiah by building a wall around their city and being self-contained and self-governing to the exclusion of
24 the “aliens” and “foreigners” around them, who were not believers. This is their way of not only restoring self-government,
25 but of also restoring God as their King and Sovereign, within what actually amounted to a “theocracy”:

26 **“The survivors [Christians] who are left from the captivity in the province are there in great distress and**
27 **reproach. The wall [of separation between "church", which was the Jews, and "state", which was the**
28 **heathens around them] of Jerusalem is also broken down, and its gates are burned with fire.”**
29 [Neh. 1:3, Bible, NKJV]

30
31 *Then I said to them, “You see the distress that we are in, how Jerusalem lies waste, and its gates are burned*
32 *with fire. Come and let us build the wall of [of separation in] Jerusalem that we may no longer be a reproach.”*
33 *And I told them of the hand of my God which had been good upon me, and also of the king's words that he had*
34 *spoken to me. So they said, “Let us rise up and build.” Then they set their hands to this good work.*

35 *But when Sanballat the Horonite, Tobiah the Ammonite official, and Geshem the Arab heard of it, they laughed*
36 *at us and despised us, and said, “What is this thing that you are doing? Will you rebel against the king?”*

37 *So I answered them, and said to them, “The God of heaven Himself will prosper us; therefore we His servants*
38 **will arise and build [the wall of separation between church and state]...”**
39 [Neh. 3:17-18, Bible, NKJV]

40 The “wall” of separation between “church”, which was the Jews, and “state”, which was the surrounding unbelievers and
41 governments, they were talking about above was not only a physical wall, but also a legal one as well! The Jews wanted to
42 be “separate”, and therefore “sovereign” over themselves, their families, and their government and not be subject to the
43 surrounding heathens and nonbelievers around them. They selected Heaven as their “domicile” and God's laws as the basis
44 for their self-government, which was a theocracy, and therefore became “strangers” on the earth who were hated by their
45 neighbors. The Lord, in wanting us to be sanctified and “separate” as His “bride”, is really insisting that we also be a
46 “foreigner” or “stranger” with respect to our unbelieving neighbors and the people within the heathen state that has
47 territorial jurisdiction where we physically live:

48 *“Come out from among them [the unbelievers and government idolaters]*
49 *And be separate [“sovereign” and “foreign”], says the Lord.*
50 ***Do not touch what is unclean [corrupted],***
51 ***And I will receive you.***
52 ***I will be a Father to you,***
53 ***And you shall be my sons and daughters,***
54 ***Says the Lord Almighty.”***
55 [2 Corinthians 6:17-18, Bible, NKJV]

1 When we follow the above admonition of our Lord to become “sanctified” and therefore “separate”, then we will inevitably
2 be persecuted, just as Jesus warned, when He said:

3 *“If the world hates you, you know that it hated Me before it hated you. If you were of the world, the world
4 would love its own. Yet because you are not of the world, but I chose you out of the world, therefore the
5 world hates you. Remember the word that I said to you, ‘A servant is not greater than his master.’ If they
6 persecuted Me, they will also persecute you. If they kept My word, they will keep yours also. But all these
7 things they will do to you for My name’s sake, because they do not know Him who sent Me. If I had not
8 come and spoken to them, they would have no sin, but now they have no excuse for their sin. He who hates
9 me hated My father also, If I had not done among them the works which no one else did, they would have no
10 sin; but now they have seen and also hated both Me and My Father. But this happened that the word might
11 be fulfilled which is written in their law, ‘They hated Me without a cause.’”
12 [John 15:18-25, Bible., NKJV]*

13 The persecution will come precisely and mainly because we are sovereign and therefore refuse to be governed by any
14 authority except God and His sovereign Law. Now do you understand why Christians, more than perhaps any other faith,
15 have been persecuted and tortured by governments throughout history? The main reason for their relentless persecution is
16 that they are a threat to government power because they demand autonomy and self-government and do not yield their
17 sovereignty to any hostile (“foreign”) power or law other than God and His Holy law. This is the reason, for instance, why
18 the Roman Emperor Nero burned Christians and their houses when he set fire to Rome and why he made them part of the
19 barbaric gladiator spectacle: He positively hated anyone whose personal sovereignty would make his authority and power
20 basically irrelevant and moot and subservient to a sovereign God. He didn’t like being answerable to anyone, and
21 especially not to an omnipotent and omnipresent God. He viewed God as a competitor for the affections and the worship of
22 the people. This is the very reason why we have "separation of church and state" today as part of our legal system: to
23 prevent this kind of tyranny from repeating itself. This same gladiator spectacle is also with us today in a slightly different
24 form. It's called an "income tax trial" in the federal church called "district court". Below are just a few examples of the
25 persecution suffered by Jews and Christians throughout history, drawn from the Bible and other sources, mainly because
26 they attempted to fulfill God’s holy calling to be sanctified, separate, sovereign, a “foreigner”, and a “stranger” with respect
27 to the laws, taxes, and citizenship of surrounding heathen people and governments:

- 28 1. The last several years of the Apostle John’s life were spent in exile on the Greek island of Patmos, where he was sent
29 by the Roman government because he was a threat to the power and influence of Roman civil authorities. During his
30 stay there, he wrote the book of Revelation, which was a cryptic, but direct assault upon government authority.
- 31 2. Every time Israel was judged in the [Book of Judges](#), they came under “tribute” (taxation and therefore slavery) to a
32 tyrannical king.
- 33 3. Abraham's great struggles for liberty were against overreaching governments, [Genesis 14, 20](#).
- 34 4. Isaac struggled against overreaching governments [Gen 26](#).
- 35 5. Egyptian Pharaohs enslaved God's people, [Ex. 1](#).
- 36 6. Joshua's battle was against 31 kings in Canaan.
- 37 7. Israel struggled against the occupation of foreign governments in the [Book of Judges](#)
- 38 8. David struggled against foreign occupation, [2 Samuel 8, 10](#)
- 39 9. Zechariah lost his life in [2 Chronicles](#) for speaking against a king.
- 40 10. Isaiah was executed by Manasseh.
- 41 11. Daniel was oppressed by Officials who accused him of breaking a Persian statutory law.
- 42 12. Jesus was executed by a foreign power [Jn. 18ff](#).
- 43 13. Jesus was a victim of Israel's kangaroo court, the Sanhedrin.
- 44 14. The last 1/4 of the [Book of Acts](#) is about Paul's defense against fraudulent accusations.
- 45 15. The last 6 years of Paul's life was spent in and out prison defending himself against false accusations.

46 Taxation is the primary means of destroying the sovereignty of a person, family, church, city, state, or nation. Below is the
47 reason why, from a popular bible dictionary:

48 *“**TRIBUTE.** Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a
49 common feature of international relationships in the biblical world. The tributary could be either a hostile state
50 or an ally. Like deportation, its purpose was to weaken a hostile state. Deportation aimed at depleting the man-
51 power. The aim of tribute was probably twofold: to impoverish the subjugated state and at the same time to
52 increase the conqueror’s own revenues and to acquire commodities in short supply in his own country. As an
53 instrument of administration it was one of the simplest ever devised: the subjugated country could be made
54 responsible for the payment of a yearly tribute. Its non-arrival would be taken as a sign of rebellion, and an*

1 expedition would then be sent to deal with the recalcitrant. This was probably the reason for the attack
2 recorded in Gn. 14.
3 [New Bible Dictionary. Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962.
4 InterVarsity Press: Downers Grove]

5 If you want to stay “sovereign”, then you had better get used to the following:

- 6 1. Supporting yourself and governing your own families and churches, to the exclusion of any external sovereignty. This
7 will ensure that you never have to surrender any aspect of your sovereignty to procure needed help.
- 8 2. Learning and obeying God’s laws.
- 9 3. Being an “alien” or civil statutory “non-resident non-person” in your own land.
- 10 4. Being persecuted by the people and governments around you because you insist on being “foreign” and “different”
11 from the rest of the “sheep” around you.

12 If you aren’t prepared to do the above and thereby literally “earn” the right to be free and “sovereign”, just as our founding
13 fathers did, then you are literally wasting your time to read further in this book. Doing so will make you into nothing more
14 than an informed coward. Earning liberty and sovereignty in this way is the essence of why America is called:

15 *“The land of the free and the home of the brave.”*

16 It takes courage to be brave enough to be different from all of your neighbors and all the other countries in the world, and to
17 take complete and exclusive responsibility for yourself and your loved ones. Below is what happened to the founding
18 fathers because they took this brave path in the founding of this country. Most did so based on the Christian principles
19 mentioned above. At the point when they committed to the cause, they renounced their British citizenship and because
20 “aliens” with respect to the British Government, just like you will have to do by becoming a “national” but not a “citizen”
21 under federal law:

22 **And, for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we**
23 **mutually pledge to each other our lives, our fortunes, and our Sacred honor**

24 *Have you ever wondered what happened to the fifty-six men who signed the Declaration of Independence? This*
25 *is the price they paid:*

26 *Five signers were captured by the British as traitors, and tortured before they died. Twelve had their homes*
27 *ransacked and burned. Two lost their sons in the revolutionary army, another had two sons captured. Nine of*
28 *the fifty-six fought and died from wounds or hardships resulting from the Revolutionary War.*

29 *These men signed, and they pledged their lives, their fortunes, and their sacred honor!*

30 *What kind of men were they? Twenty five were lawyers or jurists. Eleven were merchants. Nine were farmers or*
31 *large plantation owners. One was a teacher, one a musician, one a printer. Two were manufacturers, one was a*
32 *minister. These were men of means and education, yet they signed the Declaration of Independence, knowing*
33 *full well that the penalty could be death if they were captured.*

34 *Almost one third were under forty years old, eighteen were in their thirties, and three were in their twenties.*
35 *Only seven were over sixty. The youngest, Edward Rutledge of South Carolina, was twenty-six and a half, and*
36 *the oldest, Benjamin Franklin, was seventy. Three of the signers lived to be over ninety. Charles Carroll died at*
37 *the age of ninety-five. Ten died in their eighties.*

38 *The first signer to die was John Morton of Pennsylvania. At first his sympathies were with the British, but he*
39 *changed his mind and voted for independence. By doing so, his friends, relatives, and neighbors turned against*
40 *him. The ostracism hastened his death, and he lived only eight months after the signing. His last words were,*
41 *"tell them that they will live to see the hour when they shall acknowledge it to have been the most glorious*
42 *service that I ever rendered to my country."*

43 *Carter Braxton of Virginia, a wealthy planter and trader, saw his ships swept from the seas by the British navy.*
44 *He sold his home and properties to pay his debts, and died in rags.*

45 *Thomas McKeam was so hounded by the British that he was forced to move his family almost constantly. He*
46 *served in the Congress without pay, and his family was kept in hiding. His possessions were taken from him,*
47 *and poverty was his reward.*

1 The signers were religious men, all being Protestant except Charles Carroll, who was a Roman Catholic. Over
2 half expressed their religious faith as being Episcopalian. Others were Congregational, Presbyterian, Quaker,
3 and Baptist.

4 Vandals or soldiers or both, looted the properties of Ellery, Clymer, Hall, Walton, Gwinnett, Heyward,
5 Rutledge, and Middleton.

6 Perhaps one of the most inspiring examples of "undaunted resolution" was at the Battle of Yorktown. Thomas
7 Nelson, Jr. was returning from Philadelphia to become Governor of Virginia and joined General Washington
8 just outside of Yorktown. He then noted that British General Cornwallis had taken over the Nelson home for his
9 headquarters, but that the patriot's were directing their artillery fire all over the town except for the vicinity of
10 his own beautiful home. Nelson asked why they were not firing in that direction, and the soldiers replied, "Out
11 of respect to you, Sir." Nelson quietly urged General Washington to open fire, and stepping forward to the
12 nearest cannon, aimed at his own house and fired. The other guns joined in, and the Nelson home was
13 destroyed. Nelson died bankrupt, at age 51.

14 Caesar Rodney was another signer who paid with his life. He was suffering from facial cancer, but left his
15 sickbed at midnight and rode all night by horseback through a severe storm and arrived just in time to cast the
16 deciding vote for his delegation in favor of independence. His doctor told him the only treatment that could help
17 him was in Europe. He refused to go at this time of his country's crisis and it cost him his life.

18 Francis Lewis's Long Island home was looted and gutted, his home and properties destroyed. His wife was
19 thrown into a damp dark prison cell for two months without a bed. Health ruined, Mrs. Lewis soon died from
20 the effects of the confinement. The Lewis's son would later die in British captivity, also.

21 "Honest John" Hart was driven from his wife's bedside as she lay dying, when British and Hessian troops
22 invaded New Jersey just months after he signed the Declaration. Their thirteen children fled for their lives. His
23 fields and his grist mill were laid to waste. All winter, and for more than a year, Hart lived in forests and caves,
24 finally returning home to find his wife dead, his children vanished and his farm destroyed. Rebuilding proved
25 too be too great a task. A few weeks later, by the spring of 1779, John Hart was dead from exhaustion and a
26 broken heart.

27 Norris and Livingston suffered similar fates.

28 Richard Stockton, a New Jersey State Supreme Court Justice, had rushed back to his estate near Princeton after
29 signing the Declaration of Independence to find that his wife and children were living like refugees with friends.
30 They had been betrayed by a Tory sympathizer who also revealed Stockton's own whereabouts. British troops
31 pulled him from his bed one night, beat him and threw him in jail where he almost starved to death. When he
32 was finally released, he went home to find his estate had been looted, his possessions burned, and his horses
33 stolen. Judge Stockton had been so badly treated in prison that his health was ruined and he died before the
34 war's end, a broken man. His surviving family had to live the remainder of their lives off charity.

35 William Ellery of Rhode Island, who marveled that he had seen only "undaunted resolution" in the faces of his
36 co-signers, also had his home burned.

37 When we are following the Lord's calling to be sovereign, separate, "foreign", and "alien" with respect to a corrupted state
38 and our heathen neighbors, below is how we can describe ourselves from a legal perspective:

- 39 1. We are fiduciaries of God, who is a "[nontaxpayer](#)", and therefore we are "nontaxpayers". Our legal status takes on the
40 character of the sovereign who we represent. Therefore, we become "[foreign diplomats](#)".

41 "[For God is the King of all the earth](#); Sing praises with understanding."
42 [[Psalm 47:7](#), Bible, NKJV]

44 "[For the LORD is our Judge, the LORD is our Lawgiver, the LORD is our King; He will save \[and protect\] us.](#)"
45 [[Isaiah 33:22](#), Bible, NKJV]

- 46 2. The laws which apply to all civil litigation relating to us are from the domicile of the Heavenly sovereign we represent,
47 which are the Holy Bible pursuant to:
48 2.1. God's Laws found in our memorandum of law below:
49 [Laws of the Bible](#), Form #13.001
50 <http://sedm.org/Forms/FormIndex.htm>
51 2.2. [Federal Rule of Civil Procedure 17\(b\)](#)
52 2.3. [Federal Rule of Civil Procedure 44.1](#)

3. Our "domicile" is the Kingdom of God on Earth, and not within the jurisdiction of any man-made government. We can have a domicile on earth and yet not be in the jurisdiction of any government because the Bible says that God, and not man, owns the WHOLE earth and all of Creation. We are therefore "transient foreigners" and "stateless persons" in respect to every man-made government on earth. See the following for details:

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

*"Transient foreigner. One who visits the country, without the intention of remaining."
[Black's Law Dictionary, Sixth Edition, p. 1498]*

4. We are "non-resident non-persons" under federal statutory civil law.
5. We are CONSTITUTIONAL but not STATUTORY "citizens". That means we are "nationals" per 8 U.S.C. §1101(a)(21) but not "citizens" per 8 U.S.C. §1401 under federal statutory civil law. The reason this must be so is that a statutory "citizens of the United States" (who are born anywhere in America and domiciled within exclusive federal jurisdiction under 8 U.S.C. §1401) may not be classified as either a Fourteenth Amendment "citizen of the United States****" or an instrumentality of a foreign state under 28 U.S.C. §1332(c) and (d) and 28 U.S.C. §1603(b). Note that we ARE NOT claiming to be non-citizen nationals of the United States** at birth" per 8 U.S.C. §1408 or 8 U.S.C. §1452 or 8 U.S.C. 1101(a)(22)(B), who are all born in possessions of the United States and not states of the Union. See our article entitled "Why You are a 'national', 'state national', and Constitutional but not Statutory Citizen" for further details and evidence.
6. We are not and cannot be "residents" of any earthly jurisdiction without having a conflict of interest and violating the first four Commandments of the Ten Commandments found in Exodus 20. The Kingdom of Heaven is our exclusive legal "domicile", and our "permanent place of abode", and the source of ALL of our permanent protection and security. We cannot and should not rely upon man's vain earthly laws as an idolatrous substitute for Gods sovereign laws found in the Bible. Instead, only God's laws and the Common law, which is derived from God's law, are suitable protection for our God-given rights.

*"For I was ashamed to request of the king an escort of soldiers and horsemen to help us against the enemy on the road, because we had spoken to the king, saying 'The hand of our God is upon all those for good who seek Him, but His power and His wrath are against all those who forsake Him.' So we fasted and entreated our God for this, and He answered our prayer."
[Ezra 8:21-22, Bible, NKJV]*

7. We are Princes (sons and daughters) of the only true King and Sovereign of this world, who is God.

*"You [Jesus] are worthy to take the scroll,
And to open its seals;
For You were slain,
And have redeemed us to God by Your blood
Out of every tribe and tongue and people and nation,
And have made us kings and priests to our God;
And we shall reign on the earth."
[Rev. 5:9-10, Bible, NKJV]*

And when he had come into the house, Jesus anticipated him, saying, "What do you think, Simon? From whom do the kings [governments] of the earth [lawfully] take customs or taxes, from their sons [citizens and subjects] or from strangers [statutory "aliens", which are synonymous with "residents" in the tax code, and exclude "citizens"]?"

Peter said to Him, "From strangers [statutory "aliens"]/"residents" ONLY. See 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §1.1441-1(c)(3)L."

*Jesus said to him, "Then the sons [of the King, Constitutional but not statutory "citizens" of the Republic, who are all sovereign "nationals" and "nonresidents"] are free [sovereign over their own person and labor, e.g. SOVEREIGN IMMUNITY]."
[Matt. 17:24-27, Bible, NKJV]*

8. We are "Foreign Ambassadors" and "Ministers of a Foreign State" called the Kingdom of Heaven. The U.S. Supreme Court said in U.S. v. Wong Kim Ark below that "ministers of a foreign state" may not be statutory "citizens of the

United States" under the [Fourteenth Amendment](#) to the United States Constitution. Furthermore, the Fourteenth Amendment was intended exclusively for freed slaves and not sovereign Americans such as us.

"For our citizenship is in heaven [and not earth], from which we also eagerly wait for the Savior, the Lord Jesus Christ"
[Philippians 3:20, Bible, NKJV]

"And Mr. Justice Miller, delivering the opinion of the court [legislating from the bench, in this case], in analyzing the first clause [of the [Fourteenth Amendment](#)], observed that "the phrase 'subject to the jurisdiction thereof' was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states, born within the United States."
[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

9. Our dwelling, which is a "temporary and not permanent place of abode", is a "Foreign Embassy". Notice we didn't say "residence", because only "[residents](#)" (aliens) can have a "residence" under 26 C.F.R. §1.871-2(b).
10. We are protected from federal government persecution by:
 - 10.1. The USA Constitution. Constitutional rights, according to the Declaration of Independence, are "inalienable", meaning that we AREN'T ALLOWED by law to consent to give them away or bargain them away. Furthermore, they attach to the LAND we stand on and not our civil status.
 - 10.2. The common law of the state we are physically in. There is no federal common law applicable to states of the Union.
 - 10.3. [18 U.S.C. §112](#).
 - 10.4. The [Foreign Sovereign Immunities Act of 1976](#).
11. We are "[stateless](#)" within the meaning of [28 U.S.C. §1332\(a\)](#) immune from the CIVIL jurisdiction of the [federal courts, which are all Article IV, legislative, territorial courts](#). We are "stateless" because we do not maintain a domicile within the "state" defined in [28 U.S.C. §1332\(d\)](#) , which is a federal territory and excludes states of the Union.
12. We are not allowed under God's law to conduct "[commerce](#)" or "intercourse" with "the Beast" by sending to it our money or receiving benefits we did not earn. Black's Law dictionary defines "[commerce](#)" as "intercourse". The Bible defines "the Beast" as the "kings of the earth"/political rulers in Rev. 19:19:

"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]

"Come, I will show you the judgment of the great harlot [the atheist totalitarian democracy] who sits on many waters [which are described as seas and multitudes of people in [Rev. 17:15](#)], with whom the kings of the earth [political rulers of today] committed fornication [intercourse], and the inhabitants of the earth were made drunk with the wine of her fornication [intercourse, usurious and harmful commerce]."

So he carried me away in the Spirit into the wilderness. And I saw a woman sitting on a scarlet beast which was full of names of blasphemy, having seven heads and ten horns. The woman was arrayed in purple and scarlet, and adorned with gold and precious stones and pearls, having in her hand a golden cup full of abominations and the filthiness of her fornication [intercourse]. And on her forehead a name was written: MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE EARTH.

I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw her, I marveled with great amazement."
[[Rev. 17:1-6](#), Bible, NKJV]

"And I saw the beast, the kings [heathen political rulers and the unbelieving democratic majorities who control them] of the earth [controlled by Satan], and their armies, gathered together to make war against Him [God] who sat on the horse and against His army."
[[Revelation 19:19](#), Bible, NKJV]

The Bible calls this kind of commerce "fornication" and "adultery" and describes the fornicator called "Babylon the Great Harlot" basically as a democracy instead of a Republic in [Revelation chapters 17 to 19](#). This is consistent with the Foreign Sovereign Immunities Act found in [28 U.S.C. §1605\(a\)\(2\)](#), which says that those who conduct "commerce"

with the "United States" federal corporation within its legislative jurisdiction thereby surrender their sovereignty. Participation in our corrupted tax system also fits the classification of "commerce" within the meaning of this requirement. See the link below for details:
http://travel.state.gov/law/info/judicial/judicial_693.html

If you would like to know how to legally become “foreign” to the government in tax matters, see:

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

4 Legal Implications of the Separation of Powers Doctrine

The separation of powers doctrine has some very important legal implications upon the behavior of the state and federal governments in relation to each other. In the legal field, these implications are referred to as “conflicts of law” or “private international law”. The following subsections summarize all of these implications. The reason these implications are important is that when they are not observed, those who fail to observe and respect them are engaging in a criminal conspiracy to destroy your constitutionally protected rights:

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

If you would like to learn more about the relationship between federal and state sovereignty exercised within states of the Union, we recommend the following excellent resources:

1. *The Law of Nations, E. De Vattel, Volume Three, 1758, Carnegie Institution of Washington, p. 87*-document upon which the founding fathers based their writing of the constitution.
<http://famguardian.org/Publications/LawOfNations/vattel.htm>
2. *Treatise on Government*, Joel Tiffany, 1867
<http://famguardian.org/Publications/TreatiseOnGovernment/TreatOnGovt.pdf>
3. *Conflict in a Nutshell*, 2nd Edition, David D. Seigel, West Publishing, 1994, ISBN 0-314-02952-4
<http://west.thomson.com/product/22088447/product.asp>

4.1 Hierarchy of Sovereignty

"Having thus avowed my disapprobation of the purposes, for which the terms, State and sovereign, are frequently used, and of the object, to which the application of the last of them is almost universally made; it is now proper that I should disclose the meaning, which I assign to both, and the application, [2 U.S. 419, 455] which I make of the latter. In doing this, I shall have occasion incidentally to evince, how true it is, that States and Governments were made for man; and, at the same time, how true it is, that his creatures and servants have first deceived, next vilified, and, at last, oppressed their master and maker."
[Justice Wilson, *Chisholm v. Georgia*, 2 Dall. (2 U.S.) 419, 1 L.Ed. 440, 455 (1793)]

An important concept for readers to grasp are the following concepts underlying the entire legal field:

1. The creator of a thing is always the owner of the thing.
2. Governments can only tax or regulate that which they create.
3. Government didn't create human beings and therefore can't regulate or tax them UNTIL they volunteer to occupy an office in the government that WAS created by that government. Otherwise, slavery and involuntary servitude in violation of the Thirteenth Amendment will be the result.

- 1 4. The regulated or taxed office within the government that a person occupies can only be exercised on federal territory or
2 in all places EXPRESSLY authorized per 4 U.S.C. §72.
3 5. If the office is exercised OUTSIDE of places not expressly authorized, it is a de facto and unlawful office. This is
4 covered in:

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

- 5 6. To prevent people who know the above from avoiding the scam of being taxed or regulated, corrupt governments will
6 try to make their CREATION, which is PUBLIC OFFICE, look similar or identical to things that it didn't create and
7 are PRIVATE. For instance, they will try to make a PRIVATE human and one using a Social Security Number BOTH
8 APPEAR PUBLIC when in fact they are not. This is how they unlawfully convert the PRIVATE property of innocent
9 Americans into PUBLIC property that they can STEAL, tax, and regulate.

10 Hiding the above mechanisms is obviously a scam, but the only way you will ever escape them is to understand how this
11 mechanism works. That is what we will teach you in this section.

12 The hierarchy of sovereignty defines the sovereign relations among all things. The principles of natural and divine law
13 dictate that **the sequence that things were created and who they were created by establishes the sovereign relations**
14 **among all things**, including both human beings and artificial creations such as corporations and governments. A summary
15 of the hierarchy is below:

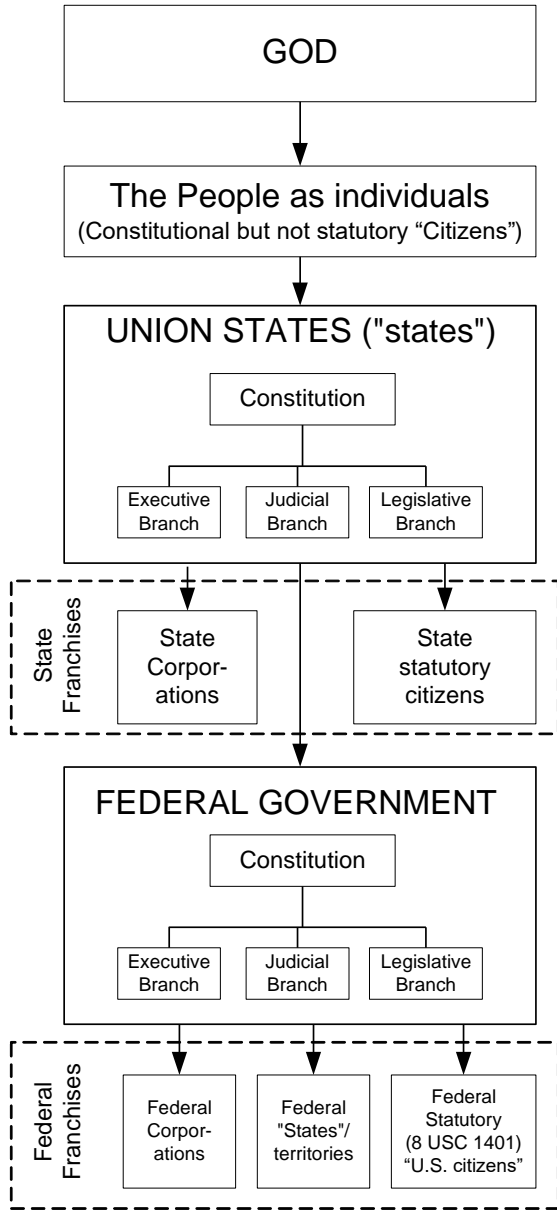
- 16 1. God created the people (as individuals).
17 2. The people (as individual sovereigns) created the state Constitution and the states. The state constitutions divided the
18 state government into three branches: executive, judicial, and legislative.
19 3. The states created the federal constitution and the federal government. The federal constitution divided the federal
20 government into three branches: executive, judicial, legislative. The states also instituted their own internal franchises,
21 including state corporations and state citizens.
22 4. The federal government created federal States, corporations, and privileged "U.S. citizen" status through legislation.

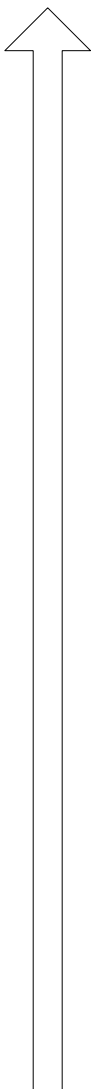
23 The above hierarchy recognizes *nine* distinct sovereignties which are completely independent of each other in law. These
24 are:

- 25 1. God
26 2. The people (as individuals).
27 3. The "states" (of the Union). These states create special franchises underneath them, including:
28 3.1. State citizenship
29 3.2. State corporations
30 4. The federal (not national) government. Remember from section 4.6 earlier that the "United States" is *not* a nation
31 under the law of nations, but a federation, and there is a world of difference. The federal government then creates
32 special franchises underneath them, including:
33 4.1. Federal Corporations.
34 4.2. Federal "States".
35 4.3. U.S. citizens/idolaters. These are people who have surrendered their sovereignty to the government and choose to
36 be government slaves/serfs/subjects.

37 The courts have historically recognized the separation of these sovereignties, and all exist by virtue of natural law. Below
38 is a diagram of this hierarchy in graphical form:

39 **Figure 4-1: Sovereignties within our system of government**



Sovereign	References	Explanation	SOVEREIGNTY
God	John 15:20	Omnipotent, omnipresent, source of all Truth "Remember the word that I said to you, <u>A servant is not greater than his master.</u> "	GREATEST 
	Gen. 1:26-31 Matt. 4:10	"Let Us make man in Our image" "You shall worship the Lord your God and Him ONLY you shall serve."	
We The People as <u>Individuals</u> (NOT government)	Julliard v. Greenman, 110 U.S. 421 (1884) Hale v. Henkel, 240 U.S. 43 (1906) Perry v. U.S., 394 U.S. 330 (1935)	Sovereignty resides in the people, not in the government. The People created trial by jury, and grand jury to punish/prevent sin. People created elections to organize government. Created church to promote spiritual welfare.	LEAST
	Declaration of Independence	Governments are instituted among men for the protection of life, liberty, and property and derive their just powers from the CONSENT of those that they serve.	
	Ten Commandments: Exodus 20:1 thru 20:17 Gen. 11:4-9 Matt. 20:25-29	Constitution is a social contract approved through elections. Government created by the people. "...whoever desires to become great [in the government] among you, <u>let him be your servant.</u> And whoever desires to be first among you, let him be your slave."	
Bowers v. Kerbaugh-Empire Co., 271 U.S. 170, 174, (1926)	Corporations are fictions created by law. Lies in IRS publications and treason by judiciary try to put you here.		

1
2 The rules for how these sovereignties *must* relate to each other within our system of jurisprudence are as follows, extracted
3 from the rulings of the U.S. Supreme Court, federal statutes, the Bible, and historical documents:

4 1. The people are sovereign over all government:

5 *"The ultimate authority...resides in the people alone..."*
6 [James Madison, Federalist Paper No. 46]

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

10 **"Sovereign state" are cabalistic words, not understood by the disciple of liberty, who has been instructed in**
11 **our constitutional schools. It is an appropriate phrase when applied to an absolute despotism. I firmly**
12 **believe, that the idea of sovereign power in the government of a republic, is incompatible with the existence**
13 **and permanent foundation of civil liberty, and the rights of property. The history of man, in all ages, has**

1 shown the necessity of the strongest checks upon power, whether it be exercised by one man, a few or many.
2 Our revolution broke up the foundations of sovereignty in government; and our written constitutions have
3 carefully guarded against the baneful influence of such an idea henceforth and forever. I can not, therefore,
4 recognize the appeal to the sovereignty of the state, as a justification of the act in question. "
5 [Gaines v. Buford, 31 Ky. (1 Dana) 481, 501]

- 6 2. The people came before the states and created the states. Therefore, they are the Masters and the states are their
7 servants:

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

14 "The words 'people of the United States' and 'citizens,' are synonymous terms, and mean the same thing. They
15 both describe the political body who, according to our republican institutions, form the sovereignty, and who
16 hold the power and conduct the government through their representatives. They are what we familiarly call the
17 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. ..."
18 [Boyd v. State of Nebraska, 143 U.S. 135 (1892)]

- 19 3. The states created the federal government and are superior to it. The federal government is the servant to and fiduciary
20 of the states and the states are their Master. This is confirmed by the U.S. Supreme Court in *Carter v. Carter Coal Co.*,
21 [298 U.S. 238](#) (1936):

22 *The general rule with regard to the respective powers of the national and the state governments under the*
23 *Constitution is not in doubt. **The states were before the Constitution; and, consequently, their legislative***
24 ***powers antedated [and are superior to] the Constitution.** Those who framed and those who adopted that*
25 *instrument meant to carve from the general mass of legislative powers, then possessed by the states, only such*
26 *portions as it was thought wise to confer upon the federal government; and in order that there should be no*
27 *uncertainty in respect of what was taken and what was left, the national powers of legislation were not*
28 *aggregated but enumerated-with the result that **what was not embraced by the enumeration remained vested***
29 ***in the states without change or impairment.** Thus, 'when it was found necessary to establish a national*
30 *government for national purposes,' this court said in *Munn v. Illinois*, [94 U.S. 113](#), 124, 'a part of the powers of*
31 *the States and of the people of the States was granted to the United States and the people of the United States.*
32 *This grant operated as a further limitation upon the powers of the States, so that now the governments of the*
33 *States possess all the powers of the Parliament of England, except such as have been delegated to the United*
34 *States or reserved by the people.' While the states are not sovereign in the true sense of that term, but only quasi*
35 *sovereign, yet in respect of all powers reserved to them they are supreme-'as independent of the general*
36 *government as that government within its sphere is independent of the States.' *The Collector v. Day*, 11 Wall.*
37 *113, 124. And since every addition to the national legislative power to some extent detracts from or invades the*
38 *power of the states, it is of vital moment that, in order to preserve the fixed balance intended by the*
39 *Constitution, the powers of the general government [[298 U.S. 238, 295](#)] be not so extended as to embrace any*
40 *not within the express terms of the several grants or the implications necessarily to be drawn therefrom. **It is no***
41 ***longer open to question that the general government, unlike the states, [Hammer v. Dagenhart](#), [247 U.S. 251](#),***
42 *[275](#), 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal*
43 *[affairs of the states; and emphatically not with regard to legislation.](#) The question in respect of the inherent*
44 *power of that government as to the external affairs of the Nation and in the field of international law is a wholly*
45 *different matter which it is not necessary now to consider. See, however, *Jones v. United States*, [137 U.S. 202](#),
46 *[212](#), 11 S.Ct. 80; *Nishimur Ekiu v. United States*, [142 U.S. 651, 659](#), 12 S.Ct. 336; *Fong Yue Ting v. United**
47 **States*, [149 U.S. 698](#), 705 et seq., 13 S.Ct. 1016; *Burnet v. Brooks*, [288 U.S. 378, 396](#), 53 S.Ct. 457, 86 A.L.R.*
48 *747.**

49 *The determination of the Framers Convention and the ratifying conventions to preserve complete and*
50 *unimpaired state self-government in all matters not committed to the general government is one of the*
51 *plainest facts which emerges from the history of their deliberations.* And adherence to that determination is
52 incumbent equally upon the federal government and the states. *State powers can neither be appropriated on*
53 *the one hand nor abdicated on the other. As this court said in *Texas v. White*, 7 Wall. 700, 725, 'The*
54 *preservation of the States, and the maintenance of their governments, are as much within the design and*
55 *care of the Constitution as the preservation of the Union and the maintenance of the National government.*
56 *The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.'*
57 *Every journey to a forbidden end begins with the first step; and the danger of such a step by the federal*
58 *government in the direction of taking over the powers of the states is that the end of the journey may find the*
59 *states so despoiled of their powers, or-what may amount to the same thing-so [[298 U.S. 238, 296](#)] relieved of*
60 *the responsibilities which possession of the powers necessarily enjoins, as to reduce them to little more than*
61 *geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under*
62 *consideration, it had been thought that any such danger lurked behind its plain words, it would never have been*
63 *ratified.*

1 And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom
2 under our system all political power and sovereignty primarily resides, and through whom such power and
3 sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial
4 agencies which it created exercise such political authority as they have been permitted to possess. The
5 Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible.
6 'We the People of the United States,' it says, 'do ordain and establish this Constitution.' Ordain and establish!
7 These are definite words of enactment, and without more would stamp what follows with the dignity and
8 character of law. The framers of the Constitution, however, were not content to let the matter rest here, but
9 provided explicitly-'This Constitution, and the Laws of the United States which shall be made in Pursuance
10 thereof; ... shall be the supreme Law of the Land.' (Const. art. 6, cl. 2.) The supremacy of the Constitution as
11 law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by
12 Congress is not absolute but conditioned upon its being made in pursuance of the Constitution. And a
13 judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of
14 the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for
15 adjudication, must apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the
16 two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid
17 must be given great weight, Adkins v. Children's Hospital, 261 U.S. 525, 544, 43 S.Ct. 394, 24 A.L.R. 1238; but
18 their opinion, or the court's opinion, that the statute will prove greatly or generally beneficial is wholly
19 irrelevant to the inquiry. Schechter Poultry Corp. v. United States, 295 U.S. 495, 549, 550 S., 55 S.Ct. 837, 97
20 A.L.R. 947.
21 [Carter v. Carter Coal Co., 298 U.S. 238 (1936)]
22

23 "If the time shall ever arrive when, for an object appealing, however strongly, to our sympathies, the dignity of
24 the States shall bow to the dictation of Congress by conforming their legislation thereto, when the power and
25 majesty and honor of those who created shall become subordinate to the thing of their creation, I but feebly
26 utter my apprehensions when I express my firm conviction that we shall see 'the beginning of the end.'"
27 [Steward Machine Co. v. Davis, 301 U.S. 548 (1937)]

- 28 4. Each sovereign is on an equal footing with every other sovereign: the People, the States, and the Federal Government.
29 Each of these are legal "persons" and each are equal under the law. The rights of one man are equal to the combined
30 rights of ALL men working in either a state or the federal government. This is the essence of equal protection of the
31 laws which is the foundation of our constitution and our republican system of government. We covered this subject in
32 depth earlier in section 4.3.2 if you would like to review.

33 "No State shall...deny to any person within its jurisdiction the equal protection of the laws. "
34 [Fourteenth Amendment, Section 1]

35 "The rights of individuals and the justice due to them, are as dear and precious as those of states. Indeed the
36 latter are founded upon the former; and the great end and object of them must be to secure and support the
37 rights of individuals, or else vain is government."
38 [Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 1 L.Ed. 440 (1793)]

39 "Arise, O Lord,
40 **Do not let man prevail:**
41 Let the nations be judged in Your sight.
42 Put them in fear, O Lord,
43 **That the nations may know themselves to be but men."**
44 [Psalm 9:19-20, Bible, NKJV]

45 "United States government is as sovereign within its sphere as states are within theirs."
46 [Kohl v. United States, 91 U.S. 367, 23 L.Ed. 597 (1876)]

- 47 5. No sovereign can serve more than one master above it. To do otherwise would be a conflict of interest and allegiance.
48 By implication, this means that no sovereign can have more than one Creator or one Master:

49 "No servant can serve two masters: for either he will hate the one and love the other, or else he will be loyal to
50 the one and despise the other. You cannot serve God and mammon."
51 [Jesus [God] speaking in the Bible, Luke 16:13]

52
53 [TITLE 18](#) > [PART I](#) > [CHAPTER 11](#) > §208
54 §208. Acts affecting a personal financial interest

55 (a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch
56 of the United States Government, or of any independent agency of the United States, a Federal Reserve bank

1 director, officer, or employee, or an officer or employee of the District of Columbia, including a special
2 Government employee, participates personally and substantially as a Government officer or employee, through
3 decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a
4 judicial or other proceeding, application, request for a ruling or other determination, contract, claim,
5 controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse,
6 minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or
7 employee, or any person or organization with whom he is negotiating or has any arrangement concerning
8 prospective employment, has a financial interest—

9 Shall be subject to the penalties set forth in section 216 of this title.

- 10 6. The main and only purpose of the separation of sovereignties and powers within sovereignties in the above diagram is
11 to protect the individual liberties of the ultimate sovereigns, the people (as individuals) themselves. See *U.S. v. Lopez*,
12 514 U.S. 549 (1995):

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

- 23 7. A sovereignty is a servant or fiduciary of all sovereignties above it and a master over all those below it. For instance,
24 the states created the federal government so they are sovereign over it and may change it at any time by amending the
25 constitution that created it, or by abolishing it entirely, subject only to their will and voluntary consent.

26 *"A State does not owe its origin to the Government of the United States, in the highest or in any of its*
27 *branches. It was in existence before it. It derives its authority from the same pure and sacred source as itself:*
28 *The voluntary and deliberate choice of the people...A State is altogether exempt from the jurisdiction of the*
29 *Courts of the United States, or from any other exterior authority, unless in the special instances when the*
30 *general Government has power derived from the Constitution itself."*
31 [*Chisholm v. Georgia*, 2 *Dall. (U.S.) 419* (Dall.) (1794)]

32 8. Delegated authority:

- 33 8.1. A sovereign can only exercise those powers specifically delegated to it by its Master or Creator in a written
34 voluntary contract the Constitution. Any other action is specifically forbidden or reserved by implication to the
35 Master and Creator it serves. For instance, the Tenth Amendment reserves police powers to the states. All
36 powers not specifically given to the federal government in the federal constitution are therefore reserved to the
37 states or to the people under the Tenth Amendment:

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

41 *"Sovereignty is the right to govern; a nation or State-sovereign is the person or persons in whom that resides.*
42 *In Europe the sovereignty is generally ascribed to the Prince; here it rests with the people; there, the*
43 *sovereign actually administers the Government; here, never in a single instance; our Governors are the*
44 *agents [fiduciaries] of the people, and at most stand in the same relation to their sovereign, in which regents in*
45 *Europe stand to their sovereigns. Their Princes have personal powers, dignities, and pre-eminences, our rulers*
46 *have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as*
47 *private citizens." at 472."*
48 [*Justice Wilson, Chisholm, Ex'r. v. Georgia*, 2 *Dall. (U.S.) 419*, 1 *L.Ed.* 454, 457, 471, 472) (1794)]

49 *"By the tenth amendment, 'the powers not delegated to the United States by the constitution, nor prohibited by it*
50 *to the states, are reserved to the states, respectively, or to the people.' Among the powers thus reserved to the*
51 *several states is what is commonly called the 'police power,'-that inherent and necessary power, essential to*
52 *the very existence of civil society, and the safeguard of the inhabitants of the state against disorder, disease,*
53 *poverty, and crime. 'The police power belonging to the states in virtue of their general sovereignty,' said Mr.*
54 *Justice STORY, delivering the judgment of this court, 'extends over all subjects within the territorial limits of*
55 *the states, and has never been conceded to the United States.'* *Prigg v. Pennsylvania*, 16 *Pet.* 539, 625. This is
56 well illustrated by the recent adjudications that a statute prohibiting the sale of illuminating oils below a
57 certain fire test is beyond the constitutional power of congress to enact, except so far as it has effect within the

1 United States (as, for instance, in the District of Columbia) and without the limits of any state; but that it is
2 within the constitutional power of a state to pass such a statute, even as to oils manufactured under letters
3 patent from the United States. U.S. v. Dewitt, 9 Wall. 41; Patterson v. Kentucky, 97 U.S. 501. [135 U.S. 100,
4 128] **The police power includes all measures for the protection of the life, the health, the property, and the**
5 **welfare of the inhabitants, and for the promotion of good order and the public morals.** It covers the
6 suppression of nuisances, whether injurious to the public health, like unwholesome trades, or to the public
7 morals, like gambling-houses and lottery tickets. Slaughter-House Cases, 16 Wall. 36, 62, 87; Fertilizing Co. v.
8 Hyde Park, 97 U.S. 659; Phalen v. Virginia, 8 How. 163, 168; Stone v. Mississippi, 101 U.S. 814. **This power,**
9 **being essential to the maintenance of the authority of local government, and to the safety and welfare of the**
10 **people, is inalienable.** As was said by Chief Justice WAITE, referring to earlier decisions to the same effect:
11 **'No legislature can bargain away the public health or the public morals. The people themselves cannot do it,**
12 **much less their servants. The supervision of both these subjects of governmental power is continuing in its**
13 **nature, and they are to be dealt with as the special exigencies of the moment may require. Government is**
14 **organized with a view to their preservation, and cannot divest itself of the power to provide for them. For this**
15 **purpose the largest legislative discretion is allowed, and the discretion cannot be parted with any more than**
16 **the power itself.'** Stone v. Mississippi, 101 U.S. 814, 819. See, also, Butchers' Union, etc., Co. v. Crescent
17 City, etc., Co., 111 U.S. 746, 753, 4 S.Sup.Ct.Rep. 652; New Orleans Gas Co. v Louisiana Light Co., 115
18 U.S. 650, 672, 6 S.Sup.Ct.Rep. 252; New Orleans v. Houston, 119 U.S. 265, 275, 7 S.Sup.Ct.Rep. 198."
19 [*Leisy v. Hardin*, 135 U.S. 100 (1890)]

- 20 8.2. Agents or fiduciaries within a sovereign must be willing and able at all times to identify the specific laws that
21 give them the authority to act and be constantly aware of the limits of their delegated authority. If they are not,
22 they run the risk of exceeding their delegated authority and injuring the rights of the master(s) they serve. All
23 actions not specifically authorized by law are illegal by implication. All illegal actions by government officials
24 that are outside their written delegated authority and positive law that result in an injury to the master(s) cause the
25 actor to be personally liable for a tort and monetary damages because they are acting outside the authority of law.

26 **"Unlawful.** That which is contrary to, prohibited, or unauthorized by law. That which is not lawful. The
27 acting contrary to, or in defiance of the law; disobeying or disregarding the law. Term is equivalent to
28 "without excuse or justification." State v. Noble, 90 N.M. 360, 563 P.2d. 1153, 1157. While necessarily not
29 implying the element of criminality, it is broad enough to include it."
30 [*Black's Law Dictionary*, Sixth Edition, p. 1536]

- 31 8.3. A sovereignty or human being cannot delegate an authority to a subordinate that they themselves do not ALSO
32 possess.

33 *"Quod meum est sine me auferri non potest.*
34 *What is mine [sovereignty in this case] cannot be taken away without my consent"*
35 [*Bouvier's Law Dictionary Unabridged*, 8th Edition, pg. 2159]

36 *"Derivativa potestas non potest esse major primitive.*
37 *The power [sovereign immunity in this case] which is derived cannot be greater than that from which it is*
38 *derived."*
39 [*Bouvier's Law Dictionary Unabridged*, 8th Edition, pg. 2131]

40 *"Nemo potest facere per obliquum quod non potest facere per directum.*
41 *No one can do that indirectly which cannot be done directly."*
42 [*Bouvier's Law Dictionary Unabridged*, 8th Edition, pg. 2147]

43 *"Quod per me non possum, nec per alium.*
44 *What I cannot do in person, I cannot do through the agency of another."*
45 [*Bouvier's Law Dictionary Unabridged*, 8th Edition, pg. 2159]

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

- 47 8.4. No sovereign can delegate to its fiduciaries the authority to do something that is a crime. For instance, if the
48 people cannot murder, rob, or steal from their fellow man, then they certainly cannot delegate that authority to
49 government, which means they cannot delegate to the government the authority to collect direct taxes upon
50 individuals unless the persons paying the tax voluntarily consent to it individually, otherwise it is theft.

51 *"In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal*
52 *and State legislatures could not do without exceeding their authority, and among them he mentioned a law*
53 *which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor]*
54 *contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of*
55 *citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker],*
56 *and gave it to B [the government or another citizen, such as through social welfare programs]. 'It is against*

1 all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it
2 cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but
3 they cannot change innocence [a "nontaxpayer"] into guilt [a "taxpayer", by presumption or otherwise], or
4 punish innocence as a crime, or violate the right of an antecedent lawful private [employment] contract [by
5 compelling W-4 withholding, for instance], or the right of private property. To maintain that a Federal or
6 State legislature possesses such powers [of THEFT!] if they had not been expressly restrained, would, in my
7 opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388."
8 [Sinking Fund Cases, 99 U.S. 700 (1878)]

- 9 9. The Constitution is a trust document and creates a public trust. Public officers are the "trustees" within that trust and
10 when they abuse their authority, they are executing a "sham trust" for their own personal gain. It is a violation of
11 fiduciary duty for a sovereign or any agent within a sovereign to put a higher priority over its own needs than over any
12 of the masters it serves above it. This is called a conflict of interest and it is against the law. See for instance [18](#)
13 [U.S.C. §208](#).

14 "Whatever these Constitutions and laws validly determine to be property, it is the duty of the Federal
15 Government, through the domain of jurisdiction merely Federal, to recognize to be property.

16 "And this principle follows from the structure of the respective Governments, State and Federal, and their
17 reciprocal relations. They are different agents and trustees of the people of the several States, appointed with
18 different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions,
19 are mutually obligatory."
20 [Dred Scott v. Sandford, 60 U.S. 393 (1856)]

- 21 10. Sovereign Immunity: A government sovereign is exempt from the jurisdiction of the courts of any other government
22 sovereign unless it consents to the jurisdiction of the other sovereign or unless the Constitution that established it
23 makes it subject to the jurisdiction in question. This is called *sovereign immunity* and it is the embodiment of the
24 separation of powers doctrine. The rules for surrendering sovereign immunity through consent are documented in [28](#)
25 [U.S.C. §1605](#). Here is an example of sovereign immunity of states from the U.S. Supreme Court:

26 "A State does not owe its origin to the Government of the United States, in the highest or in any of its
27 branches. It was in existence before it. It derives its authority from the same pure
28 and sacred source as itself: The voluntary and deliberate choice of the
29 people...A State is altogether exempt from the jurisdiction of the Courts of the United States, or from any
30 other exterior authority, unless in the special instances when the general Government has power derived from
31 the Constitution itself."
32 [Chisholm v. Georgia, 2 Dall. (U.S.) 419 (Dall.) (1793)]

- 33 11. Sovereign immunity also extends to all entities or corporations created by a government sovereign. For instance, the
34 case of *Providence Bank v. Billings*, 29 U.S. 514 (1830) revealed that the states could not tax a bank corporation
35 created by an act or law of the United States government. The reasoning in that case was that the states could not
36 destroy the federal government because the power to tax necessarily involved the power to destroy.

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

- 53 12. A sovereignty may not tax or regulate or control its Creator or grantor, or any sovereignty or agent of that sovereignty
54 above it or at the same level as it, without the explicit and individual and written consent of that sovereign.

1 12.1. For instance, because churches are agents and creations of God and not the state, then government may not tax
2 churches, and this applies whether or not such churches have a 501(c) designation or not. See Isaiah 45:9-10:

3 “Woe to him who strives with his Maker! Let the potsherd strive with the potsherds of the earth! Shall the clay
4 say to him who forms it, ‘What are you making?’ Or shall your handiwork say, ‘He has no hands?’ Woe to him
5 who says to his father, ‘What are you begetting?’ Or to the woman, ‘What have you brought forth?’”
6 [Isaiah 45:9-10, Bible, NKJV]

7 12.2. Below is a U.S. Supreme Court cite which admits that in many cases, even the U.S. Supreme Court may not
8 compel states:

9 “This court has declined to take jurisdiction of suits between states to compel the performance of obligations
10 which, if the states had been independent nations, could not have been enforced judicially, but only through the
11 political departments of their governments. Thus, in *Kentucky v. Dennison*, 24 How. 66, where the state of
12 Kentucky, by her governor [127 U.S. 265, 289] applied to this court, in the exercise of its original jurisdiction,
13 for a writ of mandamus to the governor of Ohio to compel him to surrender a fugitive from justice, this court,
14 while holding that the case was a controversy between two states, decided that it had no authority to grant the
15 writ.”
16 [State of Wisconsin v. Pelican Insurance Company, 127 U.S. 265 (1888)]

17 12.3. Here is an example from the Supreme Court where it is admitted that a state may not be taxed by the federal
18 government:

19 “In *Morcantile Bank v. City of New York*, 121 U.S. 138, 162, 7 S. Sup. Ct. 826, this court said: ‘**Bonds issued by**
20 **the state of New York**, or under its authority, by its public municipal bodies, are means for carrying on the
21 work of the government, and **are not taxable, even by the United States**, and it is not a part of the policy of the
22 government which issues them to subject them to taxation for its own purposes.’”
23 [Pollock v. Farmers’ Loan & Trust Co., 157 U.S. 429 (1895)]

24 12.4. The Supreme Court also said that states may not tax the federal government:

25 “While the power of taxation is one of vital importance, retained by the states, not abridged by the grant of a
26 similar power to the government of the Union, but to be concurrently exercised by the two governments, yet
27 even this power of a state is subordinate to, and may be controlled by, the constitution of the United States. That
28 constitution and the laws made in pursuance thereof are supreme. They control the constitutions and laws of the
29 respective states, and cannot be controlled by them. **The people of a state give to their government a right of**
30 **taxing themselves and their property at its discretion. But the means employed by the government of the**
31 **Union are not given by the people of a particular state, but by the people of all the states; and being given by**
32 **all, for the benefit of all, should be subjected to that government only which belongs to all. All subjects over**
33 **which the sovereign power of a state extends are objects of taxation; but those over which it does not extend**
34 **are, upon the soundest principles, exempt from taxation. The sovereignty of a state extends to everything**
35 **which exists by its own authority, or is introduced by its permission; but does not extend to those means**
36 **which are employed by congress to carry into execution powers conferred on that body by the people of the**
37 **United States. The attempt to use the taxing power of a state on the means employed by the government of**
38 **the Union, in pursuance of the constitution, is itself an abuse, because it is the usurpation of a power which**
39 **the people of a single state cannot give. The power to tax involves the power to destroy; the power to destroy**
40 **may defeat and render useless the power to create; and there is a plain repugnance in conferring on one**
41 **government a power to control the constitutional measures of another, which other, with respect to those**
42 **very measures, is declared to be supreme over that which exerts the control. The states have no power, by**
43 **taxation [117 U.S. 151, 156] or otherwise, to retard, impede, burden, or in any manner control, the**
44 **operations of the constitutional laws enacted by congress to carry into execution the powers vested in the**
45 **general government.** Such are the outlines, mostly in his own words, of the grounds of the judgment delivered
46 by Chief Justice MARSHALL in the great case of *McCulloch v. Maryland*, in which it was decided that a statute
47 of the state of Maryland, imposing a tax upon the issue of bills by banks, could not constitutionally be applied to
48 a branch of the Bank of the United States within that state. 4 Wheat. 316, 425-431, 436.

49 “In *Osborn v. Bank of U. S.*, 9 Wheat. 738, 859-868, that conclusion was reviewed in a very able argument of
50 counsel, and reaffirmed by the court, and a tax laid by the state of Ohio upon a branch of the Bank of the
51 United States was held to be unconstitutional. See, also, *Providence Bank v. Billings*, 4 Pet. 514, 564. Upon the
52 same grounds, the states have been adjudged to have no power to lay a tax upon stock issued for money
53 borrowed by the United States, or upon property of state banks invested in United States stock. *Weston v. City*
54 *Council of Charleston*, 2 Pet. 449, 467; *Bank of Commerce v. New York*, 2 Black, 620; *Bank Tax Case*, 2 Wall.
55 200; *Banks v. Mayor*, 7 Wall. 16.”
56 [Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886)]

57 12.5. Here is an example where the Supreme Court said that states may not tax each other’s bonds:

1 “The question in *Bonaparte v. Tax Court*, [104 U.S. 592](#), was whether the registered public debt of one state,
2 exempt from taxation by that state, or actually taxed there, was taxable by another state, when owned by a
3 citizen of the latter, and it was held that there was no provision of the constitution of the United States which
4 prohibited such taxation. The states had not covenanted that this could not be done, whereas, under the
5 fundamental law, as to the power to borrow money, neither the United States, on the one hand, nor the states
6 on the other, can interfere with that power as possessed by each, and an essential element of the sovereignty
7 of each. “
8 [*Pollock v. Farmers’ Loan & Trust Co.*, 157 U.S. 429 (1895)]

9 12.6. Finally, the federal government may not tax the employees of states of the union:

10 “As stated by Judge [157 U.S. 429, 602] Cooley in his work on the *Principles of Constitutional Law*: ‘The
11 power to tax, whether by the United States or by the states, is to be construed in the light of and limited by the
12 fact that the states and the Union are inseparable, and that the constitution contemplates the perpetual
13 maintenance of each with all its constitutional powers, unembarrassed and unimpaired by any action of the
14 other. The taxing power of the federal government does not therefore extend to the means or agencies through
15 or by the employment of which the states perform their essential functions; since, if these were within its reach,
16 they might be embarrassed, and perhaps wholly paralyzed, by the burdens it should impose. That the power to
17 tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create;
18 that there is a plain repugnance in conferring on one government a power to control the constitutional
19 measures of another, which other, in respect to those very measures, is declared to be supreme over that which
20 exerts the control, are propositions not to be denied.’ It is true that taxation does not necessarily and
21 unavoidably destroy, and that to carry it to the excess of destruction would be an abuse not to be anticipated;
22 but the very power would take from the states a portion of their intended liberty of independent action within
23 the sphere of their powers, and would constitute to the state a perpetual danger of embarrassment and possible
24 annihilation. The constitution contemplates no such shackles upon state powers, and by implication forbids
25 them.”
26 [*Pollock v. Farmers’ Loan & Trust Co.*, [157 U.S. 429](#) (1895)]

27 13. A sovereignty may tax or regulate any of the entities or sovereignties below it, because it created those subordinate
28 sovereignties. The power to create carries with it the power to destroy as well. See *M’Culloch v. Maryland*, 4 Wheat.
29 316, 431 (1819). Specific examples of sovereignties taxing their fiduciaries or creations below them include:

- 30 13.1. Federal State (but NOT Union state) taxation within federal enclaves under the Buck Act, found in 4. U.S.C.
31 §§105-111
32 13.2. State and federal taxation of corporations. See 26 U.S.C. Subtitles D and E and *Flint v. Stone Tracy*, 220 U.S.
33 107 (1911).
34 13.3. A sovereign may only tax the entities that it creates. The U.S. Supreme Court case of *U.S. v. Perkins*, 163 U.S.
35 625 (1896) reveals, for instance, that states can only tax corporations that they create.

36 “Whether the United States are a corporation ‘exempt by law from taxation,’ within the meaning of the New
37 York statutes, is the remaining question in the case. The court of appeals has held that this exemption was
38 applicable only to domestic corporations declared by the laws of New York to be exempt from taxation. Thus, in
39 *Re Prime’s Estate*, 136 N.Y. 347, 32 N.E. 1091, it was held that foreign religious and charitable corporations
40 were not exempt from the payment of a legacy tax, Chief Judge Andrews observing (page 360, 136 N. Y., and
41 page 1091, 32 N. E.): ‘We are of opinion that a statute of a state granting powers and privileges to
42 corporations must, in the absence of plain indications to the contrary, be held to apply only to corporations
43 created by the state, and over which it has power of visitation and control. ... The legislature in such cases is
44 dealing with its own creations, whose rights and obligations it may limit, define, and control.’ To the same effect
45 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.
46 132, 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
47 of the court of appeals of New York in this particular case be not absolutely binding upon us, we think that,
48 having regard to the purpose of the law to impose a tax generally upon inheritances, the legislature intended to
49 allow an exemption only in favor of such corporations as it had itself created, and which might reasonably be
50 supposed to be the special objects of its solicitude and bounty.

51 “In addition to this, however, the United States are not one of the class of corporations intended by law to be
52 exempt [[163 U.S. 625, 631](#)] from taxation. What the corporations are to which the exemption was
53 intended to apply are indicated by the tax laws of New York, and are confined to those of a religious,
54 educational, charitable, or reformatory purpose. We think it was not intended to apply it to a purely political
55 or governmental corporation, like the United States. *Catlin v. Trustees*, 113 N.Y. 133, 20 N.E. 864; *In re Van*
56 *Kleek*, 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
57 was held that the execution did not apply to a municipality, even though created by the state itself.”
58 [*U.S. v. Perkins*, [163 U.S. 625](#) (1896)]

59 14. The jurisdiction of each government sovereignty is divided into territorial and subject matter jurisdiction:

1 14.1. Government sovereigns have exclusive and absolute jurisdiction, sometimes called “plenary power” or “general
2 jurisdiction”, over their own territory, and no other sovereignty can exercise jurisdiction over this territory
3 without the consent of the sovereign manifested in some form, and usually by an act of the legislature:

4 “The jurisdiction of the nation within its own territory is [169 U.S. 649, 684] necessarily exclusive and
5 absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from
6 an external source, would imply a diminution of its sovereignty to the extent of the restriction, and an
7 investment of that sovereignty to the same extent in that power which could impose such restriction. **All**
8 **exceptions, therefore, to the full and complete power of a nation within its own territories, must be traced up**
9 **to the consent of the nation itself. They can flow from no other legitimate source.** This consent may be either
10 express or implied. In the latter case, it is less determinate, exposed more to the uncertainties of construction;
11 but, if understood, not less obligatory.”
12 [The Exchange, 7 Cranch 116 (1812)]

13
14 “**Territory:** A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical
15 area under the jurisdiction of another country or sovereign power.

16 “A portion of the United States not within the limits of any state, which has not yet been admitted as a state of
17 the Union, but is organized with a separate legislature, and with executive and judicial powers appointed by the
18 President.”
19 [Black’s Law Dictionary, Sixth Edition, p. 1473]

20 The requirement for explicit consent is called “comity” in the legal field:

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

29 14.2. States of the union have exclusive territorial jurisdiction within their respective borders over all land not ceded by
30 an act of the legislature of the state to the federal government. They have no jurisdiction outside of their borders
31 except for service of process and discovery, such as subpoenas and summons.

32 14.3. The federal government has legislative territorial jurisdiction only over: 1. The federal zone; 2. All areas or
33 enclaves within the union states that have been ceded to it by an act of the state legislature under Article 1,
34 Section 8, Clause 17 of the Constitution; 3. Its own territories, possessions, and property, wherever situated; 4.
35 Its own domiciliaries, which includes citizens and residents. Under most circumstances, the federal government
36 has no legislative jurisdiction within states of the Union because the federal constitution reserves “police powers”
37 to the states under the Tenth Amendment.

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

42 14.4. Within states of the union, the only type of jurisdiction the federal government can have over areas that are not its
43 territory is subject matter jurisdiction and that jurisdiction must be explicitly identified in the federal Constitution
44 in order to exist at all. There are very few issues over which the federal government has subject matter
45 jurisdiction and income taxes under Subtitles A through C of the Internal Revenue Code is an example of an area
46 where such jurisdiction does not exist. Covetous public dis-servants have systematically tried to hide this fact
47 over the years by obfuscating the Internal Revenue Code and by using illegal IRS extortion to coerce federal
48 judges into violating the Constitutional rights of Americans in the states. Subject matter jurisdiction within states
49 of the Union is limited to the following subjects and no others:

50 14.4.1. Foreign and interstate commerce. See Constitution, Article 1, Section 8, Clause 3. This includes the
51 following subjects:

52 14.4.1.1. Taxes on importation, but not exportation. See 26 U.S.C. §7001 and U.S. Constitution, Article
53 1, Section 9, Clause 3.

- 14.4.1.2. Claims arising out of bankruptcy proceedings. See [28 U.S.C. §1334](#); Pauletto v. Reliance Ins. Co., 64 CA.4th. 597 (1998), 602, 75 C.R.2d. 334, 337--state courts lack jurisdiction in action for malicious prosecution based on defendant's having filed adversary proceeding in bankruptcy court: "it is for Congress and the federal courts, not state courts, to decide what incentives and penalties shall be utilized in the bankruptcy process".
- 14.4.1.3. Claims under Sherman Antitrust Act. See [15 U.S.C. §4](#).
- 14.4.1.4. Claims under Securities Exchange Act of 1934 (including Rule 10b-5 actions). See [15 U.S.C. §78aa](#)
- 14.4.1.5. Claims involving activities regulated by federal labor laws. E.g., the Labor Management Reporting and Disclosure Act ([19 U.S.C. §401](#) et seq.) preempts state power to adjudicate claims based on union contracts or union activities, unless of "merely peripheral concern" to the Act. See San Diego Bldg. Trades Council, etc. v. Garmon, 359 U.S. 236 (1959), 247-248, 79 S.Ct. 773, 781-782; Bassett v. Attebery, 180 CA.3d 288 (1986), 294-295, 224 CR 399, 402—NLRB (rather than federal court) has exclusive jurisdiction over wrongful discharge claim alleging violation of federal labor laws]
- 14.4.1.6. Certain ERISA actions: Suits for injunctive or other equitable relief against an employer or insurer under the Employee Retirement Income Security Act (ERISA) (But federal and state courts have *concurrent* jurisdiction of claims for *benefits due*). See [29 U.S.C. §1132\(e\)\(1\)](#)
- 14.4.2. Federal property and "employees". See Constitution Article 4, Section 3, Clause 2.
- 14.4.3. Frauds involving the mail. See Constitution, Article 1, Section 8, Clause 7.
- 14.4.4. Treason. See Constitution, Article 4, Section 2, Clause 2.
- 14.4.5. Patent and copyright claims. See [28 U.S.C. §1338\(a\)](#) and Constitution, Article 1, Section 8, Clause 8.
- 14.4.6. Admiralty and maritime claims. See [28 U.S.C. §1333](#) and Constitution Article 1, Section 8, Clause 10.
- 14.5. The formation of a state within territory under the exclusive control of the federal government does not affect the legal status of property not within the territory of the new state:

"This provision authorizes the United States to be and become a land-owner, and prescribes the mode in which the lands may be disposed of, and the title conveyed to the purchaser. Congress is to make the needful rules and regulations upon this subject. The title of the United States can be divested by no other power, by no other means, in no other mode, than that which congress shall sanction and prescribe. It cannot be done by the action of the people or legislature of a territory or state.' And he supported this conclusion by a review of all the acts of congress under which states had theretofore been admitted. Mr. Webster said that those precedents demonstrated that 'the general idea has been, in the creation of a state, that its admission as a state has no effect at all on the property of the United States lying within its limits;' and that it was settled by the judgment of this court in Pollard v. Hagan, 3 How. 212, 224, 'that the authority of the United States does so far extend as, by force of itself, Proprio vigore, to exempt the public lands from taxation when new states are created in the territory in which the lands lie.' 21 Cong. Globe, 31st Cong. 1st Sess. p. 1314; 22 Cong. Globe, pp. 848 et seq., 960, 986, 1004; 5 Webst. Works, 395, 396, 405."
[Van Brocklin v. State of Tennessee, [117 U.S. 151](#) (1886)]

- 15. Jurisdiction of each government sovereignty over subjects or sovereignties underneath it is created by oath of allegiance.
 - 15.1. In order to preserve their sovereignty, the people at the top of this hierarchy should not swear an oath of allegiance to any government, because by doing so, they come under the jurisdiction of the laws that control mainly government employees and thereby to surrender their sovereignty. See Matt. 5:33-37, which says that Christians should *not* swear an oath to anything.
 - 15.2. Each officer of both the state and federal governments takes an oath of allegiance to support and defend the Constitution of the United States against all enemies, foreign and domestic. Failure to live up to that oath amounts to perjury of one's oath, which can result in removal from office.
 - 15.3. If is a violation of the separation of powers doctrine and a conflict of interest to take oaths to TWO masters or to occupy a public office that requires an oath to two different masters or sovereignties. Hence, it is a violation of the Constitutions of most states to simultaneously serve in a public office in the state government as well as the federal government.

CALIFORNIA CONSTITUTION
 ARTICLE 7 PUBLIC OFFICERS AND EMPLOYEES

SEC. 7. A person holding a lucrative office under the United States or other power may not hold a civil office of profit [within the state government]. A local officer or postmaster whose compensation does not exceed 500 dollars per year or an officer in the militia or a member of a reserve component of the armed forces

1 of the United States except where on active federal duty for more than 30 days in any year is not a holder of a
2 lucrative office, nor is the holding of a civil office of profit affected by this military service.

- 3 16. Any legislation or ruling by the judicial branch of either a state government or the federal government that breaks
4 down the distinct separation of the powers above is unconstitutional and violates Article 4, Section 4 of the federal
5 constitution, which requires that:

6 “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall
7 protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the
8 Legislature cannot be convened) against domestic Violence.”
9 [U.S. Constitution, Article 4, Section 4]

10 A republican form of government is based on *individual*, not collective rights, and those rights cannot be defended or
11 protected from federal “invasion” or encroachment without separation of powers to the maximum extent possible. This
12 concept is called the “Separation of Powers Doctrine”. The implications of this requirement include:

13 16.1. Federal government may not offer franchises to states of the Union. Only federal “States” defined in [4 U.S.C.](#)
14 [§110\(d\)](#) can be party to federal franchises.

15 16.2. Federal government may not offer franchises, licenses, or privileges to anyone domiciled in a sovereign state of
16 the Union and protected by the Constitution. Another way of saying this is that those who took an oath to support
17 and defend your rights cannot make a business out of enticing you into surrendering them in exchange for
18 anything, whether real or perceived.

19 16.3. State governments may not offer franchises, licenses, or privileges to domiciled within the state whose domicile is
20 not on federal territory. Another way of saying this is that those who took an oath to support and defend your
21 rights cannot make a business out of enticing you into surrendering them in exchange for anything, whether real
22 or perceived.

23 If you would like to know more about the abuse of franchises by malicious public servants to destroy the separation of
24 powers and enslave the people, read:

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

- 25 17. A sovereignty that wants to influence or control a subordinate sovereignty that is not immediately underneath it must
26 do so by using the sovereignty below it as its conduit or agent.
27 18. In the realm of commerce, both state and federal sovereignties are treated just like any natural person and recovery of
28 debts is accomplished within courts of equity.

29 “...when the United States enters into commercial business it abandons its sovereign capacity and is treated
30 like any other corporation...”
31 [91 Corpus Juris Secundum (C.J.S.), United States, §4 (2003)]

- 32 19. Human beings domiciled inside the federal zone above do not fall into the category of “The People” because the
33 federal zone is not a constitutional republic, but a totalitarian socialist democracy. They ARE NOT parties to the
34 Constitution and therefore are not protected by it. See section 4.8 earlier for further clarification on this subject. “The
35 People” referred to in the diagram instead are those natural persons residing in and born within the 50 union states who
36 claim their correct status as either “state nationals” or “nationals” as described in [8 U.S.C. §1101\(a\)\(21\)](#). Persons who
37 claim to be “U.S. citizens” or who are in receipt of government privileges as elected or appointed officers of the
38 government have also forfeited their sovereignty and their position in the above diagram to fall at the same level as
39 corporations and federal “States”.

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

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

2 20. A “national” or a “state national” or a “foreign national” may not sue any state government in a federal court. He can
3 only do so in a court of the state that he is suing or in the Court of Claims. This is because the servant, which is the
4 Federal Government, cannot be greater than its master and creator, the states of the Union. See the [Eleventh](#)
5 [Amendment](#), which says:

6 *“The Judicial power of the United States shall not be construed to extend to any suit in law or equity,*
7 *commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or*
8 *Subjects of any Foreign State.”*

9 21. A state sovereignty cannot consent to the enlargement of the powers of Congress or of any other subordinate
10 sovereignty beyond those clearly enumerated in the Constitution.

11 *“State officials thus cannot consent to the enlargement of the powers of Congress beyond those enumerated in*
12 *the Constitution.”*

13 [*New York v. United States*, [505 U.S. 142](#); 112 S.Ct. 2408; 120 L.Ed.2d. 120 (1992)]

14 By implication, officials of states of the Union mentioned in the Constitution, either through the Buck Act or through
15 an Agreement on Coordination of Tax Administration (ACTA), cannot lawfully extend or consent to extend federal
16 taxing powers into the states upon individuals and bypass the constitutional limits on federal taxing powers found in
17 Article 1, Section 9, Clause 4 and Article, 1, Section 2, Clause 3. Only officials of federal “States” described in [4](#)
18 [U.S.C. §110](#)(d) may do it, and these “States” are not sovereign, but simply subdivisions of the national domain who are
19 called “territories and possessions of the United States”. States of the Union are neither territories nor possessions of
20 the United States.

21 22. A sovereignty may, under the rules of comity, voluntarily relinquish a portion of its sovereignty to a sovereignty *below*
22 it but not *above* it. For example, under the Buck Act, [4 U.S.C. §§105-111](#), the U.S. government gave jurisdiction to
23 “States”, which in fact are only territories of the federal United States (within the U.S. Code), to enforce [federal] State
24 tax statutes within federal areas or enclaves located within their exterior boundaries. Many people mistakenly believe
25 that this act gave the same type of authority to states of the Union, but the definition of “State” found in [4 U.S.C.](#)
26 [§110](#)(d) confirms that such a “State” is either a territory or possession of the United States, as defined in Title 48 of the
27 U.S. Code. The reason that the federal government cannot consent to the enlargement of powers of states of the Union
28 within its borders is that this would violate the separation of powers doctrine and undermine the obligation of Article 4,
29 Section 4 of the Constitution, which requires Congress to guarantee a “Republican form of government”. Below is the
30 statute that authorizes territories and possessions of the United States to enforce their tax statutes within federal
31 enclaves:

32 [TITLE 4 > CHAPTER 4 > Sec. 106.](#)
33 [Sec. 106. - Same; income tax](#)

34 *(a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted*
35 *taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area*
36 *or receiving income from transactions occurring or services performed in such area; and such State or taxing*
37 *authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such*
38 *State to the same extent and with the same effect as though such area was not a Federal area.*

39 *(b) The provisions of subsection (a) shall be applicable only with respect to income or receipts received after*
40 *December 31, 1940*

41 23. The CREATOR of a thing is the ONLY one who has the power to DEFINE exactly what it means. You should
42 NEVER give the power to define ANYTHING you put on a government form in the hands of a government worker,
43 because they will ALWAYS define it to place you under their jurisdiction and benefit themselves personally. That
44 means you should NEVER submit any government form *without* defining ANY and EVERY possible “word of art” on
45 the form so that you will not waive any rights or benefit them.

46 *“But when Congress creates a statutory right [a “privilege” in this case, such as a “trade or business”], it*
47 *clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or*
48 *prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before*
49 *particularized tribunals created to perform the specialized adjudicative tasks related to that right.”*
50 [*Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 102 S.Ct. 2858 (1983)]

1 This is VERY important to know, because although Congress CREATES franchises and OFFERS you opportunities to
2 sign up and thereby waive your Constitutional rights, YOU and ONLY YOU have the right to DEFINE all terms on the
3 application to join the franchise. Most such applications are signed under penalty of perjury and constitute testimony
4 of a witness, and therefore it is a criminal offense to threaten or tamper with or advise the submitter to fill out the form
5 in a certain way or else criminal witness tampering has occurred. That means that if you are compelled to sign up for
6 the franchise against your will, you can define all terms on the form so as to:

7 23.1. Withhold consent.

8 23.2. Reserve all your constitutional rights and waive none.

9 23.3. Document the duress and the source of the duress that caused you to apply. Contracts or consent procured under
10 duress are unenforceable.

11 23.4. Change your status to foreign and alien in relation to the offeror and therefore beyond their civil jurisdiction.

12 23.5. Turn the application from an acceptance into a COUNTER-OFFER of YOUR OWN franchise. This causes
13 THEIR response to constitute an acceptance of what we call an ANTI-FRANCHISE FRANCHISE. That way,
14 THEY and not YOU become the party waiving rights. The following videos show how this works:

15 23.5.1. *This Form is Your Form (UCC Battle of the Forms)*, Mark DeAngelis

16 <http://www.youtube.com/watch?v=b6-PRwhU7cg>

17 23.5.2. *Mirror Image Rule*, Mark DeAngelis

18 <http://www.youtube.com/watch?v=j8pgbZV757w>

19 If you would like to learn more about these rules for sovereignty, many of them are described in the wonderful free book on
20 government available on our website below:

Treatise on Government, Joel Tiffany, 1867

<http://famguardian.org/Publications/TreatiseOnGovernment/TreatOnGovt.pdf>

21 Corporations were created by state and federal governments as a matter of public and social policy in order to encourage
22 commerce and prosper everyone in society economically. Any Creator may place any demand on his creation that he wants
23 to, including the requirement to pay a tax. He may even destroy his creation should he choose to do so by excessive
24 taxation or other means. The supreme Court said of this subject the following:

25 *"The power to tax is the power to destroy."*

26 [*John Marshall, U.S. Supreme Court Justice, M'Culloch v. Maryland, 4 Wheat. 316, 431*]

27 Since "the power to tax is the power to destroy," then it follows that "**the power to create is the power to tax**". This is a
28 logical consequence of the fact that the power to create and the power to destroy *must* proceed from the same hand. Here is
29 how the U.S. Supreme Court described it:

30 *"What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which
31 certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains
32 the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the
33 Legislature, and can be revoked or altered only by the authority that made it. **The life-giving principle
34 and the death-doing stroke must proceed from the same hand.**"*

35 [*VanHorne's Lessee v. Dorrance, 2 U.S. 304 (1795)*]

36 The power to create and the power to destroy can therefore *only* be allowed to proceed from the same source. This means
37 that the creation cannot and should not be allowed to destroy or burden its Creator. Therefore, the federal government
38 cannot be allowed to directly tax or embarrass or burden the states of the Union without their consent and through
39 apportionment. Likewise, the states of the Union cannot be allowed to directly tax or embarrass or burden the sovereign
40 People who created them. Government may therefore tax *only* what government has created, and the only thing it created
41 were corporations and paper fiat currency. A legal fiction called a government can only destroy those other legal fictions
42 that it creates, but it cannot destroy a flesh and blood man that it did not create:

43 *"Mr. Baily (Texas)...Or suppose I had concurred with him, and had levied a tax on the individual and exempted
44 all corporations and to lay the burden of the government upon the man of flesh and blood, made in the image of
45 his God."*

46 [*44 Cong.Rec. 2447 (1909)*]

1 The definition of the term “person” found throughout the Internal Revenue Code, such as in I.R.C. Sections 6671(b) and
2 7343 confirms that the only type of “persons” included as the target of most types of enforcement actions are federal
3 corporations incorporated in the District of Columbia, and “public officials” of the United States government who are in
4 receipt of excise taxable privileges of public office. Here are a few examples demonstrating this amazing fact from the
5 I.R.C.:

- 6 1. Definition of “person” for the purposes of “assessable penalties” within the Internal Revenue Code means an officer or
7 employee of a corporation:

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

10 (b) *Person defined*

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

- 14 2. Definition of “person” for the purposes of “miscellaneous forfeiture and penalty provisions” of the Internal Revenue
15 Code means an officer or employer of a corporation or partnership within the federal United States:

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

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

- 21 3. Definition of “person” or “individual” for the purposes of levy within the Internal Revenue Code means an elected or
22 appointed officer of the United States Government or a federal instrumentality:

23 *26 U.S.C., Subchapter D - Seizure of Property for Collection of Taxes*
24 [Sec. 6331.](#) *Levy and distraint*

25 (a) *Authority of Secretary*

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

37 Government didn’t create people so it can’t tax people, unless they explicitly and individually consent voluntarily to it by
38 undertaking employment with the federal government as privileged public officers of that government who are voluntarily
39 engaged in a taxable activity called a “trade or business”. In a free country, all just power of government derives from the
40 explicit consent of the people. Any civil action undertaken absent explicit, informed, and voluntary consent is unjust.

41 *" . . .we are of the opinion that there is a clear distinction in this particular case between an individual and a*
42 *corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the*
43 *suit of the State. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on*
44 *his private business in his own way. His power to contract is unlimited. He owes no such duty to the State, since*
45 *he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by*
46 *the law of the land long antecedent to the organization of the State, and can only be taken from him by due*
47 *process of law, and in accordance with the constitution. Among his rights are a refusal to incriminate himself,*
48 *and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes*
49 *nothing to the public so long as he does not trespass upon their rights."*
50 *[Hale v. Henkel, 201 U.S. 43 at 74 (1905)]*

1 Only God in His sovereignty can create people. That is why the Constitution recognizes in two different places, including
2 Article 1, Section 9, Clause 4 (1:9:4) and Article 1, Clause 2, Section 3 (1:2:3) that direct taxes must be apportioned to the
3 states of the Union and may not be directly levied on the people within states of the Union by the federal government. The
4 federal government servant simply cannot be greater than the sovereign People that it serves in the states of the Union.
5 Violating this requirement is the equivalent of instituting slavery in states of the Union in violation of the Thirteenth
6 Amendment. This is also why:

- 7 1. There is no liability statute anywhere in Subtitle A making anyone responsible to pay income taxes.
- 8 2. The IRS is not an enforcement agency and does not fall under the Undersecretary for Enforcement within the Dept. of
9 Treasury. See: <http://famguardian.org/Subjects/Taxes/Research/TreasOrgHist/Torg1999.pdf>
- 10 3. Subtitles A and C of the Internal Revenue Code can only be voluntary and can never be enforced against
11 “nontaxpayers”. Every person who participates must individually consent or the code becomes unenforceable. Note
12 that AFTER they consent, it is no longer voluntary, but BEFORE they do, it is.
- 13 4. All payroll tax withholding is entirely consensual and voluntary and cannot be coerced. See 26 U.S.C. §3402(p) and 26
14 C.F.R. §31.3401(p)-1.
- 15 5. The Supreme Court said that the definition for “income” has always meant corporate profit. This means that natural
16 persons cannot earn “income” as defined by the Constitution unless they are privileged officers of the United States
17 government who voluntarily consent to it by pursuing employment with that government:

18 *“In order, therefore, that the [apportionment] clauses cited from article 1 [§2, cl. 3 and §9, cl. 4] of the*
19 *Constitution may have proper force and effect ...[I]t becomes essential to distinguish between what is an what*
20 *is not ‘income,’ ...according to truth and substance, without regard to form. **Congress cannot by any definition***
21 ***it may adopt conclude the matter, since it cannot by legislation alter the Constitution, from which alone, it***
22 ***derives its power to legislate, and within those limitations alone that power can be lawfully exercised...** [pg.*
23 *207]...After examining dictionaries in common use we find little to add to the succinct definition adopted in two*
24 *cases arising under the Corporation Tax Act of 1909, Stratton’s Independence v. Howbert, 231 U.S. 399, 415,*
25 *34 S.Sup.Ct. 136, 140 [58 L.Ed. 285] and Doyle v. Mitchell Bros. Co., 247 U.S. 179, 185, 38 S.Sup.Ct. 467,*
26 *469, 62 L.Ed. 1054...”*
27 *[Eisner v. Macomber, 252 U.S. 189, 207, 40 S.Ct. 189, 9 A.L.R. 1570 (1920)]*

29 *“...Whatever difficulty there may be about a **precise scientific definition of ‘income,’** it imports, as used here,*
30 *something entirely distinct from principal or capital either as a subject of taxation or as a measure of the tax;*
31 ***conveying rather the idea of gain or increase arising from corporate activities.**”*
32 *[Doyle v. Mitchell Brothers Co., 247 U.S. 179, 185, 38 S.Ct. 467 (1918)]*

34 *“Income has been taken to mean the same thing as used in the Corporation Excise Tax Act of 1909 (36 Stat.*
35 *112) in the 16th Amendment, and in the various revenue acts subsequently passed.”*
36 *[Bowers v. Kerbaugh-Empire Co., 271 U.S. 170, 174, (1926)]*

- 37 6. The Supreme Court held in the case of *Flora v. United States*, 362 U.S. 145 (1960):

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

40 The debates held in Congress in 1909 over the ratification of the [Sixteenth Amendment](#) abundantly confirm the above
41 conclusions. They also abundantly confirm the fact that the legislative intent of the [Sixteenth Amendment](#) revealed during
42 Congressional debates never included the intent to tax “wages” (in the common understanding, not in the legal sense
43 defined in the Internal Revenue Code) on the labor of human beings. Below is just one cite out the hundreds of pages of
44 Congressional Debates on the Sixteenth Amendment posted on our website at:

45 <http://famguardian.org/TaxFreedom/History/Congress/1909-16thAmendCongrRecord.pdf>

46 Senator Daniel of Virginia is debating the Sixteenth Amendment and he offers an excellent analysis of the legal criteria of
47 taxing a corporation:

48 *“There are many things—settled personal views—about this excise tax which we ought to remember, and I*
49 *propose to state, just as I have stated the difference between corporations and partnerships, what are some of*
50 *the marked and settled opinions which have had judicial exposition and indorsement as to the power to tax*

corporations. I will state some of them. I think it will be found settled in the judicial reports of this country, and so well settled that no lawyer familiar with the decisions could hope to disturb the decisions, as follows:

“(1) That a corporate franchise is a distinct subject of taxation, and not as property, but as the exercise of a privilege.

“(2) That it may be taxed by a State or Country which creates it.

“(3) It may be taxed by a State or Territory in which it is exercised, although created by a foreign country.

“(4) It may be taxed by the United States, whether created by the United States or a foreign country or by a State, Territory, or district of the United States.

“(5) The franchise of the corporation may also be taxed by a State, although created by the United States, unless created as part of the governmental machinery of the United States.

“The same or rather the like limitation applies upon corporations created by the States. You may tax any private corporation of a State, but a corporation of the State, that is chartered by the State to perform some function of its government, partakes of a governmental nature, just as one so formed by the United States; and as the one cannot be taxed by the Federal Government, so the other cannot be taxed by the State.”
[44 Cong.Rec. 4237-4238 (1909)]

Below is another Congressional interchange on the legislative intent of the Sixteenth Amendment that clearly shows it was never intended to apply to the wages derived from labor of a flesh and blood human being:

“Mr. Brandegee. **Mr. President, what I said was that the amendment exempts absolutely everything that a man makes for himself.** Of course it would not exempt a legacy which somebody else made for him and gave to him. If a man’s occupation or vocation—for vocation means nothing but a calling—if his calling or occupation were that of a financier it would exempt everything he made by underwriting and by financial operations in the course of a year that would be the product of his effort. **Nothing can be imagined that a man can busy himself about with a view of profit which the amendment as drawn would not utterly exempt.**”
[50 Cong.Rec. p. 3839, 1913]

Even the U.S. Supreme Court agrees with this conclusion that earnings from labor are not taxable to the person who did the work:

“Every man has a natural right to the fruits of his own labor, is generally admitted; and **no other person can rightfully deprive him of those fruits, and appropriate them against his will...**”
[The Antelope, 23 U.S. 66, 10 Wheat 66, 6 L.Ed. 268 (1825)]

4.2 Limitations upon Constitutional States

The separation of powers doctrine imposes all the following restrictions upon states of the Union in relation to the federal government:

1. States cannot enforce federal law within their borders.

“Consequently no State court will undertake to enforce the criminal law of the Union, except as regards the arrest of persons charged under such law. It is therefore clear, that the same power cannot be exercised by a State court as is exercised by the courts of the United States, in giving effect to their criminal laws...”

“There is no principle better established by the common law, none more fully recognized in the federal and State constitutions, than that an individual shall not be put in jeopardy twice for the same offense. This, it is true, applies to the respective governments; but its spirit applies with equal force against a double punishment, for the same act, by a State and the federal government.....

Nothing can be more repugnant or contradictory than two punishments for the same act. It would be a mockery of justice and a reproach to civilization. It would bring our system of government into merited contempt.”
[Fox v. The State of Ohio, 46 U.S. 410, 5 Howard 410, 12 L.Ed. 213 (1847)]

2. States may not enact law that pertains to federal territory.

1 3. States may not supervise, regulate, or tax federal corporations operating within the borders of a state. All such
2 regulation, taxation, and supervision must be done by a federal court. In addition to the below, see *Osborn v. Bank of*
3 *the U.S.*, 22 U.S. 738 (1824).

4 "It is very true that a corporation can have no legal existence out of the boundaries [territory] of the
5 sovereignty by which it is created. It exists only in contemplation of law, and by force of the law; and where
6 the law ceases to operate, and is no longer obligatory, the corporation can have no existence. It must dwell in
7 the place of its creation, and cannot migrate to another sovereignty."

8 [*Bank of Augusta v. Earle*, 38 U.S. (13 Pet.) 519, 10 L.Ed. 274 (1839)]

9 "A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was
10 created, and of that state or country only."

11 [*19 Corpus Juris Secundum (C.J.S.), Corporations*, §886 (2003)]

12 4. State courts must treat the federal government as a foreign corporation and a foreign state in respect to a state of the
13 Union, and its laws.

14 "A foreign corporation is one that derives its existence solely from the laws of another state, government, or
15 country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created
16 by or under the laws of another state or a corporation created by or under the laws of a foreign country."

17 "A federal corporation operating within a state is considered a domestic corporation rather than a foreign
18 corporation. The United States government is a foreign corporation with respect to a state."

19 [*19 Corpus Juris Secundum (C.J.S.), Corporations*, §883 (2003)]

20 5. States may not exercise jurisdiction within the borders of other states:

21 "Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the
22 law of comity must necessarily rest, the following maxims: First 'that every nation possesses an exclusive
23 sovereignty and jurisdiction within its own territory'; secondly, 'that no state or nation can by its laws directly
24 affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural
25 born subjects or others.' The learned judge then adds: 'From these two maxims or propositions there follows a
26 third, and that is that whatever force and obligation the laws of one country have in another depend solely upon
27 the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and
28 upon its own express or tacit consent.'" *Story on Conflict of Laws* §23."

29 [*Baltimore & Ohio Railroad Co. v. Chambers*, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]

30 6. States may not act as trustees of the federal government under the terms of any franchise, including Social Security.
31 This is why the term "State" as used in the Social Security Act does NOT include any state of the Union. See:

32 6.1. [Current Social Security Act, Section 1101\(a\)\(1\)](#)

33 6.2. [42 U.S.C. §1301\(a\)\(1\)](#)

34 "The king establishes the land by justice; but he who receives bribes [or stolen loot or "benefits" under
35 franchises] overthrows it."

36 [[Prov. 29:4](#), Bible, NKJV]

37 "And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous."

38 [[Exodus 23:8](#), Bible, NKJV]

39 "He who is greedy for gain troubles his own house,

40 But he who hates bribes will live."

41 [[Prov. 15:27](#), Bible, NKJV]

42 "Surely oppression destroys a wise man's reason.

43 And a bribe debases the heart."

44 [[Ecclesiastes 7:7](#), Bible, NKJV]

45 7. Those holding public office within a state of the Union may not also simultaneously hold public office within the
46 national government. This would be a criminal conflict of interest.

47 "No [public] servant can serve two masters; for either he will hate the one and love the other, or else he will be
48 loyal to the one and despise the other. You cannot serve God and mammon."

49 [*Jesus [God] speaking in the Bible, Luke 16:13*]

CALIFORNIA CONSTITUTION
ARTICLE 7 PUBLIC OFFICERS AND EMPLOYEES

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

8. State judges must reside within the exclusive jurisdiction of the district within which they serve and may not reside on federal territory.
9. Jurists serving in trials of state courts must be state and constitutional citizens but NOT statutory “U.S. citizens” as defined in 8 U.S.C. §1401.
10. State officials cannot consent to an enlargement of federal powers within their borders:

“State officials thus cannot consent to the enlargement of the powers of Congress beyond those enumerated in the Constitution.”
[New York v. United States, [505 U.S. 142](#); 112 S.Ct. 2408; 120 L.Ed.2d. 120 (1992)]

4.3 Limitations upon the Federal government

The separation of powers doctrine imposes all the following restrictions upon the federal government in relation to states of the Union:

1. Federal government may not exercise any power within a state already possessed by the state:

“Two governments acting independently of each other cannot exercise the same power for the same object.”
[Fox v. The State of Ohio, 46 U.S. 410, 5 Howard 410, 12 L.Ed. 213 (1847)]

2. Federal government may not enforce federal law or exercise “police powers” within the borders of a state.

“The principle upon which our Governments rest, and upon which alone they continue to exist, is the union of States, sovereign and independent within their own limits in *448 their internal and domestic concerns, and bound together as one people by a General Government, possessing certain enumerated and restricted powers, delegated to it by the people of the several States, and exercising supreme authority within the scope of the powers granted to it, throughout the dominion of the United States. A power, therefore, in the General Government to obtain and hold colonies and dependent territories, over which they might legislate without restriction, would be inconsistent with its own existence in its present form. Whatever it acquires, it acquires for the benefit of the people of the several States who created it. It is their trustee acting for them, and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted.”
[Dred Scott v. Sandford, 60 U.S. 393 (1856)]

- 2.1. The Posse Comitatus Act, 18 U.S.C. §1385, forbids federal police powers within states of the Union, including the use of military forces as a police force. The Militia of each state is reserved that power, and not the U.S. military.
- 2.2. The U.S. Supreme Court has held that police powers are reserved exclusively to states of the Union.

“Jurisdiction over such an offense comes within the accepted definition of the police power. Speaking generally, that power is reserved to the states, for there is in the Constitution no grant thereof to Congress.”
[Keller v. United States, [213 U.S. 138](#) (1909)]

“In the American constitutional system,' says Mr. Cooley, 'the power to establish the ordinary regulations of police has been left with the individual states, and cannot be assumed by the national government.' Cooley, Const. Lom. 574. While it is confessedly difficult to mark the precise boundaries of that power, or to indicate, by any general rule, the exact limitations which the states must observe in its exercise, the existence of such a power in the states has been uniformly recognized in this court. Gibbons v. Ogden, 9 Wheat. 1, 6 L.Ed. 23; License Cases, 5 How. 504, 12 L.Ed. 256; Gilman v. Philadelphia, 3 Wall. 713, 18 L.Ed. 96; Henderson v. New York (Henderson v. Wickham) [92 U.S. 259](#), 23 L.Ed. 543; Hannibal & St. J. R. Co. v. Husen, [95 U.S. 465](#), 24 L.Ed. 527; Boston Beer Co. v. Massachusetts, [97 U.S. 25](#), 24 L.Ed. 989. It is embraced in what Mr. Chief

Justice Marshall, in *Gibbons v. Ogden*, calls that 'immense mass [213 U.S. 138, 145] of legislation' which can be most advantageously exercised by the states, and over which the national authorities cannot assume supervision or control.'

[*Patterson v. Kentucky*, [97 U.S. 501, 503](#), 24 S. L.Ed. 1115, 1116]

"By the tenth amendment, 'the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states, respectively, or to the people.' **Among the powers thus reserved to the several states is what is commonly called the 'police power,'-that inherent and necessary power, essential to the very existence of civil society, and the safeguard of the inhabitants of the state against disorder, disease, poverty, and crime. 'The police power belonging to the states in virtue of their general sovereignty,' said Mr. Justice STORY, delivering the judgment of this court, 'extends over all subjects within the territorial limits of the states, and has never been conceded to the United States.'** *Prigg v. Pennsylvania*, 16 Pet. 539, 625. [. . .] **The police power includes all measures for the protection of the life, the health, the property, and the welfare of the inhabitants, and for the promotion of good order and the public morals.** It covers the suppression of nuisances, whether injurious to the public health, like unwholesome trades, or to the public morals, like gambling-houses and lottery tickets. *Slaughter-House Cases*, 16 Wall. 36, 62, 87; *Fertilizing Co. v. Hyde Park*, [97 U.S. 659](#) ; *Phalen v. Virginia*, 8 How. 163, 168; *Stone v. Mississippi*, [101 U.S. 814](#) . **This power, being essential to the maintenance of the authority of local government, and to the safety and welfare of the people, is inalienable. As was said by Chief Justice WAITE, referring to earlier decisions to the same effect: 'No legislature can bargain away the public health or the public morals. The people themselves cannot do it, much less their servants. The supervision of both these subjects of governmental power is continuing in its nature, and they are to be dealt with as the special exigencies of the moment may require. Government is organized with a view to their preservation, and cannot divest itself of the power to provide for them. For this purpose the largest legislative discretion is allowed, and the discretion cannot be parted with any more than the power itself.'** *Stone v. Mississippi*, [101 U.S. 814](#) , 819. See, also, *Butchers' Union, etc., Co. v. Crescent City, etc., Co.*, [111 U.S. 746, 753](#) , 4 S.Sup.Ct.Rep. 652; *New Orleans Gas Co. v Louisiana Light Co.*, [115 U.S. 650, 672](#) , 6 S.Sup.Ct.Rep. 252; *New Orleans v. Houston*, [119 U.S. 265, 275](#) , 7 S.Sup.Ct.Rep. 198. [*Leisy v. Hardin*, [135 U.S. 100](#) (1890)]

3. Federal government may not enact law that operates within the exclusive jurisdiction of a state.

"It is no longer open to question that the general government, unlike the states, *Hammer v. Dagenhart*, [247 U.S. 251, 275](#) , 38 S.Ct. 529, 3 A.L.R. 649, *Ann.Cas.1918E 724*, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation. The question in respect of the inherent power of that government as to the external affairs of the Nation and in the field of international law is a wholly different matter which it is not necessary now to consider. See, however, *Jones v. United States*, [137 U.S. 202, 212](#) , 11 S.Ct. 80; *Nishimur Ekiu v. United States*, [142 U.S. 651, 659](#) , 12 S.Ct. 336; *Fong Yue Ting v. United States*, [149 U.S. 698](#) , 705 et seq., 13 S.Ct. 1016; *Burnet v. Brooks*, [288 U.S. 378, 396](#) , 53 S.Ct. 457, 86 A.L.R. 747. [*Carter v. Carter Coal Co.*, [298 U.S. 238](#) (1936)]

4. Federal government may not supervise, regulate, or tax state corporations operating within the borders the state within which they were created. All such regulation, taxation, and supervision must be done by the state court.

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

5. Federal judges must reside, meaning have a physical presence and domicile, within the exterior limits of the district they serve and outside the exclusive jurisdiction of the state of the Union in which the district is located.

[TITLE 28 > PART I > CHAPTER 5 > § 134](#)
[§ 134. Tenure and residence of district judges](#)

(b) Each district judge, except in the District of Columbia, the Southern District of New York, and the Eastern District of New York, **shall reside in the district or one of the districts for which he is appointed.** Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.

Every district judge shall reside in the district or one of the districts for which he is appointed, and **for offending against this provision shall be deemed guilty of a high misdemeanor.** (Mar. 3, 1911, ch. 231, §1, 36 Stat. 1087 as amended July 30, 1914, ch. 216, 38 Stat. 580 and supplemented Mar. 3, 1915, ch. 100; § 1, 38 Stat. 961; Apr. 11, 1916, ch. 64, § 1, 39 Stat. 48; Feb. 26, 1917, ch. 938, 39 Stat. 938; Feb. 26, 1919.-ch. 50, §§

1 1, 2, 40 Stat. 1183; Sept. 14, 1922, ch. 306, 42 Stat. 837, 838; Jan. 16, 1925, ch. 83, § 3, 43 Stat. 752; Feb. 16,
2 1925, ch. 233, §§ 2, 3, 43 Stat. 946; Mar. 2, 1925, ch. 397, §§ 1-3, 43 Stat. 1098; Mar. 3, 1927, ch. 297, 44 Stat.
3 1346; Mar. 3, 1927, ch. 298, 44 Stat. 1347; Mar. 3, 1927, ch. 300, 44 Stat. 1348; Mar. 3, 1927, ch. 332, 44 Stat.
4 1370; Mar. 3, 1927, ch. 336, §§ 1, 2, 44 Stat. 1372; Mar. 3, 1927, ch. 338, 44 Stat. 1374; Mar. 3, 1927, ch. 344,
5 44 Stat. 1380; Apr. 21, 1928, ch. 393, § 5, 45 Stat. 439; May 29, 1928, ch. 882, 45 Stat. 974; Jan. 17, 1929, ch.
6 72, 45 Stat. 1081; Feb. 26, 1929, ch. 334, 45 Stat. 1317; Feb. 26, 1929, ch. 337, 45 Stat. 1319; Feb. 28, 1929,
7 ch. 358, 45 Stat. 1344; Feb. 28, 1929, ch. 380, 45 Stat. 1409; May 28, 1930, ch. 346, 46 Stat. 431; June 27,
8 1930, ch. 633, 46 Stat. 819; June 27, 1930, ch. 635, 46 Stat. 820; July 3, 1930, ch. 852, 46 Stat. 1006; Feb. 20,
9 1931, ch. 244, 46 Stat. 1196; Feb. 20, 1931, ch. 245, 46 Stat. 1197; Feb. 25, 1931, ch. 296, 46 Stat. 1417; May
10 20, 1932, ch. 196, 47 Stat. 161; Aug. 2, 1935, ch. 425, §§ 1, 2, 3, 49 Stat. 508; Aug. 19, 1935, ch. 558, §§ 1, 2,
11 49 Stat. 659; Aug. 28, 1935, ch. 793, 49 Stat. 945; June 5, 1936, ch. 515, §§ 1-3, 49 Stat. 1476, 1477; June 15,
12 1936, ch. 544, 49 Stat. 1491; June 16, 1936, ch. 585, § 1, 49 Stat. 1523; June 22, 1936, ch. 693, 49 Stat. 1804;
13 June 22, 1936, ch. 694, 49 Stat. 1804; June 22, 1936, ch. 696, 49 Stat. 1806; Aug. 25, 1937, ch. 771, § 1, 50
14 Stat. 805; Mar. 18, 1938, ch. 47, 52 Stat. 110; May 31, 1938, ch. 290, §§ 4, 6, 52 Stat. 585; June 20, 1938, ch.
15 528, 52 Stat. 780; Jan. 20, 1940, ch. 11, 54 Stat. 16; May 24, 1940, Ch. 209, § 2 (C), 54 Stat. 220; June 8, 1940,
16 ch. 282, 54 Stat. 253; Nov. 27, 1940, ch. 920, § 1, 54 Stat. 1216.)
17 [Judicial Code of 1940, Section 1, pp. 2453-2454, Exhibit 3]

- 18 6. Jurists serving in trials of federal district courts are subject to the following restrictions:
19 6.1. All jurors must be residents of the judicial district for one year pursuant to [28 U.S.C. §1865](#)(b).
20 6.2. All jurors must be statutory “citizens of the United States” pursuant to [28 U.S.C. §1865](#)(b). Statutory “citizens of
21 the United States” are defined statutory in [8 U.S.C. §1401](#). Note that a person born in a state of the Union is NOT
22 a statutory “citizen of the United States” pursuant to [8 U.S.C. §1401](#).
23 6.3. They may also not participate in federal franchises and if they do, they are engaging in a criminal conflict of
24 interest pursuant to [28 U.S.C. §1870](#), [28 U.S.C. §455](#), and [18 U.S.C. §208](#).

25 *"The king establishes the land by [justice](#); but he who receives bribes [or stolen loot or “benefits” under*
26 *franchises] overthrows it."*
27 [[Prov. 29:4](#), Bible, NKJV]

28 *"And **you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.**"*
29 [[Exodus 23:8](#), Bible, NKJV]

30 *"He who is greedy for gain troubles his own house,*
31 ***But he who hates bribes will live.**"*
32 [[Prov. 15:27](#), Bible, NKJV]

33 *"Surely oppression destroys a wise man's reason.*
34 *And **a bribe debases the heart.**"*
35 [[Ecclesiastes 7:7](#), Bible, NKJV]

- 36 7. Federal government may not impose conditions upon entrance into the Union which does not apply equally to all
37 states. In *Dred Scott v. Sandford*, 60 U.S. 393 (1857), the U.S. Supreme Court admitted they could not do it.

38 *As to the power of admitting new States into the Federal compact, the questions offering themselves are,*
39 ***whether Congress can attach conditions, or the new States concur in conditions, which after admission***
40 ***would abridge or enlarge the constitutional rights of legislation common to other States; whether Congress***
41 ***can, by a compact *492 with a new State, take power either to or from itself, or place the new member above***
42 ***or below the equal rank and rights possessed by the others; whether all such stipulations expressed or***
43 ***implied would not be nullities,** and be so pronounced when brought to a practical test. It falls within the scope
44 of your inquiry to state the fact, that there was a proposition in the convention to discriminate between the old
45 and the new States by an article in the Constitution. **The proposition, happily, was rejected. The effect of such**
46 **a discrimination is sufficiently evident.** ¹⁰
47 [*Dred Scott v. Sandford*, 60 U.S. 393 (1856)]*

- 48 8. Federal government may not create, license, or enforce any franchise within the exterior limits of a state of the Union.

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

¹⁰ Letter from James Madison to Robert Walsh, November 27th, 1819, on the subject of the Missouri Compromise.

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

12 9. The only type of tax the federal government may collect within the borders of a state are excise taxes upon imports:

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

19
20 "The difficulties arising out of our dual form of government and the opportunities for differing opinions
21 concerning the relative rights of state and national governments are many; but for a very long time this court
22 has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or
23 their political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like
24 limitation upon the power which springs from the bankruptcy clause. *United States v. Butler*, *supra*."
25 [Ashton v. Cameron County Water Improvement District No. 1, [298 U.S. 513](#); 56 S.Ct. 892 (1936)]

26
27 "The grant of the power to lay and collect taxes is, like the power to regulate commerce, made in general
28 terms, and has never been understood to interfere with the exercise of the same power by the State; and
29 hence has been drawn an argument which has been applied to the question under consideration. But the two
30 grants are not, it is conceived, similar in their terms or their nature. Although many of the powers formerly
31 [22 U.S. 1, 199] exercised by the States, are transferred to the government of the Union, yet the State
32 governments remain, and constitute a most important part of our system. The power of taxation is indispensable
33 to their existence, and is a power which, in its own nature, is capable of residing in, and being exercised by,
34 different authorities at the same time. We are accustomed to see it placed, for different purposes, in different
35 hands. Taxation is the simple operation of taking small portions from a perpetually accumulating mass,
36 susceptible of almost infinite division; and a power in one to take what is necessary for certain purposes, is not,
37 in its nature, incompatible with a power in another to take what is necessary for other purposes. Congress is
38 authorized to lay and collect taxes, and to pay the debts, and provide for the common defence and general
39 welfare of the United States. This does not interfere with the power of the States to tax [internally] for the
40 support of their own governments; nor is the exercise of that power by the States [to tax INTERNALLY], an
41 exercise of any portion of the power that is granted to the United States [to tax EXTERNALLY]. In imposing
42 taxes for State purposes, they are not doing what Congress is empowered to do. Congress is not empowered
43 to tax for those purposes which are within the exclusive province of the States. When, then, each
44 government exercises the power of taxation, neither is
45 exercising the power of the other. But, when a State proceeds to regulate commerce
46 with foreign nations, or among the several States, it is exercising the very power that is granted to Congress,
47 [22 U.S. 1, 200] and is doing the very thing which Congress is authorized to do. There is no analogy, then,
48 between the power of taxation and the power of regulating commerce. "
49 [Gibbons v. Ogden, [22 U.S. 21](#) (1824)]

50
51 "In Slaughter-House Cases, 16 Wall. 62, it was said that the police power is, from its nature, incapable of any
52 exact definition or limitation; and in Stone v. Mississippi, 101 U.S. 814, that it is 'easier to determine whether
53 particular cases come within the general scope of the power than to give an abstract definition of the power
54 itself, which will be in all respects accurate.' That there is a power, sometimes called the police power, which
55 has never been surrendered by the states, in virtue of which they may, within certain limits, control
56 everything within their respective territories, and upon the proper exercise of which, under some
57 circumstances, may depend the public health, the public morals, or the public safety, is conceded in all the
58 cases. Gibbons v. Ogden, 9 Wheat. 203. In its broadest sense, as sometimes defined, it includes all legislation
59 and almost every function of civil government. Barbier v. Connolly, 113 U.S. 31; S.C. 5 Sup.Ct.Rep. 357. [. .

1 .] Definitions of the police power must, however, be taken subject to the condition that
2 the state cannot, in its exercise, for any purpose whatever, encroach upon the powers
3 of the general [federal] government, or rights granted or secured by the supreme law of
4 the land.

5 “Illustrations of interference with the rightful authority of the general government by
6 state legislation-which was defended upon the ground that it was enacted under the
7 police power-are found in cases where enactments concerning the introduction of
8 foreign paupers, convicts, and diseased persons were held to be unconstitutional as
9 conflicting, by their necessary operation and effect, with the paramount authority of
10 congress to regulate commerce with foreign nations, and among the several states. In
11 Henderson v. Mayor of New York, 92 U.S. 263, the court, speaking by Mr. Justice MILLER, while declining to
12 decide whether in the absence of congressional action the states can, or how far they may, by appropriate
13 legislation protect themselves against actual paupers, vagrants, criminals, [115 U.S. 650, 662] and diseased
14 persons, arriving from foreign countries, said, that no definition of the police power, and 'no urgency for its
15 use, can authorize a state to exercise it in regard to a subject-matter which has been confided exclusively to the
16 discretion of congress by the constitution.' Chy Lung v. Freeman, 92 U.S. 276. And in Railroad Co.
17 v. Husen, 95 U.S. 474, Mr. Justice STRONG, delivering the opinion of
18 the court, said that 'the police power of a state cannot obstruct foreign
19 commerce or interstate commerce beyond the necessity for its exercise;
20 and, under color of it, objects not within its scope cannot be secured at
21 the expense of the protection afforded by the federal constitution.' “
22 [New Orleans Gas Company v. Louisiana Light Company, 115 U.S. 650 (1885)]

23 10. Federal jurisdiction within a state of the Union is limited ONLY to the following subject matters:

24 10.1. Postal fraud. See Article 1, Section 8, Clause 7 of the U.S. Constitution..

25 10.2. Counterfeiting under Article 1, Section 8, Clause 6 of the U.S. Constitution.

26 10.3. Treason under Article 4, Section 2, Clause 3 of the U.S. Constitution.

27 10.4. Interstate commercial crimes under Article 1, Section 8, Clause 3 of the U.S. Constitution.

28 10.5. Slavery, involuntary servitude, or peonage under the Thirteenth Amendment, 42 U.S.C. §1994, 18 U.S.C. §1581.
29 and 18 U.S.C. §1589(3).

30 “Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the
31 Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary
32 servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these
33 sections denouncing peonage, and punishing one who holds another in that condition of involuntary
34 servitude. This legislation is not limited to the territories or other parts of the strictly national domain,
35 but is operative in the states and wherever the sovereignty of the United States extends. We entertain no
36 doubt of the validity of this legislation, or of its applicability to the case of any person holding another in
37 a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding.
38 It operates directly on every citizen of the Republic, wherever his residence may be.”
39 [Clyatt v. U.S., 197 U.S. 207 (1905)]

40 11. Under the Rules of Decision Act, 28 U.S.C. §1652, state law prevails as the rule of decision in all cases involving acts
41 occurring within or those domiciled within the exclusive jurisdiction of a state of the Union.

42 [TITLE 28 > PART V > CHAPTER 111 > § 1652](#)
43 [§ 1652. State laws as rules of decision](#)

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

47 **4.4 Limitations upon geographical definitions within various contexts**

48 Because the states of the Union and the federal government are “foreign” to each other for the purposes of legislative
49 jurisdiction, then it also follows that the definitions of terms in the context of all state and federal statutes must be
50 consistent with this fact. The table below clearly shows the restrictions placed upon definitions of terms within the various
51 contexts that they are used within state and federal law:
52

Table 2: Meaning of geographical “words of art”

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"state"	Foreign country	Union state or Foreign Country	Union state	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
"State"	Union state	Federal state	Federal state	Union state	Union state	Union state
"in this State" or "in the State" ¹¹	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"State" ¹² (State Revenue and taxation code only)	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively. ¹³	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively
"United States"	states of the Union collectively	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

NOTES:

1. The term “Federal state” or “Federal ‘States’” as used above means a federal territory as defined in 4 U.S.C. §110(d) and EXCLUDES states of the Union.
2. The term “Union state” means a “State” mentioned in the United States Constitution, and this term EXCLUDES and is mutually exclusive to a federal “State”.
3. If you would like to investigate the various “words of art” that lawyers in the federal government use to deceive you, we recommend the following:
 - 3.1. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: <http://famguardian.org/TaxFreedom/FormsInstr-Cites.htm>
 - 3.2. *Great IRS Hoax*, Form #11.302, sections 3.9.1 through 3.9.1.28.

5 Thomas Jefferson’s Warnings and Predictions Concerning the Destruction of the Separation of Powers

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

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

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

¹¹ See California Revenue and Taxation Code, Section 6017.

¹² See California Revenue and Taxation Code, Section 17018.

¹³ See, for instance, U.S. Constitution Article IV, Section 2.

1 Below is Thomas Jefferson's description of the separation of powers:

2 *"To make us one nation as to foreign concerns, and keep us distinct in domestic ones, gives the outline of the*
3 *proper division of powers between the general and particular governments. But, to enable the federal head to*
4 *exercise the powers given it to best advantage, it should be organized as the particular ones are, into*
5 *legislative, executive, and judiciary."*
6 *[Thomas Jefferson to James Madison, 1786. ME 6:9]*

7 *"The first principle of a good government is certainly a distribution of its powers into executive, judiciary, and*
8 *legislative, and a subdivision of the latter into two or three branches."*
9 *[Thomas Jefferson to John Adams, 1787. ME 6:321]*

10 *"The constitution has divided the powers of government into three branches, Legislative, Executive and*
11 *Judiciary, lodging each with a distinct magistracy. The Legislative it has given completely to the Senate and*
12 *House of Representatives. It has declared that the Executive powers shall be vested in the President, submitting*
13 *special articles of it to a negative by the Senate, and it has vested the Judiciary power in the courts of justice,*
14 *with certain exceptions also in favor of the Senate."*
15 *[Thomas Jefferson: Opinion on Executive Appointments, 1790. ME 3:15]*

16 *"My idea is that... the Federal government should be organized into Legislative, Executive and Judiciary, as are*
17 *the State governments, and some peaceable means of enforcement devised for the Federal head over the*
18 *States."*
19 *[Thomas Jefferson to John Blair, 1787. ME 6:273, Papers 12:28]*

20 *Each Branch is Independent*

21 *"The leading principle of our Constitution is the independence of the Legislature, Executive and Judiciary of*
22 *each other."*
23 *[Thomas Jefferson to George Hay, 1807. FE 9:59]*

24 *"There are many [in Congress] who think that not to support the Executive is to abandon Government."*
25 *[Thomas Jefferson to Colonel Bell, 1797. ME 9:386]*

26 *"[The] principle [of the Constitution] is that of a separation of Legislative, Executive and Judiciary functions*
27 *except in cases specified. If this principle be not expressed in direct terms, it is clearly the spirit of the*
28 *Constitution, and it ought to be so commented and acted on by every friend of free government."*
29 *[Thomas Jefferson to James Madison, 1797. ME 9:368]*

30 *"Our Constitution has wisely distributed the administration of the government into three distinct and*
31 *independent departments. To each of these it belongs to administer law within its separate jurisdiction. The*
32 *Judiciary in cases of meum and tuum, and of public crimes; the Executive, as to laws executive in their nature;*
33 *the Legislature in various cases which belong to itself, and in the important function of amending and adding to*
34 *the system."*
35 *[Thomas Jefferson: Batture at New Orleans, 1812. ME 18:129]*

36 *"The three great departments having distinct functions to perform, must have distinct rules adapted to them.*
37 *Each must act under its own rules, those of no one having any obligation on either of the others."*
38 *[Thomas Jefferson to James Barbour, 1812. ME 13:129]*

39 *"The Constitution intended that the three great branches of the government should be co-ordinate and*
40 *independent of each other. As to acts, therefore, which are to be done by either, it has given no control to*
41 *another branch... Where different branches have to act in their respective lines, finally and without appeal,*
42 *under any law, they may give to it different and opposite constructions... From these different constructions of*
43 *the same act by different branches, less mischief arises than from giving to any one of them a control over the*
44 *others."*
45 *[Thomas Jefferson to George Hay, 1807. ME 11:213]*

46 *"If the Legislature fails to pass laws for a census, for paying the Judges and other officers of government, for*
47 *establishing a militia, for naturalization as prescribed by the Constitution, or if they fail to meet in Congress,*
48 *the Judges cannot issue their mandamus to them; if the President fails to supply the place of a judge, to appoint*
49 *other civil or military officers, to issue requisite commissions, the Judges cannot force him. They can issue their*
50 *mandamus or distring as [i.e., property seizures] to no executive or legislative officer to enforce the fulfillment*
51 *of their official duties any more than the President or Legislature may issue orders to the Judges or their*
52 *officers. Betrayed by the English example, and unaware, as it should seem, of the control of our Constitution in*

1 this particular, they have at times overstepped their limit by undertaking to command executive officers in the
2 discharge of their executive duties; but the Constitution, in keeping the three departments distinct and
3 independent, restrains the authority of the Judges to judiciary organs as it does the Executive and Legislative to
4 executive and legislative organs."

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

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

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

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

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

19 "Citizens, whether individually or in bodies corporate or associated, have a right to apply directly to any
20 department of their government, whether Legislative, Executive or Judiciary, the exercise of whose powers they
21 have a right to claim, and neither of these can regularly offer its intervention in a case belonging to the other."

22 [Thomas Jefferson to James Sullivan, 1807. ME 11:382]

23 "Where... petitioners have a right to petition their immediate representatives in Congress directly, I have
24 deemed it neither necessary nor proper for them to pass their petition through the intermediate channel of the
25 Executive. But as the petitioners may be ignorant of this, and, confiding in it, may omit the proper measure, I
26 have usually put such petitions into the hands of the Representatives of the State, informally to be used or not as
27 they see best, and considering me as entirely disclaiming any agency in the case."

28 [Thomas Jefferson to Joseph B. Varnum, 1808. ME 12:196]

29 "It seems proper that every person should address himself directly to the department to which the Constitution
30 has allotted his case; and that the proper answer to such from any other department is, 'that it is not to us that
31 the Constitution has assigned the transaction of this business.'"

32 [Thomas Jefferson to James Madison, 1791. ME 8:250]

33 "The courts of justice exercise the sovereignty of this country in judiciary matters, are supreme in these, and
34 liable neither to control nor opposition from any other branch of the government."

35 [Thomas Jefferson to Edmond C. Genet, 1793. ME 9:234]

36 "The interference of the Executive can rarely be proper where that of the Judiciary is so."

37 [Thomas Jefferson to George Hammond, 1793. FE 6:298]

38 "For the Judiciary to interpose in the Legislative department between the constituent and his representative, to
39 control them in the exercise of their functions or duties towards each other, to overawe the free correspondence
40 which exists and ought to exist between them, to dictate what may pass between them and to punish all others,
41 to put the representative into jeopardy of criminal prosecution, of vexation, expense and punishment before the
42 Judiciary if his communications, public or private, do not exactly square with their ideas of fact or right or with
43 their designs of wrong, is to put the Legislative department under the feet of the Judiciary, is to leave us, indeed,
44 the shadow but to take away the substance of representation, which requires essentially that the representative
45 be as free as his constituents would be, that the same interchange of sentiment be lawful between him and them
46 as would be lawful among themselves were they in the personal transaction of their own business; is to do away
47 the influence of the people over the proceedings of their representatives by excluding from their knowledge by
48 the terror of punishment, all but such information or misinformation as may suit their own views."

49 [Thomas Jefferson: Virginia Petition, 1797. ME 17:359]

50 "If the three powers maintain their mutual independence on each other our Government may last long, but not
51 so if either can assume the authorities of the other."

52 [Thomas Jefferson to William Charles Jarvis, 1820. ME 15:278]

53 All Powers in One Branch Produces Despotism

54 "[A very capital defect in a constitution is when] all the powers of government, legislative, executive and
55 judiciary result to the legislative body. The concentrating these in the same hands is precisely the definition of
56 despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and
57 not by a single one. One hundred and seventy-three despots would surely be as oppressive as one."

1 [Thomas Jefferson: Notes on Virginia Q.XIII, 1782. ME 2:162]

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

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

11 Unlimited Powers are Always Dangerous

12 "Nor should [a legislative body] be deluded by the integrity of their own purposes and conclude that...
13 unlimited powers will never be abused because themselves are not disposed to abuse them. They should look
14 forward to a time, and that not a distant one, when corruption in this as in the country from which we derive
15 our origin, will have seized the heads of government and be spread by them through the body of the people,
16 when they will purchase the voices of the people and make them pay the price. Human nature is the same on
17 every side of the Atlantic, and will be alike influenced by the same causes."
18 [Thomas Jefferson: Notes on Virginia Q.XIII, 1782. ME 2:164]

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

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

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

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

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

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

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

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

1 "The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground
2 to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-
3 ordination of a general and special government to a general and supreme one alone. This will lay all things at
4 their feet, and they are too well versed in English law to forget the maxim, 'boni judicis est ampliari
5 jurisdictionem.'"
6

[Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297]

7 "It has long been my opinion, and I have never shrunk from its expression,... that the germ of dissolution of our
8 Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is
9 scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow,
10 and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the
11 States and the government be consolidated into one. To this I am opposed."
12

[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]

13 Irregular and Censurable Decisions

14 "Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before
15 them, to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact
16 the corps of sappers and miners, steadily working to undermine the independent rights of the States and to
17 consolidate all power in the hands of that government in which they have so important a freehold estate."
18

[Thomas Jefferson: Autobiography, 1821. ME 1:121]

19 "The judges... are practicing on the Constitution by inferences, analogies, and sophisms, as they would on an
20 ordinary law. They do not seem aware that it is not even a Constitution formed by a single authority and subject
21 to a single superintendence and control, but that it is a compact of many independent powers, every single one
22 of which claims an equal right to understand it and to require its observance."
23

[Thomas Jefferson to Edward Livingston, 1825. ME 16:113]

24 "[The] practice of Judge Marshall of traveling out of his case to prescribe what the law would be in a moot
25 case not before the court, is very irregular and very censurable."
26

[Thomas Jefferson to William Johnson, 1823. ME 15:447]

27 Consolidating Decisions

28 "The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot
29 and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the
30 special governments into the jaws of that which feeds them."
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41 and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the
42 States and the government be consolidated into one. To this I am opposed."
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[Thomas Jefferson to Charles Hammond, 1821. ME 15:331]

44 Undermining Republican Government

45 "At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and
46 harmless members of the government. Experience, however, soon showed in what way they were to become the
47 most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and
48 irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and
49 unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little
50 and little the foundations of the Constitution and working its change by construction before any one has
51 perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth,
52 man is not made to be trusted for life if secured against all liability to account."
53

[Thomas Jefferson to A. Coray, 1823. ME 15:486]

54 "This member of the government... has proved that the power of declaring what the law is, ad libitum, by
55 sapping and mining, slyly, and without alarm, the foundations of the Constitution, can do what open force
56 would not dare to attempt."

1 [Thomas Jefferson to Edward Livingston, 1825. ME 16:114]

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

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

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

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

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

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

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

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

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

37 Jefferson, of course, was absolutely correct in his predictions that the federal judiciary would be the source of corruption.
38 You can read exactly how this happened in a book available on our website below:

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

39 **6 Separation between PUBLIC and PRIVATE property**

40 The purpose of establishing government is to further the ends of "justice":

41 "Justice [the RIGHT to be LEFT ALONE by EVERYONE, INCLUDING THE GOVERNMENT] is the end of
42 government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until
43 liberty be lost in the pursuit."
44 [The Federalist No. 51 (1788), James Madison]

45 "Justice", in turn, is defined as the RIGHT TO BE LEFT ALONE by EVERYONE, INCLUDING the government:

1 The object of Law is the administration of justice. Law is a body of rule for the systematic and regular public
2 administration of justice. Hence we may ask, at the outset, what is justice?

3 *INSTITUTES OF JUSTINIAN, I, I, sees. 1, 3.*

4 *Justice is the set and constant purpose which gives to every man his due. **The precepts of law are these: to live**
5 **honorably, to injure no one, and to" give every man his due.***

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

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

19 [*Readings on the History and System of the Common Law, Second Edition, 1925, Roscoe Pound, pp. 1-2*]

20 The foundation of the right to be left alone is the right to own PRIVATE property. By "private", we mean BEYOND the
21 control of any government. The essence of the right to own property is the RIGHT TO EXCLUDE all others, including
22 governments, from the use or "benefit" of using the property. That RIGHT TO EXCLUDE is how you procure the right to
23 be LEFT ALONE. That right to be LEFT ALONE, in turn, is the origin of your sovereignty and the separation between
24 YOU as a PRIVATE human being and GOVERNMENT as a PUBLIC entity.

25 The following subsections will explain these concepts carefully to show that the separation between what is PUBLIC and
26 what is PRIVATE is the FOUNDATION of the separation of powers and the foundation of good government. We will
27 focus on the abuse of franchises as the main method of unlawfully converting PRIVATE property to PUBLIC property and
28 thereby STEALING said property.

29 **6.1 Introduction**

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

- 33 1. There are TWO types of property:
 - 34 1.1. Public property. This type of property is protected by the CIVIL law.
 - 35 1.2. Private property. This type of property is protected by the COMMON law.
- 36 2. Specific legal rights attach to EACH of the two types of property. These "rights" in turn, are ALSO property as legally
37 defined.

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

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

[. . .]

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

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

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

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

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

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

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

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

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

6. That the ability to regulate EXCLUSIVELY PRIVATE conduct is repugnant to the constitution and therefore such conduct cannot lawfully become the subject of any civil statutory law.
7. That the terms "person", "persons", "individual", "individuals" as used within the civil statutory law by default imply PUBLIC "persons" and therefore public offices within the government and not PRIVATE human beings. All such offices are creations and franchises of the government and therefore property of the government subject to its exclusive control.
8. That if the government wants to call you a statutory "person" or "individual" under the civil law, then:
 - 8.1. You must volunteer or consent at some point to occupy a public office in the government while situated physically in a place not protected by the U.S.A. Constitution and the Bill of Rights....namely, federal territory. In some cases, that public office is also called a "citizen" or "resident".
 - 8.2. If you don't volunteer, they are essentially exercising unconstitutional "eminent domain" over your PRIVATE property. Keep in mind that rights protected by the Constitution are PRIVATE PROPERTY.
9. That there are VERY SPECIFIC and well defined rules for converting PRIVATE property into PUBLIC PROPERTY and OFFICES, and that all such rules require your express consent except when a crime is involved.

- 1 10. That if a corrupted judge or public servant imposes upon you any civil statutory status, including that of “person” or
2 “individual” without your consent, they are:
3 10.1. Violating due process of law.
4 10.2. Imposing involuntary servitude.
5 10.3. STEALING property from you. We call this “theft by presumption”.
6 10.4. Kidnapping your identity and moving it to federal territory.
7 10.5. Instituting eminent domain over EXCLUSIVELY PRIVATE property.
8 11. That within the common law, the main mechanism for PREVENTING the conversion of PRIVATE property to
9 PUBLIC property through government franchises are the following maxims of law. These maxims of law MANDATE
10 that all governments must protect your right NOT to participate in franchises or be held accountable for the
11 consequences of receiving a “benefit” you did not consent to receive and/or regarded as an INJURY rather than a
12 “benefit”:

13 *Invito beneficium non datur.*

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

16 *Quilibet potest renunciare juri pro se inducto.*

17 *Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*
18 *Inst. n. 83.*

19 *[Bouvier’s Maxims of Law, 1856,*

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

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

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

23 As an example of why an understanding of this subject is EXTREMELY important, consider the following dialog at an IRS
24 audit in which the FIRST question out of the mouth of the agent is ALWAYS “What is YOUR Social Security Number?”:

25 _____
26
27 **IRS AGENT:** What is YOUR Social Security Number?

28
29 **YOU:** 20 C.F.R. §422.103(d) says SSNs belong to the government. The only way it could be MY number is if I am
30 appearing here today as a federal employee or officer on official business. If that is the case, no, I am here as a
31 private human being and not a government statutory “employee” in possession or use of “public property” such as
32 a number. Therefore, I don’t HAVE a Social Security Number. Furthermore, I am not lawfully eligible and never
33 have been eligible to participate in Social Security and any records you have to the contrary are FALSE and
34 FRAUDULENT and should be DESTROYED.

35
36 **IRS AGENT:** That’s ridiculous. Everyone HAS a SSN.

37
38 **YOU:** Well then EVERYONE is a STUPID whore for acting as a federal employee or agent without compensation THEY
39 and not YOU determine. The charge for my services to act as a federal “employee” or officer or trustee in
40 possession of public property such as an SSN is ALL the tax and penalty liability that might result PLUS \$1,000
41 per hour. Will you agree in writing pay the compensation I demand to act essentially as your federal coworker,
42 because if you don’t, then it’s not MY number?

43
44 **IRS AGENT:** It’s YOUR number, not the government’s.

45
46 **YOU:** Well why do the regulations at 20 C.F.R. §422.103(d) say it belongs to the Social Security Administration instead of
47 me? I am not appearing as a Social Security employee at this meeting and its unreasonable and prejudicial for you
48 to assume that I am. I am also not appearing here as “federal personnel” as defined in [5 U.S.C. §552a\(a\)\(13\)](#). I
49 don’t even qualify for Social Security and never have, and what you are asking me to do by providing an
50 INVALID and knowingly FALSE number is to VIOLATE THE LAW and commit fraud by providing that which I

1 am not legally entitled to and thereby fraudulently procure the benefits of a federal franchise. Is that your
2 intention?

3
4 **IRS AGENT:** Don't play word games with me. It's YOUR number.

5
6 **YOU:** Well good. Then if it's MY number and MY property, then I have EXCLUSIVE control and use over it. That is
7 what the word "property" implies. That means I, and not you, may penalize people for abusing MY property. The
8 penalty for wrongful use or possession of MY property is all the tax and penalty liability that might result from
9 using said number for tax collection plus \$1,000 per hour for educating you about your lawful duties because you
10 obviously don't know what they are. If it's MY property, then your job is to protect me from abuses of MY
11 property. If you can penalize me for misusing YOUR procedures and forms, which are YOUR property, then I am
12 EQUALLY entitled to penalize you for misusing MY property. Are you willing to sign an agreement in writing to
13 pay for the ABUSE of what you call MY property, because if you aren't, you are depriving me of exclusive use
14 and control over MY property and depriving me of the equal right to prevent abuses of my property??

15
16 **IRS AGENT:** OK, well it's OUR number. Sorry for deceiving you. Can you give us OUR number that WE assigned to
17 you?

18
19 **YOU:** You DIDN'T assign it to ME as a private person, which is what I am appearing here today as. You can't lawfully
20 issue public property such as an SSN to a private person. That's criminal embezzlement. The only way it could
21 have been assigned to me is if I'm acting as a "public officer" or federal employee at this moment, and I am NOT.
22 I am here as a private person and not a public employee. Therefore, it couldn't have been lawfully issued to me.
23 Keep this up, and I'm going to file a criminal complaint with the U.S. Attorney for embezzlement in violation of
24 [18 U.S.C. §641](#) and impersonating a public officer in violation of [18 U.S.C. §912](#). I'm not here as a public officer
25 and you are asking me to act like one without compensation and without legal authority. Where is the
26 compensation that I demand to act as a fiduciary and trustee over your STINKING number, which is public
27 property? I remind you that the very purpose why governments are created is to PROTECT and maintain the
28 separation between "public property" and "private property" in order to preserve my inalienable constitutional
29 rights that you took an oath to support and defend. Why do you continue to insist on co-mingling and confusing
30 them in order to STEAL my labor, property, and money without compensation in violation of the Fifth
31 Amendment takings clause?
32

33 Usually, after the above interchange, the IRS agent will realize he is digging a DEEP hole for himself and will abruptly end
34 that sort of inquiry, and many times will also end his collection efforts.

35 **6.2 What is "Property"?**

36 Property is legally defined as follows:

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

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

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

1 Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical
2 thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*,
3 230 Or. 439, 370 P.2d. 694, 697.

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

6 Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal
7 property, contract rights, choses-in-action and other interests in or claims to wealth, admission or
8 transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal
9 Code. Q 223.0. See also Property of another, infra. Dusts. Under definition in Restatement Second, Trusts, Q
10 2(c), it denotes interest in things and not the things themselves.
11 [Black's Law Dictionary, Fifth Edition, p. 1095]

12 Keep in mind the following critical facts about "property" as legally defined:

- 13 1. The essence of the "property" right is the RIGHT TO EXCLUDE others from using or benefitting from the use of the
14 property.

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

20
21 "In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the
22 property right,^[11] falls within this category of interests that the Government cannot take without
23 compensation."
24 [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

25 [11] See, e. g., *United States v. Pueblo of San Ildefonso*, 206 Ct.Cl. 649, 669-670, 513 F.2d 1383, 1394 (1975);
26 *United States v. Lutz*, 295 F.2d 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element
27 of individual property is the legal right to exclude others from enjoying it." *International News Service v.*
28 *Associated Press*, 248 U.S. 215, 250 (1918) (dissenting opinion).

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

35 **6.3 "Public" v. "Private" property ownership**

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

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

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

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

48 *There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of*
49 *all domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the*

1 goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code,
2 §655.

3 In connection with burglary, "ownership" means any possession which is rightful as against the burglar.

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

7 We will prove later how participation in franchises causes PRIVATE property to transmute into PUBLIC property. Below
8 is a table comparing these two great classes of property and the legal aspects of their status.

9 **Table 3: Public v. Private Property**

#	Characteristic	Public	Private
1	Authority for ownership comes from	Grantor/ creator of franchise	God/natural law
2	Type of ownership	Qualified	Absolute
3	Law protecting ownership	Statutory franchises	Bill of Rights (First Ten Amendments to the U.S. Constitution)
4	Owner is	The public as LEGAL owner and the human being as EQUITABLE owner	A single person as LEGAL owner
5	Ownership is a	Privilege/franchise	Right
6	Courts protecting ownership	Franchise court (Article 4 of the U.S.A. Constitution)	Constitutional court
7	Subject to taxation?	Yes	No (you have the right EXCLUDE government from using or benefitting from it)
8	Title held by	Statutory citizen (Statutory citizens are public officers)	Constitutional citizen (Constitutional citizens are human beings and may NOT be public officers)
9	Character of YOUR/HUMAN title	Equitable	Legal
10	Conversion to opposite type of property by	1. Removing government identifying number. 2. Donation.	1. Associating with government identifying number. ¹⁴ 2. Donation. 3. Eminent domain (with compensation). 4. THEFT (Internal Revenue Service).

10 **6.4 The purpose and foundation of de jure government: Protection of EXCLUSIVELY**
11 **PRIVATE rights**

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

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

¹⁴ See: *About SSNs and TINs on Government Forms and Correspondence, Form #05.012.*

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

3 *“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*
4 *exercised in behalf of the government or of all citizens who may need the intervention of the officer.* ¹⁵
5 ***Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level***
6 ***of government, and whatever be their private vocations, are trustees of the people, and accordingly labor***
7 ***under every disability and prohibition imposed by law upon trustees relative to the making of personal***
8 ***financial gain from a discharge of their trusts.*** ¹⁶ ***That is, a public officer occupies a fiduciary relationship***
9 ***to the political entity on whose behalf he or she serves.*** ¹⁷ ***and owes a fiduciary duty to the public.*** ¹⁸ ***It has***
10 ***been said that the fiduciary responsibilities of a public officer cannot be less than those of a private***
11 ***individual.*** ¹⁹ ***Furthermore, it has been stated that any enterprise undertaken by the public official which***
12 ***tends to weaken public confidence and undermine the sense of security for individual rights is against public***
13 ***policy.*** ²⁰“

14 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

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

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

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

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

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

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

- 34 1. All property is PUBLIC property and there IS no PRIVATE property.
- 35 2. The government owns and/or controls all property and said property is LOANED to the people.
- 36 3. The government and/or the collective has rights superior to those of the individual. There is and can be NO equality or
37 equal protection under the law. In that sense, the government or the “state” is a pagan idol with “supernatural powers”
38 because human beings are “natural” and they are inferior.
- 39 4. Control is synonymous with ownership. If the government CONTROLS the property but the citizen “owns” it, then:

¹⁵ 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.

¹⁶ 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.

¹⁷ 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.

¹⁸ 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).

¹⁹ 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.

²⁰ 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 4.1. The REAL owner is the government.
- 2 4.2. The ownership of the property is QUALIFIED rather than ABSOLUTE.
- 3 4.3. The person holding the property is a mere CUSTODIAN over GOVERNMENT property and has EQUITABLE
- 4 rather than LEGAL ownership. Hence, their name in combination with the Social Security Number constitutes a
- 5 PUBLIC office synonymous with the government itself.
- 6 5. Everyone in temporary use of said property is an officer and agent of the state. A “public officer”, after all, is someone
- 7 who is in charge of the PROPERTY of the public:

8 *“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either*
 9 *fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of*
 10 *the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56,*
 11 *58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the*
 12 *sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v.*
 13 *State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v.*
 14 *City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmüller, 46 Ariz.*
 15 *413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient*
 16 *authority, but for such time as de- notes duration and continuance, with Independent power to control the*
 17 *property of the public, or with public functions to be exercised in the supposed interest of the people, the*
 18 *service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position*
 19 *so created is a public office. State v. Brenman, 49 Ohio.St. 33, 29 N.E. 593.*
 20 *[Black’s Law Dictionary, Fourth Edition, p. 1235]*

21 Look at some of the planks of the Communist Manifesto and confirm the above for yourself:

- 22 1. Abolition of property in land and application of all rents of land to public purposes.
- 23 2. A heavy progressive or graduated income tax.
- 24 [. . .]
- 25 [Wikipedia: “The Communist Manifesto”, 12-27-2011; SOURCE:
- 26 http://en.wikipedia.org/wiki/The_Communist_Manifesto]

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

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

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

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

52 *Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical*
 53 *thing, as right to possess, use and dispose of it. Cereghino v. State By and Through State Highway Commission,*
 54 *230 Or. 439, 370 P.2d. 694, 697.*

55 [. . .]

In a lawful de jure government under our constitution:

1. All “persons” are absolutely equal under the law. No government can have any more rights than a single human being, no matter how many people make up that government. If your neighbor can’t take your property without your consent, then neither can the government. See:

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

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

“Men are endowed by their Creator with certain unalienable rights,- 'life, liberty, and the pursuit of happiness;’ and to 'secure,' not grant or create, these rights, governments are instituted. That property for income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and every other public “benefit”]; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation.”
 [Budd v. People of State of New York, [143 U.S. 517](#) (1892)]

3. You have to knowingly and intentionally DONATE your property to a public use and a PUBLIC purpose before the government can lawfully REGULATE its use.
4. That donation ordinarily occurs by applying for and/or using a license in connection with the use of SPECIFIC otherwise PRIVATE property.
5. The process of applying for or using a license cannot be compelled.
6. The consumer of your services has a right to do business with those who are unlicensed and if the government invades the commercial relationship between you and those you do business with, they are:
 - 6.1. Interfering with your UNALIENABLE right to contract.
 - 6.2. Compelling you to donate EXCLUSIVELY PRIVATE property to a PUBLIC use.
 - 6.3. Exercising unconstitutional eminent domain over your otherwise PRIVATE property.
 - 6.4. Compelling you to accept a public “benefit”, where the “protection” afforded by the license is the “benefit”.

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

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

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

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

1. PRESUMING that you are a public officer and therefore, that everything held in your name is PUBLIC property of the GOVERNMENT and not YOUR PRIVATE PROPERTY. See:

Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008
 DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>
 FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

2. Abusing fraudulent information returns to criminally and unlawfully “elect” you into public offices in the government:

Correcting Erroneous Information Returns, Form #04.001

DIRECT LINK: <http://sedm.org/Forms/04-Tax/CorrErrInfoRtns/CorrErrInfoRtns.pdf>

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

- 1 3. PRESUMING that because you did not rebut evidence connecting you to a public office, then you CONSENT to
2 occupy the office.
3 4. PRESUMING that ALL of the four contexts for "United States" are equivalent.
4 5. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They
5 are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY
6 "national and citizen of the United States** at birth" per 8 U.S.C. §1401. See:

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

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

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

- 7 6. PRESUMING that "nationality" and "domicile" are equivalent. They are NOT. See:

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

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

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

- 8 7. Using the word "citizenship" in place of "nationality" OR "domicile", and refusing to disclose WHICH of the two they
9 mean in EVERY context.
10 8. Confusing the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For
11 instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then
12 FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
13 9. Confusing the words "domicile" and "residence" or impute either to you without satisfying the burden of proving that
14 you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can
15 have only one "domicile" but many "residences" and BOTH require your consent. See:

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

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

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

- 16 10. Adding things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their
17 definitions, in violation of the rules of statutory construction. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

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

- 18 11. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the
19 statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC
20 POLICY for the written law.
21 12. Publishing deceptive government publications that are in deliberate conflict with what the statutes define "United
22 States" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their](#)
23 [publications](#) and it is FRAUD. See:

Reasonable Belief About Income Tax Liability, Form #05.007

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

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

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

25 *"When we consider the nature and the theory of our institutions of government, the principles upon which they*
26 *are supposed to rest, and review the history of their development, **we are constrained to conclude that they do***
27 ***not mean to leave room for the play and action of purely personal and arbitrary power.**"*

28 [*Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S. Sup.Ct. 1064, 1071*]

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

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

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

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

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

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

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

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

23 It ought to be very obvious to the reader that:

- 24 1. The rules for converting PRIVATE property to PUBLIC property ought to be consistently, completely, clearly, and
25 unambiguously defined by every government officer you come in contact with, and ESPECIALLY in court. These
26 rules ought to be DEMANDED to be declared EVEN BEFORE you enter a plea in a criminal case.
- 27 2. If the government asserts any right over your PRIVATE property, they are PRESUMING they are the LEGAL owner
28 and relegating you to EQUITABLE ownership. This presumption should be forcefully challenged.
- 29 3. If they won't expressly define the rules, or try to cloud the rules for converting PRIVATE property to PUBLIC
30 property, then they are:
 - 31 3.1. Defeating the very purpose for which they were established as a "government". Hence, they are not a true
32 "government" but a de facto private corporation PRETENDING to be a "government", which is a CRIME under
33 18 U.S.C. §912.
 - 34 3.2. Exercising unconstitutional eminent domain over private property without the consent of the owner and without
35 compensation.
 - 36 3.3. Trying to STEAL from you.
 - 37 3.4. Violating their fiduciary duty to the public.

38 **6.5 All PUBLIC/GOVERNMENT law attaches to government territory, all PRIVATE law** 39 **attaches to your right to contract**

40 A very important consideration to understand is that:

- 41 1. All EXCLUSIVELY PUBLIC LAW attaches to the government's own territory. By "PUBLIC", we mean law that
42 runs the government and ONLY the government.
- 43 2. All EXCLUSIVELY PRIVATE law attaches to one of the following:
 - 44 2.1. The exercise of your right to contract with others.
 - 45 2.2. The property you own and lend out to others based on specific conditions.

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

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

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

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

23 “*The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign*
24 *occupying the position analogous to that of other sovereigns in the family of nations. It may designate the*
25 *territory over which the sovereignty of the United States extends, or it may be the collective name of the states*
26 *which are united by and under the Constitution.”*

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

28 We will now break the above definition into its three contexts and show what each means.
29

Table 4: Meanings assigned to "United States" by the U.S. Supreme Court in *Hooven & Allison v. Evatt*

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

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

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

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

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

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

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

1 *Locus contractus regit actum.*
2 *The place of the contract [franchise agreement, in this case] governs the act.*
3 *[Bouvier's Maxims of Law, 1856;*
4 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

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

7 *As a rule, **franchises spring from contracts between the sovereign power and private citizens**, made upon*
8 *valuable considerations, for purposes of individual advantage as well as public benefit,²¹ and thus a franchise*
9 *partakes of a double nature and character. **So far as it affects or concerns the public, it is publici juris and is***
10 ***subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be***
11 ***granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in***
12 ***exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But***
13 ***when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental***
14 ***control growing out of its other nature as publici juris.**²²*
15 *[American Jurisprudence 2d, Franchises, §4: Generally (1999)]*

16 **6.6 The Ability to Regulate Private Rights and Private Conduct is Repugnant to the** 17 **Constitution**

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

19 *When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*
20 *individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the*
21 ***preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants***
22 ***with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the***
23 ***common good." This does not confer power upon the whole people to control rights which are purely and***
24 ***exclusively private. Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of***
25 ***laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure***
26 ***another. This is the very essence of government, and 125*125 has found expression in the maxim sic utere***
27 ***tuio ut alienum non lēdas. From this source come the police powers, which, as was said by Mr. Chief Justice***
28 ***Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent***
29 ***in every sovereignty, . . . that is to say, . . . the power to govern men and things."** Under these powers the*
30 *government regulates the conduct of its citizens one towards another, and the manner in which each shall use*
31 *his own property, when such regulation becomes necessary for the public good. In their exercise it has been*
32 *customary in England from time immemorial, and in this country from its first colonization, to regulate ferries,*
33 *common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of*
34 *charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are*
35 *to be found in many of the States upon some or all these subjects; and we think it has never yet been*
36 *successfully contended that such legislation came within any of the constitutional prohibitions against*
37 *interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power*
38 *upon the city of Washington "to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of*
39 *chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread," 3 Stat. 587, sect. 7; and,*
40 *in 1848, "to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and*
41 *the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers,"*
42 *9 id. 224, sect. 2.*
43 *[Munn v. Illinois, 94 U.S. 113 (1876),*
44 *SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]*

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

51 *"sic utere tuo ut alienum non lēdas"*

²¹ Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

²² Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

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

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

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

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

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

28 Policemen are NOT allowed to involve themselves in CIVIL disputes and may ONLY intervene or arrest anyone when a
29 CRIME has been committed. They CANNOT arrest for an "infraction", which is a word designed to hide the fact that the
30 statute being enforced is a CIVIL or FRANCHISE statute not involving the CRIMINAL "police powers". Hence, civil
31 jurisdiction over PRIVATE rights is NOT authorized among those who HAVE such rights. Only those who know those
32 rights and claim and enforce them, not through attorneys but in their proper person, have such rights. Nor can those
33 PRIVATE rights lawfully be surrendered to a REAL, de jure government, even WITH consent, if they are, in fact
34 UNALIENABLE as the Declaration of Independence indicates.

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

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

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

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

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

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

The way they get around the problem of only being able to enforce the CIVIL provisions of the vehicle code against domiciliaries of the federal zone is to:

1. ONLY issue driver licenses to "residents" domiciled in the federal zone.
2. Confuse CONSTITUTIONAL "citizens" with STATUTORY "citizens", to make them appear the same even though they are NOT.
3. Arrest people for driving WITHOUT a license, even though technically these provisions can only be enforceable against those who are acting as a public officer WHILE driving AND who are STATUTORY but not CONSTITUTIONAL "citizens".

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

"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."
[Munn v. Illinois, 94 U.S. 113 (1876),
SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

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

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

4 [1] First, that he shall not use it to his neighbor's injury, and that does not mean that he
5 must use it for his neighbor's benefit [e.g. SOCIAL SECURITY,
6 Medicare, and every other public "benefit"];

7 [2] second, that if he devotes it to a public use, he gives to the public a right to control that use; and

8 [3] third, that whenever the public needs require, the public may take it upon payment of due
9 compensation."

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

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

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

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

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

20 *SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]*

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

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

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

31 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]*

32 _____
33 **Citizens of the United States within the meaning of this Amendment must be natural and not artificial**
34 **persons; a corporate body is not a citizen of the United States.**¹⁴

35 _____
36 *14 Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,*
37 *corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth*
38 *Amendment which secures the privileges and immunities of citizens of the United States against abridgment or*
39 *impairment by the law of a State." Orient Ins. Co. v. Daggs, 172 U.S. 557, 561 (1869) . This conclusion was in*
40 *harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that*
41 *corporations were not within the scope of the privileges and immunities clause of state citizenship set out in*
42 *Article IV, Sec. 2. See also Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912) ; Berea College v.*
43 *Kentucky, 211 U.S. 45 (1908) ; Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928) ; Grosjean*
44 *v. American Press Co., 297 U.S. 233, 244 (1936).*

45 *[SOURCE: Annotated Fourteenth Amendment, Congressional Research Service:*

46 *http://www.law.cornell.edu/amdt14a_hd1]*

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

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

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

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

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

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

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

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

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

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

Mugler v. Kansas, 123 U.S. 623 (1887)
SOURCE: http://scholar.google.com/scholar_case?case=12658364258779560123

20 **6.7 "Political (PUBLIC) law" v. "civil (PRIVATE) law"**

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

- 22 1. Criminal law. Protects both PUBLIC and PRIVATE rights.
- 23 2. Civil law. Protects exclusively PRIVATE rights.
- 24 3. Political law. Protects exclusively PUBLIC rights of public officers and offices within the government.

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

The Spirit of Laws, Charles de Montesquieu, 1758
SOURCE: <http://famguardian.org/Publications/SpiritOfLaws/sol.htm>

27 Montesquieu defines "political law" and "political liberty" as follows:

28 *1. A general Idea.*

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

4 [The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 1;

5 SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001]

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

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

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

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

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

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

40 [TITLE 18 > PART 1 > CHAPTER 11 > § 201](#)
41 [§ 201. Bribery of public officials and witnesses](#)

42 *(a) For the purpose of this section—*

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

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

51 Tax laws, for instance, are “political law” exclusively for the government or public officer and not the private citizen.
52 Why? Because:

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

4 *“Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in*
5 *transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the*
6 *Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates*
7 *universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter*
8 *obviously includes a duty to pay taxes, and their nature and measure is largely a political matter. Of course,*
9 *the situs of property may tax it regardless of the citizenship, domicile, or residence of the owner, the most*
10 *obvious illustration being a tax on realty laid by the state in which the realty is located.”*

11 *[Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]*

- 12 2. The U.S. Tax Court:
13 2.1. Is an Article I Court in the EXECUTIVE and not JUDICIAL branch, and hence, can only officiate over matters
14 INTERNAL to the government. See 26 U.S.C. §7441.
15 2.2. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Executive branch.
16 2.3. Is limited to the District of Columbia because all public offices are limited to be exercised there per 4 U.S.C. §72.
17 It travels all over the country, but this is done ILLEGALLY and in violation of the separation of powers.
18 3. The activity subject to excise taxation is limited exclusively to “public offices” in the government, which is what a
19 “trade or business” is statutorily defined as in 26 U.S.C. §7701(a)(26).

20 [26 U.S.C. Sec. 7701\(a\)\(26\)](#)

21 *“The term ‘trade or business’ includes the performance of the functions of a public office.”*

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

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

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

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

30 *By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by*
31 *the laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what*
32 *ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of*
33 *the individual should give way to that of the public; this can never take place, except when the government of*
34 *the community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as*
35 *relate to private property, because the public good consists in every one's having his property, which was*
36 *given him by the civil laws, invariably preserved.*

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

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

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

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

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

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

9 [The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15;
10 SOURCE: http://famguardian.org/Publications/SpiritOfLaws/so1_11.htm#001]

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

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

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

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

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

27 **6.8 Lawful methods for converting PRIVATE property into PUBLIC property**

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

32 In general, only by either accepting physical property from the government or voluntarily applying for and claiming a status
33 or right under a government franchise can one procure a PUBLIC status and be subject to STATUTORY civil law. If one
34 wishes to be governed ONLY by the common law, then they must make their status very clear in every interaction with the
35 government and on EVERY government form they fill out so as to avoid connecting them to any statutory franchise.

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

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

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

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

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

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

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

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

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

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

19 4. In law, all rights are “property”.

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

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

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

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

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

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

49 **Public use.** *Eminent domain. The constitutional and statutory basis for taking property by eminent domain.*
50 *For condemnation purposes, “public use” is one which confers some benefit or advantage to the public; it is*
51 *not confined to actual use by public. It is measured in terms of right of public to use proposed facilities for*

1 which condemnation is sought and, as long as public has right of use, whether exercised by one or many
2 members of public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use.
3 *Montana Power Co. v. Bokma, Mont., 457 P.2d. 769, 772, 773.*

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

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

18

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

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

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

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

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

47 *Fifth Amendment - Rights of Persons*

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

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

3 7.1. Violation of the Fifth Amendment “takings clause” above.

4 7.2. “Conversion” in violation of 18 U.S.C. §654.

5 7.3. Theft.

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

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

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

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

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

- 28 9. The Fifth Amendment requires that any taking of private property without the consent of the owner must involve
29 compensation. The Constitution must be consistent with itself. The taxation clauses found in Article 1, Section 8,
30 Clauses 1 and 3 cannot conflict with the Fifth Amendment. The Fifth Amendment contains no exception to the
31 requirement for just compensation upon conversion of private property to a public use, even in the case of taxation.
32 This is why all taxes must be indirect excise taxes against people who provide their consent by applying for a license to
33 engage in the taxed activity: The application for the license constitutes constructive consent to donate the fruits of the
34 activity to a public use, public purpose, and public office.

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

38 *“Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;’
39 and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which a
40 man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use
41 it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit [e.g. SOCIAL
42 SECURITY, Medicare, and every other public “benefit”]; second, that if he devotes it to a public use, he
43 gives to the public a right to control that use; and third, that whenever the public needs require, the public
44 may take it upon payment of due compensation.”
45 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]**

46 The above rules are summarized below:
47

Table 5: Rules for converting private property to a public use or a public office

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

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

11.1. DIRECT CONVERSION: Owner donates the property by conveying title or possession to the government.²³

11.2. INDIRECT CONVERSION: Owner assumes a PUBLIC status as a PUBLIC officer in the HOLDING of title to the property.²⁴ All such statuses and the rights that attach to it are creations and property of the government, the use of which is a privilege. The status and all PUBLIC RIGHTS that attach to it conveys a “benefit” for which the status user must pay an excise tax. The tax acts as a rental or use fee for the status, which is government property.

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

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

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

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

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

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

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

²³ An example of direct conversion would be the process of “registering” a vehicle with the Department of Motor Vehicles in your state. The act of registration constitutes consent by original ABSOLUTE owner to change the ownership of the property from ABSOLUTE to QUALIFIED and to convey legal title to the state and qualified title to himself.

²⁴ An example of a PUBLIC status is statutory “taxpayer” (public office called “trade or business”), statutory “citizen”, statutory “driver” (vehicle), statutory voter (registered voters are public officers).

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

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

9 **6.9 Unlawful methods abused by government to convert PRIVATE property to PUBLIC**

10 **property**

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

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

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

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

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

Legal Deception, Propaganda, and Fraud, Form #05.014

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

- 41 5. Refuse to impose the burden of proof upon the government to show that you EXPRESSLY CONSENTED to convert
- 42 PRIVATE property into PUBLIC property BEFORE they can claim jurisdiction over it.
- 43 6. Silently PRESUME that the property in question is PUBLIC property connected with the “trade or business” (public
- 44 office per 26 U.S.C. §7701(a)(26)) franchise and force you to prove that it ISN'T by CHALLENGING false
- 45 information returns filed against it, such as IRS Forms W-2, 1098, 1099, and K-1. See:

Correcting Erroneous Information Returns, Form #04.001

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

- 1 7. Presume that the STATUTORY and CONSTITUTIONAL contexts for geographical words are the same. They are
2 NOT, and in fact are mutually exclusive.
- 3 8. Presume that because you submitted an application for a franchise, that you:
4 8.1. CONSENTED to the franchise and were not under duress.
5 8.2. Were requesting a “benefit” and therefore agreed to the obligations associated with the “benefit”.

6 CALIFORNIA CIVIL CODE
7 DIVISION 3. OBLIGATIONS
8 PART 2. CONTRACTS
9 CHAPTER 3. CONSENT
10 [Section 1589](#)
11

12 *1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations*
13 *arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

- 14 8.3. Agree to accept the obligations associated with the status described on the application, such as “taxpayer”,
15 “driver”, “spouse”.
16 If you want to prevent the above, reserve all your rights on the application, indicate duress, and define all terms on the
17 form as NOT connected with any government or statutory law.
- 18 9. PRESUME that the OWNER has a civil statutory status that he or she did not consent to, such as:
19 9.1. “spouse” under the family code of your state, which is a franchise.
20 9.2. “driver” under the vehicle code of your state, which is a franchise.
21 9.3. “taxpayer” under the tax code of your state, which is a franchise.
- 22 10. PRESUME in the case of physical PROPERTY that is was situated on federal territory to which the general and
23 exclusive jurisdiction of the national government applies, even though it is not. This is primarily done by playing word
24 games with geographical “words of art” such as “State” and “United States”.
- 25 11. Refuse to satisfy the burden of proving that the owner of the property expressly consented in a manner that he/she
26 prescribed to change the status of either himself or the property over which they claim a public interest.
- 27 12. Judges will interfere with attempts to introduce evidence in the proceeding that challenges any of the above
28 presumptions.
- 29 13. Unlawfully compel the use of Social Security Numbers or Taxpayer Identification Numbers in violation of 42 U.S.C.
30 §408(a)(8) in connection with specific property as a precondition of rendering a usually essential service. It will be
31 illegally compelled because:
32 13.1. The party against whom it was compelled was not a statutory “Taxpayer” or “person” or “individual” or to whom
33 a duty to furnish said number lawfully applies.
34 13.2. The property was not located on territory subject to the territorial jurisdiction of that national government.
- 35 14. Use one franchise as a way to recruit franchisees under OTHER franchises that are completely unrelated. For instance,
36 they will enact a vehicle code statute that allows for confiscation of REGISTERED vehicles only that are being
37 operated by UNLICENSED drivers. That way, everyone who wants to protect their vehicle also indirectly has to
38 ALSO become a statutory “driver” using the public road ways for commercial activity and thus subject to regulation by
39 the state, even though they in fact ARE NOT intending to do so.
- 40 15. Issue a license and then refuse to recognize the authority and ability in court of those possessing said license to act in
41 an EXCLUSIVELY PRIVATE capacity. For instance:
42 15.1. They may have a contractor’s license but they are NOT allowed to operate as OTHER than a licensed
43 contractor...OR are NOT allowed to operate in an exclusively PRIVATE capacity.
44 15.2. They may have a vehicle registration but are NOT allowed to remove it or NOT use it during times when they are
45 NOT using the public roadways for hire, which is most of the time. In other words, the vehicle is the equivalent
46 to “off duty” at some times. They allow police officers, who are PUBLIC officers, to be off duty, but not anyone
47 who DOESN’T work for the government.
- 48 16. Issue or demand GOVERNMENT ID and then presume that the applicant is a statutory “resident” for ALL purposes,
49 rather than JUST the specific reason the ID was issued. Since a “resident” is a public officer, in effect they are
50 PRESUMING that you are a public officer 24 hours a day, 7 days a week, and that you HAVE to assume this capacity
51 without pay or “benefit” and without the ability to quit. See:

[Why Domicile and Becoming a “Taxpayer” Require Your Consent](http://sedm.org/Forms/FormIndex.htm), Form #05.002, Section 13.4
<http://sedm.org/Forms/FormIndex.htm>

52 What all of the above government abuses have in common is that they do one or more of the following:

- 53 1. Involve PRESUMPTIONS which violate due process of law and are therefore UNCONSTITUTIONAL. See:

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

2. Refuse to RECOGNIZE the existence of PRIVATE property or PRIVATE rights.
3. Violate the very purpose of establishing government to begin with, which is to PROTECT PRIVATE property by LEAVING IT ALONE and not regulating or benefitting from its use or abuse until AFTER it has been used to injure the equal rights of anyone OTHER than the original owner.
4. Violate the Unconstitutional Conditions Doctrine of the U.S. Supreme Court.
5. Needlessly interfere with the ownership or control of otherwise PRIVATE property.
6. Often act upon property BEFORE it is used to institute an injury, instead of AFTER. Whenever the law acts to PREVENT future harm rather than CORRECT past harm, it requires the consent of the owner. The common law itself only provides remedies for PAST harm and cannot act on future conduct, except in the case of injunctions where PAST harm is already demonstrated.
7. Institute involuntary servitude against the owner in violation of the Thirteenth Amendment.
8. Represent an eminent domain over PRIVATE property in violation of the state constitution in most states.
9. Violate the takings clauses of the Fifth Amendment to the United States Constitution.
10. Violate the maxim of law that the government has a duty to protect your right to NOT receive a “benefit” and NOT pay for “benefits” that you don’t want or don’t need.

Invito beneficium non datur.

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

Quilibet potest renunciare juri pro se inducto.

Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

[Bouvier’s Maxims of Law, 1856,

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

It ought to be obvious to the reader that the basis for Socialism is public ownership of ALL property.

“socialism n (1839) 1: any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods 2 a: a system of society or group living in which there is no private property b: a system or condition of society in which the means of production are owned and controlled by the state 3: a stage of society in Marxist theory transitional between capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.”

[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1118]

Any system of law that recognizes no absolute and inviolable constitutional boundary between PRIVATE property and PUBLIC property, or which regards ALL property as being subject to government taxation and/or regulation is a socialist or collectivist system. That socialist system is exhaustively described in the following:

Socialism: The New American Civil Religion, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

Below is how the U.S. Supreme Court characterizes efforts to violate the rules for converting PRIVATE property into PUBLIC property listed above and thereby STEAL PRIVATE property. The text below the following line up to the end of the section comes from the case indicated:

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

The question presented, therefore, is one of the greatest importance, — whether it is within the competency of a State to fix the compensation which an individual may receive for the use of his own property in his private business, and for his services in connection with it.

[. . .]

1 139*139 The validity of the legislation was, among other grounds, assailed in the State court as being in conflict with that
2 provision of the State Constitution which declares that no person shall be deprived of life, liberty, or property without due
3 process of law, and with that provision of the Fourteenth Amendment of the Federal Constitution which imposes a similar
4 restriction upon the action of the State. The State court held, in substance, that the constitutional provision was not violated
5 so long as the owner was not deprived of the title and possession of his property; and that it did not deny to the legislature
6 the power to make all needful rules and regulations respecting the use and enjoyment of the property, referring, in support
7 of the position, to instances of its action in prescribing the interest on money, in establishing and regulating public ferries
8 and public mills, and fixing the compensation in the shape of tolls, and in delegating power to municipal bodies to regulate
9 the charges of hackmen and draymen, and the weight and price of bread. In this court the legislation was also assailed on
10 the same ground, our jurisdiction arising upon the clause of the Fourteenth Amendment, ordaining that no State shall
11 deprive any person of life, liberty, or property without due process of law. But it would seem from its opinion that the court
12 holds that property loses something of its private character when employed in such a way as to be generally useful. The
13 doctrine declared is that property "becomes clothed with a public interest when used in a manner to make it of public
14 consequence, and affect the community at large;" and from such clothing the right of the legislature is deduced to control
15 the use of the property, and to determine the compensation which the owner may receive for it. **When Sir Matthew Hale,**
16 **and the sages of the law in his day, spoke of property as affected by a public interest, and ceasing from that cause to**
17 **be juris privati solely, that is, ceasing to be held merely in private right, they referred to property dedicated by the**
18 **owner to public uses, or to property the use of which was granted by the government, or in connection with which**
19 **special privileges were conferred. Unless the property was thus dedicated, or some right bestowed by the**
20 **government was held with the property, either by specific grant or by prescription of so long a time as 140*140 to**
21 **imply a grant originally, the property was not affected by any public interest so as to be taken out of the category of**
22 **property held in private right.** But it is not in any such sense that the terms "clothing property with a public interest" are
23 used in this case. From the nature of the business under consideration — the storage of grain — which, in any sense in
24 which the words can be used, is a private business, in which the public are interested only as they are interested in the
25 storage of other products of the soil, or in articles of manufacture, it is clear that the court intended to declare that,
26 whenever one devotes his property to a business which is useful to the public, — "affects the community at large," — the
27 legislature can regulate the compensation which the owner may receive for its use, and for his own services in connection
28 with it. "When, therefore," says the court, "one devotes his property to a use in which the public has an interest, he, in
29 effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to
30 the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he
31 maintains the use, he must submit to the control." The building used by the defendants was for the storage of grain: in such
32 storage, says the court, the public has an interest; therefore the defendants, by devoting the building to that storage, have
33 granted the public an interest in that use, and must submit to have their compensation regulated by the legislature.

34 **If this be sound law, if there be no protection, either in the principles upon which our republican government is**
35 **founded, or in the prohibitions of the Constitution against such invasion of private rights, all property and all**
36 **business in the State are held at the mercy of a majority of its legislature.** The public has no greater interest in the use
37 of buildings for the storage of grain than it has in the use of buildings for the residences of families, nor, indeed, anything
38 like so great an interest; and, according to the doctrine announced, the legislature may fix the rent of all tenements used for
39 residences, without reference to the cost of their erection. If the owner does not like the rates prescribed, he may cease
40 renting his houses. He has granted to the public, says the court, an interest in the use of the 141*141 buildings, and "he may
41 withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control." The public
42 is interested in the manufacture of cotton, woollen, and silken fabrics, in the construction of machinery, in the printing and
43 publication of books and periodicals, and in the making of utensils of every variety, useful and ornamental; **indeed, there is**
44 **hardly an enterprise or business engaging the attention and labor of any considerable portion of the community, in**
45 **which the public has not an interest in the sense in which that term is used by the court in its opinion; and the**
46 **doctrine which allows the legislature to interfere with and regulate the charges which the owners of property thus**
47 **employed shall make for its use, that is, the rates at which all these different kinds of business shall be carried on,**
48 **has never before been asserted, so far as I am aware, by any judicial tribunal in the United States.**

49 **The doctrine of the State court, that no one is deprived of his property, within the meaning of the constitutional**
50 **inhibition, so long as he retains its title and possession, and the doctrine of this court, that, whenever one's property**
51 **is used in such a manner as to affect the community at large, it becomes by that fact clothed with a public interest,**
52 **and ceases to be juris privati only, appear to me to destroy, for all useful purposes, the efficacy of the constitutional**
53 **guaranty. All that is beneficial in property arises from its use, and the fruits of that use; and whatever deprives a**

1 **person of them deprives him of all that is desirable or valuable in the title and possession. If the constitutional**
2 **guaranty extends no further than to prevent a deprivation of title and possession, and allows a deprivation of use,**
3 **and the fruits of that use, it does not merit the encomiums it has received.** Unless I have misread the history of the
4 provision now incorporated into all our State constitutions, and by the Fifth and Fourteenth Amendments into our Federal
5 Constitution, and have misunderstood the interpretation it has received, it is not thus limited in its scope, and thus impotent
6 for good. **It has a much more extended operation than either court, State, or Federal has given to it. The provision, it**
7 **is to be observed, places property under the same protection as life and liberty. Except by due process of law, no**
8 **State can 142*142 deprive any person of either. The provision has been supposed to secure to every individual the**
9 **essential conditions for the pursuit of happiness; and for that reason has not been heretofore, and should never be,**
10 **construed in any narrow or restricted sense.**

11 No State "shall deprive any person of life, liberty, or property without due process of law," says the Fourteenth Amendment
12 to the Constitution. By the term "life," as here used, something more is meant than mere animal existence. The inhibition
13 against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the
14 mutilation of the body by the amputation of an arm or leg, or the putting out of an eye, or the destruction of any other organ
15 of the body through which the soul communicates with the outer world. The deprivation not only of life, but of whatever
16 God has given to everyone with life, for its growth and enjoyment, is prohibited by the provision in question, if its efficacy
17 be not frittered away by judicial decision.

18 By the term "liberty," as used in the provision, something more is meant than mere freedom from physical restraint or the
19 bounds of a prison. It means freedom to go where one may choose, and to act in such manner, not inconsistent with the
20 equal rights of others, as his judgment may dictate for the promotion of his happiness; that is, to pursue such callings and
21 avocations as may be most suitable to develop his capacities, and give to them their highest enjoyment.

22 **The same liberal construction which is required for the protection of life and liberty, in all particulars in which life**
23 **and liberty are of any value, should be applied to the protection of private property. If the legislature of a State,**
24 **under pretence of providing for the public good, or for any other reason, can determine, against the consent of the**
25 **owner, the uses to which private property shall be devoted, or the prices which the owner shall receive for its uses, it**
26 **can deprive him of the property as completely as by a special act for its confiscation or destruction. If, for instance,**
27 **the owner is prohibited from using his building for the purposes for which it was designed, it is of little consequence**
28 **that he is permitted to retain the 143*143 title and possession; or, if he is compelled to take as compensation for its**
29 **use less than the expenses to which he is subjected by its ownership, he is, for all practical purposes, deprived of the**
30 **property, as effectually as if the legislature had ordered his forcible dispossession. If it be admitted that the**
31 **legislature has any control over the compensation, the extent of that compensation becomes a mere matter of**
32 **legislative discretion. The amount fixed will operate as a partial destruction of the value of the property, if it fall**
33 **below the amount which the owner would obtain by contract, and, practically, as a complete destruction, if it be less**
34 **than the cost of retaining its possession. There is, indeed, no protection of any value under the constitutional**
35 **provision, which does not extend to the use and income of the property, as well as to its title and possession.**

36 This court has heretofore held in many instances that a constitutional provision intended for the protection of rights of
37 private property should be liberally construed. It has so held in the numerous cases where it has been called upon to give
38 effect to the provision prohibiting the States from legislation impairing the obligation of contracts; the provision being
39 construed to secure from direct attack not only the contract itself, but all the essential incidents which give it value and
40 enable its owner to enforce it. Thus, in *Bronson v. Kinzie*, reported in the 1st of Howard, it was held that an act of the
41 legislature of Illinois, giving to a mortgagor twelve months within which to redeem his mortgaged property from a judicial
42 sale, and prohibiting its sale for less than two-thirds of its appraised value, was void as applied to mortgages executed prior
43 to its passage. It was contended, in support of the act, that it affected only the remedy of the mortgagee, and did not impair
44 the contract; but the court replied that there was no substantial difference between a retrospective law declaring a particular
45 contract to be abrogated and void, and one which took away all remedy to enforce it, or encumbered the remedy with
46 conditions that rendered it useless or impracticable to pursue it. And, referring to the constitutional provision, the court said,
47 speaking through Mr. Chief Justice Taney, that

48 *"it would be unjust to the memory of the distinguished men who framed it, to suppose that it was designed to*
49 *protect a mere barren and 144*144 abstract right, without any practical operation upon the business of life. It*
50 *was undoubtedly adopted as a part of the Constitution for a great and useful purpose. It was to maintain the*
51 *integrity of contracts, and to secure their faithful execution throughout this Union, by placing them under the*

1 protection of the Constitution of the United States. And it would but Ill. become this court, under any
2 circumstances, to depart from the plain meaning of the words used, and to sanction a distinction between the
3 right and the remedy, which would render this provision illusive and nugatory, mere words of form, affording
4 no protection and producing no practical result."

5 And in Pumpelly v. Green Bay Company, 13 Wall. 177, the language of the court is equally emphatic. That case arose in
6 Wisconsin, the constitution of which declares, like the constitutions of nearly all the States, that private property shall not
7 be taken for public use without just compensation; and this court held that the flooding of one's land by a dam constructed
8 across a river under a law of the State was a taking within the prohibition, and required compensation to be made to the
9 owner of the land thus flooded. The court, speaking through Mr. Justice Miller, said: —

10 "It would be a very curious and unsatisfactory result, if, in construing a provision of constitutional law, always
11 understood to have been adopted for protection and security to the rights of the individual as against the
12 government, and which has received the commendation of jurists, statesmen, and commentators, as placing the
13 just principles of the common law on that subject beyond the power of ordinary legislation to change or control
14 them, it shall be held that, if the government refrains from the absolute conversion of real property to the uses
15 of the public, it can destroy its value entirely, can inflict irreparable and permanent injury to any extent, can, in
16 effect, subject it to total destruction without making any compensation, because, in the narrowest sense of the
17 word, it is not taken for the public use. Such a construction would pervert the constitutional provision into a
18 restriction on the rights of the citizen, as those rights stood at the common law, instead of the government,
19 and make it an authority for invasion of private right under the pretext of the public good, which had no
20 warrant in the laws or practices of our ancestors."

21 **The views expressed in these citations, applied to this case, would render the constitutional provision invoked by the**
22 **defendants effectual to protect them in the uses, income, and revenues of their property, as well as in its title and**
23 **possession. The construction actually given by the State court and by this court makes the provision, in the language**
24 **of Taney, a protection to "a mere barren and abstract right, without any practical operation upon the business of**
25 **life," and renders it "illusive and nugatory, mere words of form, affording no protection and producing no practical**
26 **result."**

27 The power of the State over the property of the citizen under the constitutional guaranty is well defined. The State may take
28 his property for public uses, upon just compensation being made therefor. It may take a portion of his property by way of
29 taxation for the support of the government. It may control the use and possession of his property, so far as may be necessary
30 for the protection of the rights of others, and to secure to them the equal use and enjoyment of their property. **The doctrine**
31 **that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non lædas — is the rule**
32 **by which every member of society must possess and enjoy his property; and all legislation essential to secure this**
33 **common and equal enjoyment is a legitimate exercise of State authority. Except in cases where property may be**
34 **destroyed to arrest a conflagration or the ravages of pestilence, or be taken under the pressure of an immediate and**
35 **overwhelming necessity to prevent a public calamity, the power of the State over the property of the citizen does not**
36 **extend beyond such limits.**

37 It is true that the legislation which secures to all protection in their rights, and the equal use and enjoyment of their
38 property, embraces an almost infinite variety of subjects. Whatever affects the peace, good order, morals, and health of the
39 community, comes within its scope; and every one must use and enjoy his property subject to the restrictions which such
40 legislation imposes. What is termed the police power of the State, which, from the language often used respecting it, one
41 would suppose to be an undefined and irresponsible element in government, can only interfere with the conduct of
42 individuals in their intercourse with each other, and in the use of their property, so far 146*146 as may be required to secure
43 these objects. **The compensation which the owners of property, not having any special rights or privileges from the**
44 **government in connection with it, may demand for its use, or for their own services in union with it, forms no**
45 **element of consideration in prescribing regulations for that purpose.** If one construct a building in a city, the State, or
46 the municipality exercising a delegated power from the State, may require its walls to be of sufficient thickness for the uses
47 intended; it may forbid the employment of inflammable materials in its construction, so as not to endanger the safety of his
48 neighbors; if designed as a theatre, church, or public hall, it may prescribe ample means of egress, so as to afford facility for
49 escape in case of accident; it may forbid the storage in it of powder, nitro-glycerine, or other explosive material; it may
50 require its occupants daily to remove decayed vegetable and animal matter, which would otherwise accumulate and
51 engender disease; it may exclude from it all occupations and business calculated to disturb the neighborhood or infect the
52 air. Indeed, there is no end of regulations with respect to the use of property which may not be legitimately prescribed,
53 having for their object the peace, good order, safety, and health of the community, thus securing to all the equal enjoyment

1 of their property; but in establishing these regulations it is evident that compensation to the owner for the use of his
2 property, or for his services in union with it, is not a matter of any importance: whether it be one sum or another does not
3 affect the regulation, either in respect to its utility or mode of enforcement. One may go, in like manner, through the whole
4 round of regulations authorized by legislation, State or municipal, under what is termed the police power, and in no instance
5 will he find that the compensation of the owner for the use of his property has any influence in establishing them. **It is only**
6 **where some right or privilege is conferred by the government or municipality upon the owner, which he can use in**
7 **connection with his property, or by means of which the use of his property is rendered more valuable to him, or he**
8 **thereby enjoys an advantage over others, that the compensation to be received by him becomes a legitimate matter**
9 **of regulation. Submission to the regulation of compensation in such cases is an implied condition 147*147 of the**
10 **grant, and the State, in exercising its power of prescribing the compensation, only determines the conditions upon**
11 **which its concession shall be enjoyed. When the privilege ends, the power of regulation ceases.**

12 Jurists and writers on public law find authority for the exercise of this police power of the State and the numerous
13 regulations which it prescribes in the doctrine already stated, that everyone must use and enjoy his property consistently
14 with the rights of others, and the equal use and enjoyment by them of their property. "The police power of the State," says
15 the Supreme Court of Vermont, "extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and
16 the protection of all property in the State. According to the maxim, sic utere tuo ut alienum non lædas, which, being of
17 universal application, it must, of course, be within the range of legislative action to define the mode and manner in which
18 every one may so use his own as not to injure others." Thorpe v. Rutland & Burlington Railroad Co., 27 Vt. 149. "We think
19 it a settled principle growing out of the nature of well-ordered civil society," says the Supreme Court of Massachusetts,
20 "that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his
21 use of it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor
22 injurious to the rights of the community." Commonwealth v. Alger, 7 Cush. 84. In his Commentaries, after speaking of the
23 protection afforded by the Constitution to private property, Chancellor Kent says: —

24 *"But though property be thus protected, it is still to be understood that the law-giver has the right to prescribe*
25 *the mode and manner of using it, so far as may be necessary to prevent the abuse of the right, to the injury or*
26 *annoyance of others, or of the public. The government may, by general regulations, interdict such uses of*
27 *property as would create nuisances and become dangerous to the lives, or health, or peace, or comfort of the*
28 *citizens. Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the*
29 *application of steam-power to propel cars, the building with combustible materials, and the burial of the dead,*
30 *may all be interdicted by law, in the-midst of dense masses of population, 148*148 on the general and rational*
31 *principle that every person ought so to use his property as not to injure his neighbors, and that private interests*
32 *must be made subservient to the general interests of the community. 2 Kent, 340.*

33 The Italics in these citations are mine. The citations show what I have already stated to be the case, that the regulations
34 which the State, in the exercise of its police power, authorizes with respect to the use of property are entirely independent of
35 any question of compensation for such use, or for the services of the owner in connection with it.

36 There is nothing in the character of the business of the defendants as warehousemen which called for the interference
37 complained of in this case. Their buildings are not nuisances; their occupation of receiving and storing grain infringes upon
38 no rights of others, disturbs no neighborhood, infects not the air, and in no respect prevents others from using and enjoying
39 their property as to them may seem best. **The legislation in question is nothing less than a bold assertion of absolute**
40 **power by the State to control at its discretion the property and business of the citizen, and fix the compensation he**
41 **shall receive. The will of the legislature is made the condition upon which the owner shall receive the fruits of his**
42 **property and the just reward of his labor, industry, and enterprise. "That government," says Story, "can scarcely**
43 **be deemed to be free where the rights of property are left solely dependent upon the will of a legislative body**
44 **without any restraint. The fundamental maxims of a free government seem to require that the rights of personal**
45 **liberty and private property should be held sacred." Wilkeson v. Leland, 2 Pet. 657. The decision of the court in this**
46 **case gives unrestrained license to legislative will.**

47 The several instances mentioned by counsel in the argument and by the court in its opinion, in which legislation has fixed
48 the compensation which parties may receive for the use of their property and services, do not militate against the views I
49 have expressed of the power of the State over the property of the citizen. They were mostly cases of public ferries, bridges,
50 and turnpikes, of wharfingers, hackmen, and draymen, and of interest on money. In all these cases, except that of interest on
51 money, which I shall presently notice there was some special 149*149 privilege granted by the State or municipality; and
52 no one, I suppose, has ever contended that the State had not a right to prescribe the conditions upon which such privilege

1 should be enjoyed. **The State in such cases exercises no greater right than an individual may exercise over the use of**
2 **his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being**
3 **stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The**
4 **recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege**
5 **conferred, its acceptance implies an assent to the regulation of its use and the compensation for it.** The privilege
6 which the hackman and drayman have to the use of stands on the public streets, not allowed to the ordinary coachman or
7 laborer with teams, constitutes a sufficient warrant for the regulation of their fares. In the case of the warehousemen of
8 Chicago, no right or privilege is conferred by the government upon them; and hence no assent of theirs can be alleged to
9 justify any interference with their charges for the use of their property.

10 The quotations from the writings of Sir Matthew Hale, so far from supporting the positions of the court, do not recognize
11 the interference of the government, even to the extent which I have admitted to be legitimate. They state merely that the
12 franchise of a public ferry belongs to the king, and cannot be used by the subject except by license from him, or
13 prescription time out of mind; and that when the subject has a public wharf by license from the king, or from having
14 dedicated his private wharf to the public, as in the case of a street opened by him through his own land, he must allow the
15 use of the wharf for reasonable and moderate charges. Thus, in the first quotation which is taken from his treatise De Jure
16 Maris, Hale says that the king has

17 *"a right of franchise or privilege, that no man may set up a common ferry for all passengers without a*
18 *prescription time out of mind or a charter from the king. He may make a ferry for his own use or the use of his*
19 *family, but not for the common use of all the king's subjects passing that way; because it doth in consequent*
20 *tend to a common charge, and is become a thing of public interest and use, and every man for his passage*
21 *150*150 pays a toll, which is a common charge, and every ferry ought to be under a public regulation, viz., that*
22 *it give attendance at due times, keep a boat in due order, and take but reasonable toll; for if he fail in these he is*
23 *finable."*

24 Of course, one who obtains a license from the king to establish a public ferry, at which "every man for his passage pays a
25 toll," must take it on condition that he charge only reasonable toll, and, indeed, subject to such regulations as the king may
26 prescribe.

27 In the second quotation, which is taken from his treatise De Portibus Maris, Hale says: —

28 *"A man, for his own private advantage, may, in a port or town, set up a wharf or crane, and may take what*
29 *rates he and his customers can agree for cranage, wharfage, housellage, pesage; for he doth no more than is*
30 *lawful for any man to do, viz., makes the most of his own. If the king or subject have a public wharf, unto which*
31 *all persons that come to that port must come and unlade or lade their goods as for the purpose, because they*
32 *are the wharves only licensed by the king, or because there is no other wharf in that port, as it may fall out*
33 *where a port is newly erected, in that case there cannot be taken arbitrary and excessive duties for cranage,*
34 *wharfage, pesage, &c.; neither can they be enhanced to an immoderate rate, but the duties must be reasonable*
35 *and moderate, though settled by the king's license or charter. For now the wharf and crane and other*
36 *conveniencies are affected with a public interest, and they cease to be juris privati only; as if a man set out a*
37 *street in new building on his own land, it is now no longer bare private interest, but is affected by the public*
38 *interest."*

39 The purport of which is, that if one have a public wharf, by license from the government or his own dedication, he must
40 exact only reasonable compensation for its use. By its dedication to public use, a wharf is as much brought under the
41 common-law rule of subjection to reasonable charges as it would be if originally established or licensed by the crown. All
42 property dedicated to public use by an individual owner, as in the case of land for a park or street, falls at once, by force of
43 the dedication, under the law governing property appropriated by the government for similar purposes.

44 I do not doubt the justice of the encomiums passed upon Sir 151*151 Matthew Hale as a learned jurist of his day; but I am
45 unable to perceive the pertinency of his observations upon public ferries and public wharves, found in his treatises on "The
46 Rights of the Sea" and on "The Ports of the Sea," to the questions presented by the warehousing law of Illinois, undertaking
47 to regulate the compensation received by the owners of private property, when that property is used for private purposes.

48 The principal authority cited in support of the ruling of the court is that of Alnutt v. Inglis, decided by the King's Bench,
49 and reported in 12 East. But that case, so far from sustaining the ruling, establishes, in my judgment, the doctrine that
50 everyone has a right to charge for his property, or for its use, whatever he pleases, unless he enjoys in connection with it
51 some right or privilege from the government not accorded to others; and even then it only decides what is above stated in

1 the quotations from Sir Matthew Hale, that he must submit, so long as he retains the right or privilege, to reasonable rates.
2 In that case, the London Dock Company, under certain acts of Parliament, possessed the exclusive right of receiving
3 imported goods into their warehouses before the duties were paid; and the question was whether the company was bound to
4 receive them for a reasonable reward, or whether it could arbitrarily fix its compensation. In deciding the case, the Chief
5 Justice, Lord Ellenborough, said: —

6 *"There is no doubt that the general principle is favored, both in law and justice, that every man may fix what*
7 *price he pleases upon his own property, or the use of it; but if, for a particular purpose, the public have a right*
8 *to resort to his premises and make use of them, and he have a monopoly in them for that purpose, if he will take*
9 *the benefit of that monopoly, he must, as an equivalent, perform the duty attached to it on reasonable terms."*

10 And, coming to the conclusion that the company's warehouses were invested with "the monopoly of a public privilege," he
11 held that by law the company must confine itself to take reasonable rates; and added, that if the crown should thereafter
12 think it advisable to extend the privilege more generally to other persons and places, so that the public would not be
13 restrained from exercising a choice of warehouses for the purpose, the company might be enfranchised from the restriction
14 which 152*152 attached to a monopoly; but, so long as its warehouses were the only places which could be resorted to for
15 that purpose, the company was bound to let the trade have the use of them for a reasonable hire and reward. The other
16 judges of the court placed their concurrence in the decision upon the ground that the company possessed a legal monopoly
17 of the business, having the only warehouses where goods imported could be lawfully received without previous payment of
18 the duties. From this case it appears that it is only where some privilege in the bestowal of the government is enjoyed in
19 connection with the property, that it is affected with a public interest in any proper sense of the terms. It is the public
20 privilege conferred with the use of the property which creates the public interest in it.

21 In the case decided by the Supreme Court of Alabama, where a power granted to the city of Mobile to license bakers, and to
22 regulate the weight and price of bread, was sustained so far as regulating the weight of the bread was concerned, no
23 question was made as to the right to regulate the price. 3 Ala. 137. There is no doubt of the competency of the State to
24 prescribe the weight of a loaf of bread, as it may declare what weight shall constitute a pound or a ton. But I deny the power
25 of any legislature under our government to fix the price which one shall receive for his property of any kind. If the power
26 can be exercised as to one article, it may as to all articles, and the prices of everything, from a calico gown to a city
27 mansion, may be the subject of legislative direction.

28 **Other instances of a similar character may, no doubt, be cited of attempted legislative interference with the rights of**
29 **property.** The act of Congress of 1820, mentioned by the court, is one of them. There Congress undertook to confer upon
30 the city of Washington power to regulate the rates of wharfage at private wharves, and the fees for sweeping chimneys.
31 Until some authoritative adjudication is had upon these and similar provisions, I must adhere, notwithstanding the
32 legislation, to my opinion, that those who own property have the right to fix the compensation at which they will allow its
33 use, and that those who control services have a right to fix the compensation at which they will be rendered. The chimney-
34 sweeps may, I think, safely claim all the compensation which 153*153 they can obtain by bargain for their work. In the
35 absence of any contract for property or services, the law allows only a reasonable price or compensation; but what is a
36 reasonable price in any case will depend upon a variety of considerations, and is not a matter for legislative determination.

37 **The practice of regulating by legislation the interest receivable for the use of money, when considered with reference**
38 **to its origin, is only the assertion of a right of the government to control the extent to which a privilege granted by it**
39 **may be exercised and enjoyed. By the ancient common law it was unlawful to take any money for the use of money;**
40 **all who did so were called usurers, a term of great reproach, and were exposed to the censure of the church; and if,**
41 **after the death of a person, it was discovered that he had been a usurer whilst living, his chattels were forfeited to**
42 **the king, and his lands escheated to the lord of the fee. No action could be maintained on any promise to pay for the**
43 **use of money, because of the unlawfulness of the contract. Whilst the common law thus condemned all usury,**
44 **Parliament interfered, and made it lawful to take a limited amount of interest. It was not upon the theory that the**
45 **legislature could arbitrarily fix the compensation which one could receive for the use of property, which, by the**
46 **general law, was the subject of hire for compensation, that Parliament acted, but in order to confer a privilege which**
47 **the common law denied. The reasons which L.Ed. to this legislation originally have long since ceased to exist; and if**
48 **the legislation is still persisted in, it is because a long acquiescence in the exercise of a power, especially when it was**
49 **rightfully assumed in the first instance, is generally received as sufficient evidence of its continued lawfulness. 10**
50 **Bac. Abr. 264.[*]**

1 There were also recognized in England, by the ancient common law, certain privileges as belonging to the lord of the
2 manor, which grew out of the state of the country, the condition of the people, and the relation existing between him and
3 154*154 his tenants under the feudal system. Among these was the right of the lord to compel all the tenants within his
4 manor to grind their corn at his mill. No one, therefore, could set up a mill except by his license, or by the license of the
5 crown, unless he claimed the right by prescription, which presupposed a grant from the lord or crown, and, of course, with
6 such license went the right to regulate the tolls to be received. Woolrych on the Law of Waters, c. 6, of Mills. Hence
7 originated the doctrine which at one time obtained generally in this country, that there could be no mill to grind corn for the
8 public, without a grant or license from the public authorities. It is still, I believe, asserted in some States. This doctrine
9 being recognized, all the rest followed. The right to control the toll accompanied the right to control the establishment of
10 the mill.

11 It requires no comment to point out the radical differences between the cases of public mills and interest on money, and that
12 of the warehouses in Chicago. No prerogative or privilege of the crown to establish warehouses was ever asserted at the
13 common law. **The business of a warehouseman was, at common law, a private business and is so in its nature. It has
14 no special privileges connected with it, nor did the law ever extend to it any greater protection than it extended to all
15 other private business. No reason can be assigned to justify legislation interfering with the legitimate profits of that
16 business, that would not equally justify an intermeddling with the business of every man in the community, so soon,
17 at least, as his business became generally useful.**

18 **6.10 The franchisee is a public officer and a “fiction of law”**

19 The U.S. Supreme Court acknowledged that a frequent source of unconstitutional activity by government actors is to create
20 fictitious offices, when it held:

21 *"An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; **it***
22 ***creates no office; it is in legal contemplation, as inoperative as though it had never been passed."***
23 *[Norton v. Shelby County, [118 US 425](#) (1885)]*

24 An unlawfully created public office is sometimes called a “fiction of law”. All those engaged in franchises are public
25 officers in the government. The fictitious public office and/or “trade or business” (26 U.S.C. §7701(a)(26)) to which all the
26 government’s enforcement rights attach is also called a “fiction of law” by some judges. Here is the definition:

27 ***“Fiction of law.** An assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which
28 has never really taken place. **An assumption [PRESUMPTION], for purposes of justice, of a fact that does not or may not exist. A rule***
29 ***of law which assumes as true, and will not allow to be disproved, something which is false,** but not impossible. Ryan v. Motor Credit*
30 *Co., 30 N.J.Eq. 531, 23 A.2d. 607, 621. These assumptions are of an innocent or even beneficial character, and are made for the*
31 *advancement of the ends of justice. They secure this end chiefly by the extension of procedure from cases to which it is applicable to other*
32 *cases to which it is not strictly applicable, the ground of inapplicability being some difference of an immaterial character. See also Legal*
33 *fiction.”*
34 *[Black’s Law Dictionary, Sixth Edition, p. 623]*

35 The key elements of all fictions of law from the above are:

- 36 1. A PRESUMPTION of the existence or truth of an otherwise nonexistent thing.
- 37 2. The presumptions are of an INNOCENT or BENEFICIAL character.
- 38 3. The presumptions are made for the advancement of the ends of justice.
- 39 4. All of the above goals are satisfied against BOTH parties to the dispute, not just the government. Otherwise the
40 constitutional requirement for equal protection and equal treatment has been transgressed.

41 The fictitious public office that forms the heart of the modern SCAM income tax clearly does not satisfy the elements for
42 being a “fiction of law” because:

- 43 1. All presumptions that violate due process of law or result in an injury to EITHER party affected by the presumption are
44 unconstitutional. See:

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

- 45 2. The presumption does not benefit BOTH parties to a dispute that involves it. It ONLY benefits the government at the
46 expense of innocent nontaxpayers and EXCLUSIVELY PRIVATE parties.

1 3. The presumption of the existence of the BOGUS office does NOT advance justice for BOTH parties to any dispute
2 involving it. The legal definition of justice is the RIGHT TO BE LEFT ALONE. The presumption of the existence of
3 the BOGUS office ensures that those who do not want to volunteer for the office but who are the subject of FALSE
4 information returns are NEVER left alone and are continually harassed illegally by the IRS. Here is the legal definition
5 of “justice” so you can see for yourself:

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

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

19 [[Readings on the History and System of Common Law, Second Edition, 1925, Roscoe Pound, p. 2\]](#)]

20 Therefore it is clearly a CRUEL FRAUD for any judge to justify his PRESUMPTION of the existence of the BOGUS
21 public office that is the subject of the excise tax by calling it a “fiction of law”.

22 If you want to see an example of WHY this fiction of law was created as a way to usurp jurisdiction, read the following
23 U.S. Supreme Court cite:

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

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

39 SOURCE: http://scholar.google.com/scholar_case?case=3339893669697439168]

40 The reason for the controversy in the above case was that a bribe occurred on state land by a nonresident domiciled in the
41 state, and therefore that federal law did not apply. In the above case, the court admitted that a "fiction" was resorted to
42 usurp jurisdiction because no legal authority could be found. The fact that the defendant was in custody created the
43 jurisdiction. It didn't exist before they ILLEGALLY KIDNAPPED him. Notice also that they mention an implied
44 "compact" or contract related to the office being exercised, and that THAT compact was the source of their jurisdiction
45 over the officer who was bribed. This is the SAME contract to which all those who engage in a statutory “trade or
46 business” are party to.

47 **6.11 “Public” v. “Private” Franchises Compared**

48 Another useful exercise is to compare PUBLIC franchises, meaning government franchise, with PRIVATE franchises that
49 involve private parties exclusively. Understanding these distinctions is very important to those who want to be able to
50 produce legally admissible evidence that governments are illegally implementing or enforcing their franchises. Below is a
51 table summarizing the main differences between PUBLIC and PRIVATE franchises:

52 **Table 6: Public v. Private Franchises Compared**

Characteristic	PUBLIC/GOVERNMENT Franchise	PRIVATE Franchise
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<i>Characteristic</i>	<i>PUBLIC/GOVERNMENT Franchise</i>	<i>PRIVATE Franchise</i>
Franchise agreement is	Civil law associated with the domicile of those who are statutory but not constitutional “citizens” and “residents” within the venue of the GRANTOR	Private law among all those who expressly consented in writing
Consent to the franchise procured by	IMPLIED by ACTION of participants: 1. Using the government’s license number; 2. Declaring a STATUS under the franchise such as “taxpayer”	EXPRESS by signing a WRITTEN contract absent duress
Franchise rights are property of	Government (de facto government if property outside of federal territory)	Human being or private company
Choice of law governing disputes under the franchise agreement	Franchise agreement itself and Federal Rule of Civil Procedure 17(b) .	Franchise agreement only
Disputes legally resolved in	Article 4, Section 3, Clause 2 statutory FRANCHISE court with INEQUITY	Constitutional court in EQUITY
Courts officiating disputes operate in	POLITICAL context and issue [political] OPINIONS	LEGAL context and issue ORDERS
Parties to the contract	Are “public officers” within the government grantor of the franchise	Maintain their status as private parties
Domicile of franchise participants	Federal territory . See 26 U.S.C. §7701(a)(39) and §7408(d)	Wherever the parties declare it or express it in the franchise

1 How can we prove that a so-called “government” is operating a franchise as a PRIVATE company or corporation in
2 EQUITY rather than as a parens patriae protected by sovereign immunity? Below are the conditions that trigger this status
3 as we understand them so far:

- 4 1. When they are implementing the franchises against parties domiciled outside of their EXCLUSIVE rather than subject
5 matter jurisdiction. For instance, when the federal government implements or enforces a federal franchise within states
6 of the Union, then it is operating outside its territory and implicitly waives sovereign immunity. Hence, they are
7 “purposefully availing themselves” of commercial activity outside of their jurisdiction and waive immunity within the
8 jurisdiction they are operating. See:

Federal Jurisdiction, Form #05.018
<http://sedm.org/Forms/FormIndex.htm>

- 9 2. When [domicile](#) and one’s status as a statutory “citizen”, “resident”, or “U.S. person” under the civil laws of the
10 grantor:
11 2.1. Is not required in the franchise agreement itself.
12 2.2. Is in the franchise agreement but is ignored or disregarded as a matter of policy and not law by the government.
13 For instance, the government ignores the legal requirements of the franchise found in [20 C.F.R. §422.104](#) and
14 insists that EVERYONE is eligible and TO HELL with the law.
15 3. When any of the above conditions occur, then the government engaging in them:
16 3.1. Is engaging in PRIVATE business activity beyond its core purpose as a de jure “government”
17 3.2. Is operating in a de facto capacity and not as a “sovereign”. See:

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

- 18 3.3. Is abusing its monopolistic authority to compete with private business concerns
19 3.4. Is “purposefully availing itself” of commerce in the foreign jurisdictions, such as states of the Union, that it
20 operates the franchise
21 3.5. Implicitly waives sovereign immunity under the [Foreign Sovereign Immunities Act \(F.S.I.A.\)](#), [28 U.S.C. Chapter](#)
22 [97](#) and its equivalent act in the foreign jurisdictions that it operates the franchise
23 3.6. Implicitly agrees to be sued IN EQUITY in a Constitutional court if it enforces the franchise against
24 [NONRESIDENTS](#)
25 3.7. Cannot truthfully identify the [statutory FRANCHISE courts](#) that administer the franchise as “government” courts,
26 but simply PRIVATE arbitration boards.

27 The following ruling by the U.S. Supreme Court confirms some of the above.

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

11 See *Jones, 1 Cl.Ct. at 85* ("**Wherever the public and private acts of the government seem to commingle, a**
12 **citizen or corporate body must by supposition be substituted in its place, and then the question be determined**
13 **whether the action will lie against the supposed defendant**"); *O'Neill v. United States*, 231 Ct.Cl. 823, 826
14 (1982) (sovereign acts doctrine applies where, "[w]ere [the] contracts exclusively between private parties, the
15 party hurt by such governing action could not claim compensation from the other party for the governing
16 action"). The dissent ignores these statements (including the statement from *Jones*, from which case *Horowitz*
17 drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize
18 the need to treat the government-as-contractor the same as a private party.
19 [*United States v. Winstar Corp.*, 518 U.S. 839 (1996).]

20 Only one sentence in the above seems suspicious:

21 "**When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities**
22 **similar to those of individuals who are parties to such instruments. There is no difference . . . **except that the****
23 **United States cannot be sued [IN ITS OWN COURTS] without its consent**"

24 What they are referring to above is that the "United States" federal corporation cannot be sued IN THEIR OWN COURTS
25 without their consent, not that they cannot be sued in EQUITY in a court of a constitutional state. The federal government
26 has no direct control over the courts of a legislatively "foreign state", such as a state of the Union. Hence, it cannot impede
27 itself being sued directly there when it is operating a private business in competition with other private businesses in a
28 commercial market place. An example is "insurance services", such as Social Security, which is private insurance. The
29 government deceptively calls the premiums a "tax" on the 800 line of Social Security, but in fact, they are simply
30 PRIVATE insurance premiums. No one can make you buy any commercial product the government offers, including
31 private "Social Insurance". Otherwise, we are talking about THEFT and involuntary servitude. The definition of "State"
32 found in the Social Security Act is entirely consistent with these conclusions. "State" is nowhere defined to expressly
33 include states of the Union and therefore, they are NOT included under the rules of statutory construction. Hence, they are
34 "foreign" for the subject matter of Social Security, Medicare, and every other federal socialism program.

35 "**Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one**
36 **thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,
37 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or**
38 **things are specified in a law, contract, or will, an intention to exclude all others from its operation may be**
39 **inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects
40 of a certain provision, other exceptions or effects are excluded."
41 [*Black's Law Dictionary, Sixth Edition, p. 581*]

42 A legal term useful in describing the proper operation of government franchises is "publici juris". Here is a legal definition:

43 "**PUBLICI JURIS.** Lat. Of public right. The word "public" in this sense means pertaining to the people, or
44 affecting the community at large [the SOCIALIST collective]; that which concerns a multitude of people; and
45 the word "right," as so used, means a well-founded claim; an interest; concern; advantage; benefit. *State v.*
46 *Lyon*, 63 Okl. 285, 165 P. 419, 420.

47 This term, as applied to a thing or right [PRIVILEGE], means that it is open to or exercisable by all persons. It
48 designates things which are owned by "the public:" that is, the entire state or community, and not by any
49 private person. When a thing is common property, so that anyone can make use of it who likes, it is said to be
50 publici juris; as in the case of light, air, and public water. Sweet. "
51 [*Black's Law Dictionary, Fourth Edition, p. 1397*]

52 We allege that:

- 53 1. Associating anything with a government identifying number (SSN or TIN)
54 1.1. Changes the character of the thing so associated to "publici juris"

- 1 1.2. Donates and converts private property to a public use, public purpose, and public office
2 1.3. Makes you the trustee with equitable title over the thing donated, instead of the LEGAL OWNER of the property
3 2. The compelled, involuntary use of government identifying numbers therefore constitutes THEFT and CONVERSION,
4 which are CRIMES.

5 For further details on the compelled use of government identifying numbers, see:

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

6 **7 The Myth of Checks and Balances**²⁵

7 **A Pernicious Myth**

8 One of the most pernicious myths about democracies, and it pains me to say, even constitutional republics, is the Myth of
9 Checks and Balances.

10 Most of us were indoctrinated with this myth in junior high school and high school social studies class. I know I was.

11 According to this myth, also known as the Doctrine of the Separation of Powers, distributing the powers of a government
12 among several branches prevents the undue concentration of power in any single branch.

13 As the Encyclopedia Britannica explains:

14 *[The Separation of Powers is the] division of the legislative, executive, and judicial functions of government*
15 *among separate and independent bodies. Such a separation limits the possibility of arbitrary excesses by*
16 *government, since the sanction of all three branches is required for the making, executing, and administering of*
17 *laws. The concept received its first modern formulation in the work of Baron de Montesquieu, who declared it*
18 *the best way to safeguard liberty; he influenced the framers of the Constitution of the United States, who in turn*
19 *influenced the writers of 19th- and 20th-century constitutions. See also checks and balances.*

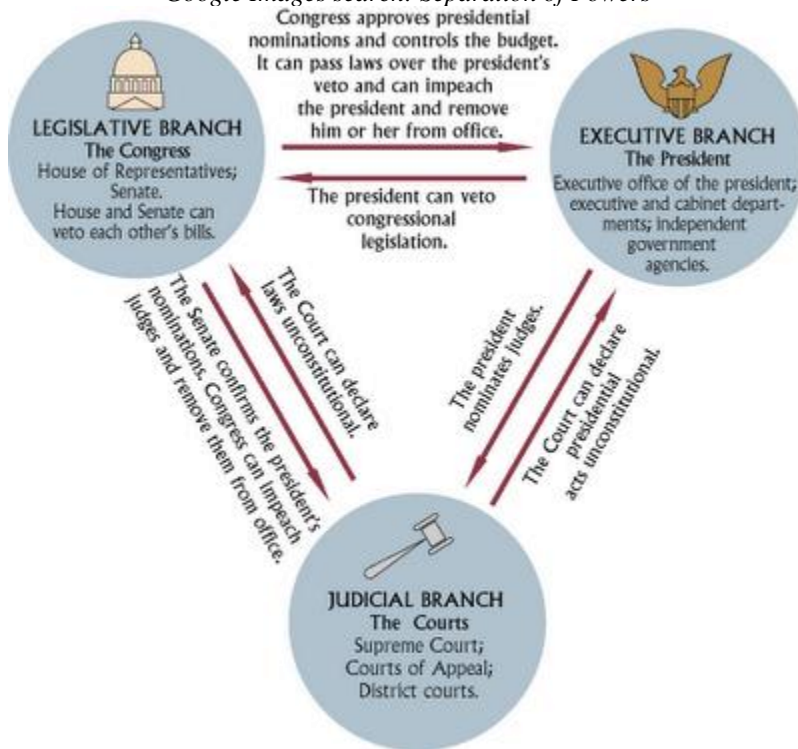
20 A Google Images search for "Separation of Powers" yields dozens of diagrams purporting to explain how the Doctrine of
21 the Separation of Powers protects us from government tyranny.

²⁵ From an article of the same name by Bevin Chu found at: <http://www.lewrockwell.com/chu/chu16.html>

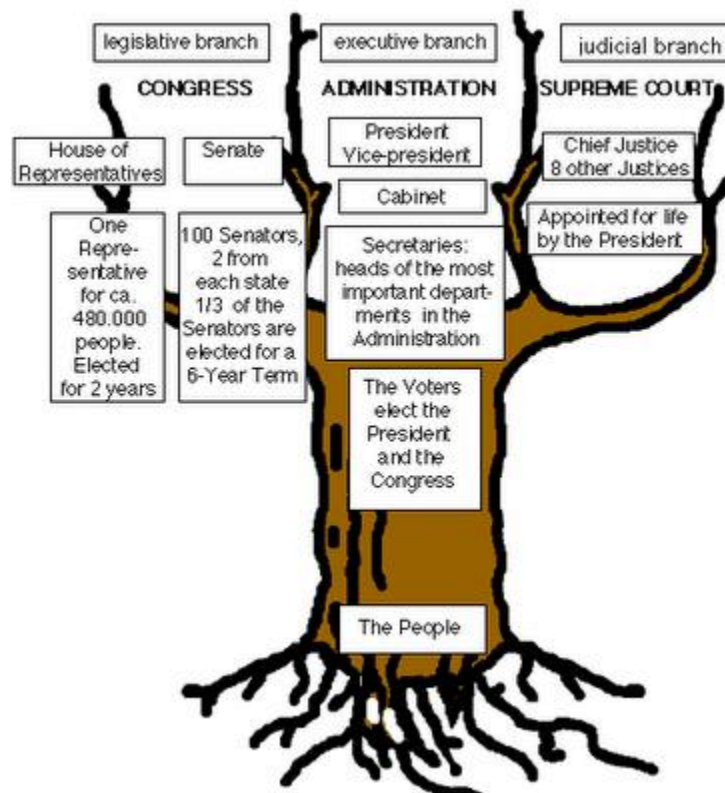
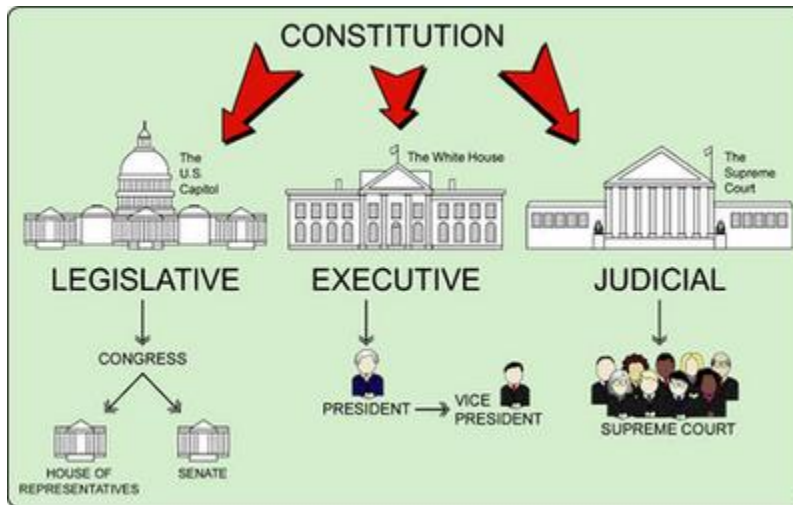


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Google Images search: Separation of Powers



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7.1 The Myth Exposed

4 Unfortunately political systems in the real world do not function as illustrated in these diagrams.

5 Unfortunately the division of the functions of government into legislative, executive, and judicial branches does not prevent
6 arbitrary excesses by government.

7 Unfortunately "separating the powers" doesn't really separate the powers, and doesn't really result in "separate and
8 independence bodies checking and balancing each other."

9 7.2 The Separation is Illusory, The Power is Real

10 The reason why is not mysterious. The reason why is quite simple.

1 The reason why "separating the powers" doesn't result in separate and independent bodies checking and balancing each
2 other, is that the separation is not real. The separation is illusory. The separation is nothing more than wishful thinking.

3 In fact the "separate and independent bodies" remain inseparable parts of the same government, the one government, the
4 only government that the limited government, "minarchist" paradigm permits within any given jurisdiction.

5 This government perpetuates its existence by robbing individuals at gunpoint. It refers to these acts of armed robbery as
6 "taxation," as if calling its crime by some other name absolved it of guilt.

7 As an old joke has it, "The only difference between the Mafia and the government is a flag." The joke is funny because it is
8 true.

9 Every member of an organized crime family lives off the same protection money extorted at gunpoint from hapless
10 shopkeepers and working men unfortunate enough to live within the crime family's reach.

11 In what sense can the bosses, underbosses, consiglieri, and soldiers of the same crime family be considered "separate and
12 independent" from each other?

13 By the same token, every official of a monopolistic state lives off the same tax revenues extorted at gunpoint from hapless
14 "taxpayers" unfortunate enough to live within the government's reach.

15 In what sense can members of such a criminal enterprise be considered "separate and independent" from each other?

16 Can we really expect officials who are part of such a criminal enterprise not to perceive each other as fellow predators, and
17 us, the taxpayers, as their common prey?

18 Can we really expect officials who are part of such a criminal enterprise not to perceive each other as members of the same
19 pack of wolves, and us, the taxpayers, as members of the same flock of sheep?

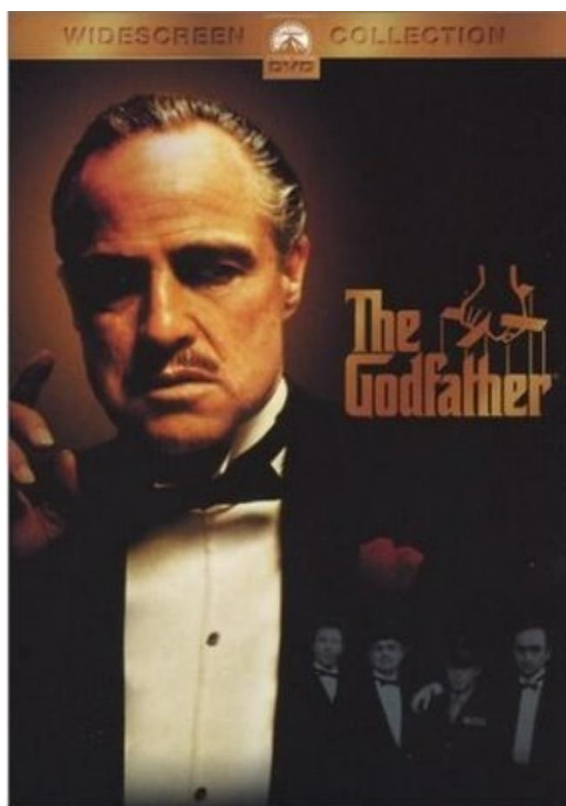
20 Can we really expect officials who are part of such a criminal enterprise to perceive each other as natural enemies and
21 therefore check and balance each other?

22 Resistance against such a unified "crime family with a flag" is virtually impossible. The proximate reason is that it has more
23 goons with guns. But the ultimate reason is that the overwhelming majority of citizens in "advanced nations" believe they
24 can't live without a monopolistic state, and their collective behavior perpetuates its existence.

25 Citizens who believe they can't live without a monopolistic state are the political counterpart of battered wives, who believe
26 they can't live without their abusive husbands, and who insist that "deep down" their abusers "really love them."

27 The difference is that a battered wife who rationalizes away her husband's abusive treatment of her victimizes only herself.

28 Citizens who believe in and demand the perpetuation of monopolistic states victimize not only themselves, but also fellow
29 citizens who know better.



The Godfather (1972, directed by Francis Ford Coppola, written by Mario Puzo)

Michael Corleone: My father is no different than any powerful man, any man with power, like a president or senator.

Kay Adams: Do you know how naïve you sound, Michael? Presidents and senators don't have men killed.

Michael Corleone: Oh. Who's being naïve, Kay?

7.3 Why the Executive Branch always becomes The Government

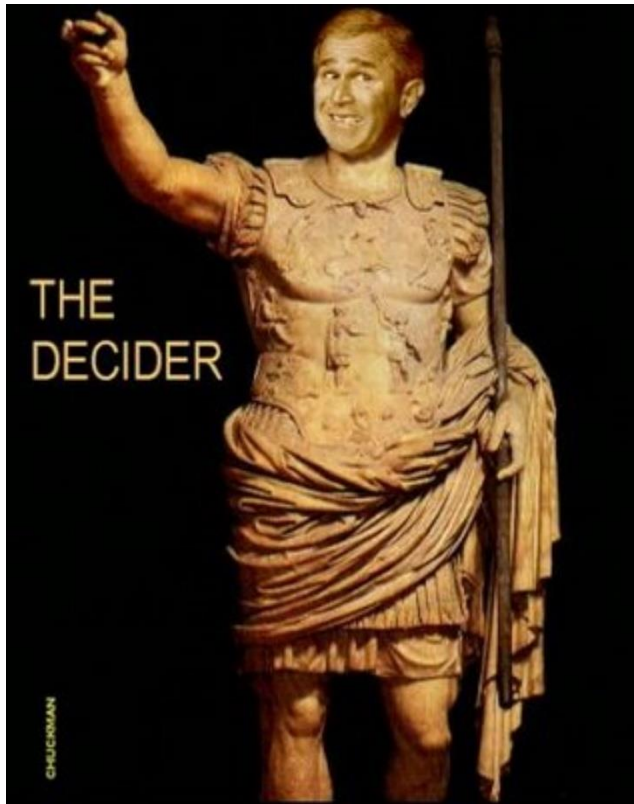
In theory, a democratically elected president is merely the highest-ranking official in one of three or more coequal branches of government, the executive branch.

In reality, in any monopolistic state with a presidential system, the president is an elective dictator, the legislature is a debating society, and the judiciary is a rubber stamp. Real world experience has demonstrated that over time, the executive invariably co-opts the judiciary and marginalizes the legislature.

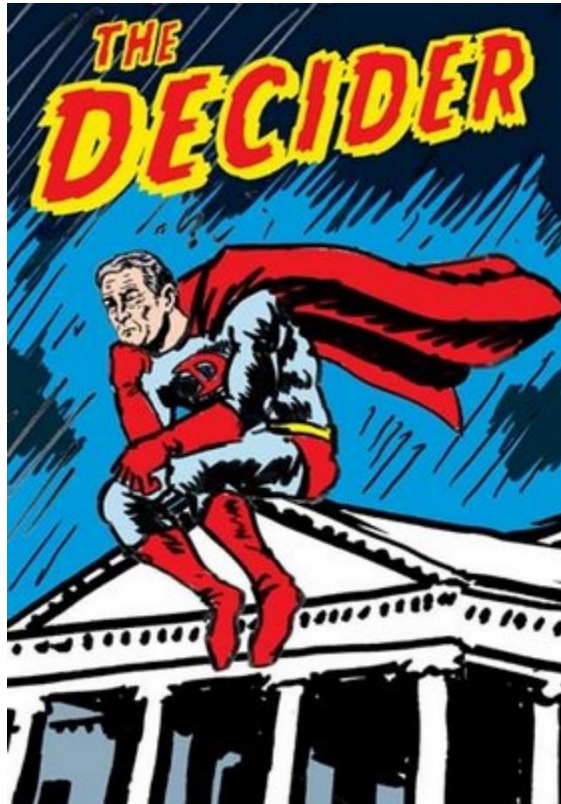
In theory, the coequal branches of government provide "checks and balances" upon each other, preventing them from ganging up upon the individual citizens they have sworn to protect and serve.

In reality, because the executive is the branch that has been delegated the power to "execute" policy (pun intended), it invariably usurps any and all powers delegated to the other branches of a monopolistic state. Real world experience has shown that "limited government" inevitably morphs into unlimited government, and that the executive is always the branch that winds up monopolizing that limitless power. It makes no difference whether the executive was popularly elected, self-appointed, or hereditary.

As George W. Bush put it quite bluntly, "I'm the decider and I decide what's best."



The Decider: Bush as Caesar



The Decider: Bush as Superman, by R. Sikoryak

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2

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1 Baron de Montesquieu was dead right when he noted that there can be no liberty where the legislative and executive powers
2 are united in the same person, or body of magistrates or if the power of judging is not separated from the legislative and
3 executive powers.

4 James Madison was dead right when he noted that the accumulation of all powers, legislative, executive, and judiciary, in
5 the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be
6 pronounced the very definition of tyranny.

7 Montesquieu and Madison unfortunately, were dead wrong about how far mankind would have to go to prevent the uniting
8 and accumulation of all powers in the same hands.

9 Montesquieu and Madison earnestly believed that establishing constitutional republics with tripartite divisions of powers
10 would be sufficient.

11 Given their historical context, Montesquieu and Madison's failure to champion market anarchism was understandable. The
12 history of medieval Iceland had been lost to mainstream political awareness.

13 Montesquieu and Madison did not realize that only a market anarchist system, featuring voluntarily funded Private Defense
14 Agencies (PDAs), vigorously competing against each other in the open market place, could ensure a genuine separation of
15 powers and provide genuine checks and balances against tyranny.

16 **7.4 A Thought Experiment**

17 To better understand why the "separation of powers" doesn't really result in "separate branches of government" checking
18 and balancing each other," let's try a little thought experiment.

19 Believers in Big Government, particularly self-styled "champions of democracy," love to portray government as a "public
20 service," and government officials as "public servants."

21 Market anarchists know this is nonsense, but let's pretend we buy this "service provider" nonsense for the moment, and see
22 where it leads.

23 Let's say for the sake of argument that government is a service provider, and that the service it provides is the use of force,
24 specifically, a military to defend against foreign invaders, police to protect against domestic criminals, and a court system
25 to adjudicate legal disputes.

26 Now suppose that instead of military, police, and courts, the service or product provided is computer software and software
27 support services.

28 How many netizens would accept an arrangement in which a single software company, say Microsoft, would be granted a
29 territorial monopoly in the provision of computer software and software support services where they live? In other words,
30 no other company would be permitted to provide computer software and software support services, only Microsoft.

31 How many netizens would be mollified by solemn assurances from founder Bill Gates that Microsoft's exclusive franchise
32 would not result in arbitrary excesses because the Microsoft corporation would be divided into three "separate and
33 independent" divisions, each charged with different functions?

34 One division would be in charge of formulating Microsoft policy. Another division would be charge of executing Microsoft
35 policy. Another division would be in charge of verifying whether the Microsoft policy being formulated and executed was
36 in conformance with the Microsoft company charter.

37 How many netizens would trust such an arrangement to ensure that Microsoft would deliver well-coded software at
38 competitive market prices?

1 Wouldn't they scream their heads off, insisting that Microsoft as a de facto monopoly is already sitting on its behind, doling
2 out bug-ridden bloatware behind schedule at exorbitant prices, and that as a de jure monopoly it would be infinitely worse?

3 And wouldn't they be right?

4 See: [What's so Bad about Microsoft?](#)

5 So why don't they scream as loud or even louder about the government's de jure monopoly in the use of brute force?

6 After all, Microsoft may be able to flood the market with overpriced, bug-ridden bloatware, but it certainly can't force us to
7 buy it. It can't compel us to upgrade to Windows Vista upon threat of arrest and imprisonment, at least not without
8 favoritism from a monopolistic state.

9 Contrast this with so-called democratic governments, which have been empowered by self-styled "champions of freedom
10 and human rights" to compel us to subscribe to its products and services – or else.

11 **7.5 A Reluctant Anarchist**

12 I never wanted to become an anarchist, even a free market anarchist. I wanted to remain a constitutional republican in the
13 tradition of the French Physiocrats, the British Classical Liberals, and the American Founding Fathers.

14 I became an advocate of market anarchism reluctantly, after concluding that the limited government "minarchist" paradigm
15 simply does not work as advertised.

16 Until three years ago, around 2004, I still held out hope that Checks and Balances would in fact check and balance, and that
17 the Doctrine of the Separation of Powers would be vindicated.

18 Political evolution, or rather, devolution within the American Imperium of Bill Clinton and George W. Bush; and within
19 the Taiwanese kleptocracy of Lee Teng-hui and Chen Shui-bian, disabused me of any such hopes.

20 The harsh reality is that the Doctrine of the Separation of Powers, within the context of a monopolistic state, is a
21 contradiction in terms.

22 The harsh reality is that as long as a nation is ruled by a conventional monopolistic state rather than Private Defense
23 Agencies, any allegedly "separate and independent branches" of government will always perceive themselves as integral
24 parts of the same government, the one government, the only government within any given jurisdiction.

25 No matter how one attempts to divide a monopolistic state into "branches" the reality is that all such "branches" live off the
26 same "tax revenues," better known as protection money, extracted by force from "taxpayers," better known as victims of
27 extortion.

28 The Separation of Powers was supposed to be the primary firewall between constitutional republicanism and democracy.
29 Tragically it has proven to be inadequate. Given enough time, it burns right through.

30 Constitutional republicanism is unquestionably superior to democracy. Unfortunately, that's just not good enough.
31 Constitutional republicanism, given enough time, degenerates into democracy, aka elective dictatorship.

32 Democracy meanwhile, takes no time at all to degenerate into dictatorship. That's because democracy isn't separated from
33 dictatorship by any firewalls whatsoever. That's because democracy is a form of dictatorship. It always was, and it always
34 will be.



A terrific political cartoon. But an even better caption would be: "We think people should be separated from power so that they can't commit crimes."

It is high time defenders of natural rights and individual liberty forsook their irrational attachment to that discredited system known as "limited government." Limited government never remains limited. It always becomes unlimited.

As long as a government, any government, wields a legal monopoly in the use of brute force within a given territorial jurisdiction, that government's powers can never really be separate.

It is high time aspiring nation builders began drafting constitutions predicated on a system that truly separates the powers – free market anarchism.

8 How separation of powers is generally broken down between states and the federal government

8.1 Introduction

In order to break down the separation of powers, CONSENT and COMITY must be involved or the breakdown becomes unconstitutional. The main tool of breaking down the separation of powers is the abuse of franchises to enforce contract law between individual states and people and the national government. This is discussed later in section 12.2. This section describes in high level terms how franchises are abused illegally and unconstitutionally to destroy the separation.

Exclusively PRIVATE rights and PRIVATE property are beyond the civil legislative control of de jure government because they are protected by the U.S.A. Constitution.

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

[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]

Before governments may civilly control, tax, or regulate anything they must do one or more of the following:

1 1. Convert the ownership of PRIVATE PROPERTY they want to control from EXCLUSIVELY PRIVATE to either
2 PUBLIC or QUALIFIED PRIVATE. Essentially, you are tricked into donating your PRIVATE property or a portion
3 of it to a PUBLIC use and thereby giving the public the right to CONTROL that use.

4 *"Men are endowed by their Creator with certain unalienable rights, - 'life, liberty, and the pursuit of*
5 *happiness;'* and to 'secure,' not grant or create, these rights, governments are instituted. *That property [or*
6 *income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that*
7 *he shall not use it to his neighbor's injury, and that does not mean that he must use it*
8 *for his neighbor's benefit [e.g. SOCIAL SECURITY, Medicare, and*
9 *every other public "benefit"];* *second, that if he devotes it to a public use, he gives to the*
10 *public a right to control that use; and third, that whenever the public needs require, the public may take it*
11 *upon payment of due compensation."*
12 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

13 2. Convert the CIVIL STATUS of the person engaging in the activity or owning the PRIVATE PROPERTY they want to
14 control from PRIVATE to PUBLIC. In other words, to change you:
15 2.1. From a CONSTITUTIONAL "person" to a statutory "person" and therefore public officer. A statutory person is
16 not protected by the constitution under the civil law because they have availed themselves of a "benefit" and
17 thereby waived their Constitutional rights to exchange them for "privileges".

18 *The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have*
19 *been carried over from the law of Great Britain, and recur constantly either as such or in equivalent*
20 *expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and*
21 *originally signified a peculiar right or private law conceded to particular persons or places whereby a certain*
22 *individual or class of individuals was exempted from the rigor of the common law [AND the constitution].*
23 *Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise of*
24 *special or peculiar rights, authorizing him to enjoy some particular advantage or exemption. See Magill v.*
25 *Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien, "Privileges and*
26 *Immunities of Citizens of the United States," in Columbia University Studies in History, Economics, and Public*
27 *Law, vol. 54, p. 31.*
28 *[Paul v. Virginia, 8 Wall. 168, 19 L.Ed. 357]*

29 2.2. From a human being to an officer of a government corporation called a "person".
30 For proof of the above, see:

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

31 The most important means of surreptitiously accomplishing the above conversions from PRIVATE to PUBLIC is through
32 the abuse of statutory civil franchises. Here is how the covetous conspiratorial politicians accomplish the two main goals:

33 1. Use propaganda and deceit to confuse the line between PUBLIC and PRIVATE by:
34 1.1. PRESUMING or ASSUMING that STATUTORY "persons" are the same as CONSTITUTIONAL "persons".
35 They are NOT. This includes defining the terms "citizen" or "resident" as franchisees who are public officers
36 instead of constitutional "persons".

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

39 *14 Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,*
40 *corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth*
41 *Amendment which secures the privileges and immunities of citizens of the United States against abridgment or*
42 *impairment by the law of a State." Orient Ins. Co. v. Dagg, 172 U.S. 557, 561 (1869) . This conclusion was in*
43 *harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that*
44 *corporations were not within the scope of the privileges and immunities clause of state citizenship set out in*
45 *Article IV, Sec. 2. See also Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912) ; Berea College v.*
46 *Kentucky, 211 U.S. 45 (1908) ; Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928) ; Grosjean*
47 *v. American Press Co., 297 U.S. 233, 244 (1936).*

48
49 *[SOURCE: Annotated Fourteenth Amendment, Congressional Research Service:*
50 <http://www.law.cornell.edu/amdt14a.html>*]*

1 1.2. Calling franchises “law”, when in fact they are PRIVATE law that does not apply generally to all. In other
2 words, confusing PRIVATE law with PUBLIC law.

3 “[l]aw . . . must be not a special rule for a particular person or a particular case, but . . . the general law . . . so
4 that every citizen shall hold his life, liberty, property and immunities under the protection of the general
5 rules which govern society.”
6 [Hurtado v. California, 110 U.S. 516, 535-536 (1884)]

7
8 *Municipal law, thus understood, is properly defined to be "a rule of civil conduct prescribed by the supreme
9 power in a state, commanding what is right and prohibiting what is wrong."*

10 [. . .]

11 *It is also called a rule to distinguish it from a compact or agreement; for a compact is a promise proceeding
12 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
13 law is, "thou shalt, or shalt not, do it." It is true there is an obligation which a compact carries with it, equal in
14 point of conscience to that of a law; but then the original of the obligation is different. In compacts we
15 ourselves determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to
16 act without ourselves determining or promising anything at all. Upon these accounts law is defined to be "a
17 rule."*

18 [*Readings on the History and System of the Common Law, Second Edition, 1925, Roscoe Pound, p. 4*]

- 19 2. Write PRIVATE law franchises for government employees and officials that imposes a tax, duty, or obligation.
20 3. Mislead and confuse private employers in states of the Union into volunteering to become federal PUBLIC
21 instrumentalities, agents, and “public officers” in the process of implementing this private law that doesn’t apply to
22 them. See:
23 <http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>
24 4. Offer BRIBES to otherwise PRIVATE people to entice them to sign up for the franchises and thereby illegally and
25 criminally impersonate a public officer:

26 *"The principle of democracy is corrupted not only when the spirit of equality is extinct [BECAUSE OF*
27 *FRANCHISES!], but likewise when they fall into a spirit of extreme equality, and when each citizen would*
28 *gain be upon a level with those whom he has chosen to command him.* Then the people, incapable of bearing
29 the very power they have delegated, want to manage everything themselves, to debate for the senate, to execute
30 for the magistrate, and to decide for the judges.

31 *When this is the case, virtue can no longer subsist in the republic.* The people are desirous of exercising the
32 functions of the magistrates, who cease to be revered. The deliberations of the senate are slighted; all respect is
33 then laid aside for the senators, and consequently for old age. If there is no more respect for old age, there will
34 be none presently for parents; deference to husbands will be likewise thrown off, and submission to masters.
35 This license will soon become general, and the trouble of command be as fatiguing as that of obedience. Wives,
36 children, slaves will shake off all subjection. No longer will there be any such thing as manners, order, or
37 virtue.

38 *We find in Xenophon's Banquet a very lively description of a republic in which the people abused their equality.*
39 *Each guest gives in his turn the reason why he is satisfied. "Content I am," says Chamides, "because of my*
40 *poverty. When I was rich, I was obliged to pay my court to informers, knowing I was more liable to be hurt by*
41 *them than capable of doing them harm. The republic constantly demanded some new tax of me; and I could*
42 *not decline paying. Since I have grown poor, I have acquired authority; nobody threatens me; I rather*
43 *threaten others. I can go or stay where I please. The rich already rise from their seats and give me the way. I*
44 *am a king, I was before a slave: I paid taxes to the republic, now it maintains [PAYS "BENEFITS" TO] me: I*
45 *am no longer afraid of losing; but I hope to acquire."*

46 *The people fall into this misfortune when those in whom they confide, desirous of concealing their own*
47 *corruption, endeavour to corrupt them. To disguise their own ambition, they speak to them only of the grandeur*
48 *of the state; to conceal their own avarice, they incessantly flatter theirs.*

49 *The corruption will increase among the corruptors, and likewise among those who are already corrupted.*
50 *The people will divide the public money among themselves [to pay "BENEFITS"], and, having added the*
51 *administration of affairs to their indolence, will be for blending their poverty with the amusements of luxury.*
52 *But with their indolence and luxury, nothing but the public treasure ["BENEFITS"] will be able to satisfy*
53 *their demands.*

We must not be surprised to see their suffrages [VOTES at the ballot box] given for money [GOVERNMENT "BENEFITS"]. It is impossible to make great largesses to the people without great extortion: and to compass this, the state must be subverted. The greater the advantages they seem to derive from their liberty, the nearer they approach towards the critical moment of losing it. Petty tyrants arise who have all the vices of a single tyrant. The small remains of liberty soon become insupportable: a single tyrant starts up, and the people are stripped of everything, even of the profits of their corruption.

[The Spirit of Laws, Baron Charles de Montesquieu,

SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_08.htm#002]

5. Obfuscate the terms and definitions in the franchise to confuse PRIVATE and PUBLIC persons and property:
- 5.1. Make it appear that said law applies universally to everyone, including those in the states of the Union, when in fact it does not.
- 5.2. Compel the courts and the IRS to mis-interpret and mis-enforce the Internal Revenue Code, by for instance, making judges into "taxpayers" who have a financial conflict of interest whenever they hear a tax case.
- Montesquieu in his The Spirit of Laws, which is the document the founders used to write the Constitution, describes this process of corruption as merging POLITICAL law with CIVIL law, and thereby turning EVERYONE into an "employee" and/or OFFICER of the government whose "pay" is the "benefits" of franchises. Political law is law for the government ONLY, and not the PRIVATE citizen:

The Spirit of Laws, Book XXVI, Section 15

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

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

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

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

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

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

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

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

They mended the highways in his time as we do at present. He says, that when a highway could not be repaired, they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who reaped any advantage from the road.⁴ They determined at that time by the civil law; in our days, we determine by the law of politics.

[The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15;

SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001]

1 6. Introduce new franchise courts that may not hear constitutional issues and force PRIVATE people into the courts. This
2 includes “traffic court”, “family court”, and “tax court”. This has the practical effect of DESTROYING their rights
3 because it removes constitutional and jury protections. Franchise judges are in the Executive Branch rather than the
4 Judicial Branch, and act in a POLITICAL rather than LEGAL capacity. They cannot act impartially and will always
5 side with the government:

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

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

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

16 [. . .]

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

21 [The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 6;
22 SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm

23 7. Gag franchise judges in the Executive Branch from exposing the FRAUD by prohibiting them from entering
24 declaratory judgments in the case of “taxes” per the Declaratory Judgments Act, 28 U.S.C. §2201(a). This act can only
25 apply to statutory franchisees called “taxpayers”, but judges illegally apply it to NONTAXPAYERS as a way to
26 undermine and destroy the protection of private rights. It is a TORT when they do this.

27 8. When Americans discover that eligibility to franchises is the origin of government jurisdiction and try to quit, agencies
28 administering the program will tell people two contradictory statements:

29 8.1. That they ARE NOT allowed to quit. In the case of Social Security, this is NOT true, because there are processes
30 and procedures to quit that are HIDDEN from the public. See:

[Resignation of Compelled Social Security Trustee](http://sedm.org/Forms/FormIndex.htm), Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

31 8.2. That participating is “voluntary”. If you CANNOT quit, it CANNOT be “voluntary”. Furthermore, if OTHER
32 people like your parents can sign you up WITHOUT your consent or even knowledge, as in the case of Social
33 Security, you can NEVER escape the program or the obligations of the franchise program.

34 Thus they interfere with their ability to escape jurisdiction and authority of those who administer the program. As long
35 as “benefit” eligibility is preserved and people are FORBIDDEN to quit, there ARE no constitutional rights in the
36 context of any federal benefit program:

37 “The Government urges that **the Power Company is estopped to question the validity of the Act creating the**
38 **Tennessee Valley Authority**, and hence that the stockholders, suing in the right of the corporation, cannot [297
39 U.S. 323] maintain this suit. **The principle is invoked that one who accepts the benefit of a statute cannot**
40 **be heard to question its constitutionality. *Great Falls Manufacturing Co. v. Attorney General*, 124 U.S. 581;**
41 ***Wall v. Parrot Silver & Copper Co.*, 244 U.S. 407; *St. Louis Casting Co. v. Prendergast Construction Co.*,**
42 **260 U.S. 469.”**

43 [Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

44 9. Interfere with remedies for protecting PRIVATE rights in constitutional courts by:

45 9.1. Refusing to allow litigants to invoke ONLY the common law and the constitution rather than statutory civil
46 franchise law in their defense. This has the practical effect of exercising a THEFT of constitutional rights and an
47 eminent domain over those rights without compensation and in violation of the Fifth Amendment Takings Clause.

48 9.2. CONFUSING CRIMINAL statutes with PENAL statutes. Most civil franchises are enforced as PENAL law
49 rather than CRIMINAL law. They are heard in criminal courts to fool the litigants into thinking that they are
50 CRIMINAL in nature. However, PENAL law requires DOMICILE and CONSENT to the franchise before the
51 penalty provisions may be enforced, and you should demand that the government PROVE with evidence that you

1 lawfully consented to the franchise by engaging in a public office BEFORE you could even be eligible to
2 participate or receive the “benefits” of said franchise. See:

Government Instituted Slavery Using Franchises, Form #05.030, Section 15
<http://sedm.org/Forms/FormIndex.htm>

3 9.3. Forcing litigants into a franchise court even though they may NOT go there without committing a crime. Only
4 public officers can go into FRANCHISE courts in the Executive Branch. If a PRIVATE human who is not a
5 public officer or franchisee goes into a FRANCHISE court, he/she/it is criminally impersonating a public officer.
6 See:

The Tax Court Scam, Form #05.039
<http://sedm.org/Forms/FormIndex.htm>

7 9.4. Illegally transferring controversies in state courts involving constitutional rights to federal FRANCHISE courts,
8 thus manipulating the right out of existence. See:

Opposition to Removal from State to Federal Court, Litigation Tool #11.001
<http://sedm.org/Litigation/LitIndex.htm>

9 9.5. PRESUMING that the parties before it are STATUTORY “persons”, “citizens”, or “residents” if litigants to not
10 claim otherwise, thus removing them from the protections of the constitution. See:

Citizenship, Domicile, and Tax Status Options, Form #10.003
<http://sedm.org/Forms/FormIndex.htm>

11 9.6. Abusing choice of law rules to FORCE only statutory civil franchise remedies on the parties to litigation. See:

Federal Jurisdiction, Form #05.018, Section 3
<http://sedm.org/Forms/FormIndex.htm>

12 10. Illegally and unconstitutionally invoke sovereign, judicial, or official immunity to protect those in government who
13 willfully:

14 10.1. Enforce the PUBLIC franchise against those PRIVATE people who do not consent to participate.

15 10.2. Violate the constitutional rights of others by exceeding their lawful authority, and thereby become a mafia
16 protection racket for wrongdoers in violation of [18 U.S.C. §1951](#). This tactic has the effect of making the District
17 of Columbia into the District of Criminals and a haven for financial terrorists who exploit the legal ignorance and
18 conflict of interest of their coworkers and tax professionals to enrich themselves.

19 The Bible warned us this was going to happen, when it said:

20 ***“Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather***
21 *together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and*
22 *my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own*
23 *wickedness; **the Lord our God shall cut them off.**”*
24 *[Psalm 94:20-23, Bible, NKJV]*

25 Who else but corrupted lawmakers and public servants could “devise evil by law”? In this white paper, we will therefore:

- 26 1. Provide extensive evidentiary support which conclusively proves the above assertions beyond a shadow of a doubt.
- 27 2. Try to provide to you some tools and techniques to enforce the requirement for consent in all interactions you have
28 with the government.
- 29 3. Show you how to discern exactly WHO a particular law is written for, so that you can prove it isn’t you and instead is
30 only federal instrumentalities, agents, and “public officers”.
- 31 4. Teach you to discern the difference between “public law” that applies EQUALLY to all and “private law” that only
32 applies to those who individually consent.
- 33 5. Teach you how to discern what form the “constructive consent” must take in the process of agreeing to be subject to
34 the provisions of a “private law”, and how public employees very deviously hide the requirement for consent to fool
35 you into believing that a private law is a “public law” that you can’t question or opt out of.
- 36 6. Show you how public servant legislators twist the law to change its purpose of protecting the public to protecting the
37 public servants and the plunder they engage in. For more information on this, see:

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

8.2 How our system of government became corrupted: Downes v. Bidwell²⁶

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

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

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

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

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

²⁶ Source: *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 6; <http://sedm.org/Forms/FormIndex.htm>.

1 The idea prevails with some — indeed, it found expression in arguments at the bar — that we have in this
2 country substantially or practically two national governments; one, to be maintained under the Constitution,
3 with all its restrictions; the other to be maintained by Congress outside and independently of that instrument,
4 by exercising such powers as other nations of the earth are accustomed to exercise. It is one thing to give such
5 a latitudinarian construction to the Constitution as will bring the exercise of power by Congress, upon a
6 particular occasion or upon a particular subject, within its provisions. It is quite a different thing to say that
7 Congress may, if it so elects, proceed outside of the Constitution. The glory of our American system 381*381
8 of government is that it was created by a written constitution which protects the people against the exercise of
9 arbitrary, unlimited power, and the limits of which instrument may not be passed by the government it
10 created, or by any branch of it, or even by the people who ordained it, except by amendment or change of its
11 provisions. "To what purpose," Chief Justice Marshall said in *Marbury v. Madison*, 1 Cranch, 137,
12 176,"are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at
13 any time, be passed by those intended to be restrained? The distinction between a government with limited
14 and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and
15 it acts prohibited and acts allowed are of equal obligation."

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

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

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

63 Further, it is admitted that some of the provisions of the Constitution do apply to Porto Rico and may be
64 invoked as limiting or restricting the authority of Congress, or for the protection of the people of that island.
65 And it is said that there is a clear distinction between such prohibitions "as go to the very root of the power of
66 Congress to act at all, irrespective of time or place, and such as are operative only 'throughout the United
67 States' or among the several States." In the enforcement of this suggestion it is said in one of the opinions just

1 delivered: "Thus, when the Constitution declares that 'no bill of attainder or ex post facto law shall be passed,'
2 and that 'no title of nobility shall be granted by the United States,' it goes to the competency of Congress to pass
3 a bill of that description." I cannot accept this reasoning as consistent with the Constitution or with sound rules
4 of interpretation. The express prohibition upon the passage by Congress of bills of attainder, or of ex post facto
5 laws, or the granting of titles of nobility, goes no more directly to the root of the power of Congress than does
6 the express prohibition against the imposition by Congress of any ³⁸⁴*³⁸⁴ duty, impost or excise that is not
7 uniform throughout the United States. **The opposite theory, I take leave to say, is quite as extraordinary as that**
8 **which assumes that Congress may exercise powers outside of the Constitution, and may, in its discretion,**
9 **legislate that instrument into or out of a domestic territory of the United States.**

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

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

63 We heard much in argument about the "expanding future of our country." It was said that the United States is to
64 become what is called a "world power;" and that if this Government intends to keep abreast of the times and be
65 equal to the great destiny that awaits the American people, it must be allowed to exert all the power that other
66 nations are accustomed to exercise. **My answer is, that the fathers never intended that the authority and**
67 **influence of this nation should be exerted otherwise than in accordance with the Constitution. If our**
68 **Government needs more power than is conferred upon it by the Constitution, that instrument provides the**

1 mode in which it may be amended and additional power thereby obtained. The People of the United States
2 who ordained the Constitution never supposed that a change could be made in our system of government
3 387*387 by mere judicial interpretation. They never contemplated any such juggling with the words of the
4 Constitution as would authorize the courts to hold that the words "throughout the United States," in the
5 taxing clause of the Constitution, do not embrace a domestic "territory of the United States" having a civil
6 government established by the authority of the United States. This is a distinction which I am unable to
7 make, and which I do not think ought to be made when we are endeavoring to ascertain the meaning of a
8 great instrument of government.

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

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

14 "In every government on earth is some trace of human weakness, some germ of corruption and degeneracy,
15 which cunning will discover, and wickedness insensibly open, cultivate and improve."

16 [Thomas Jefferson: Notes on Virginia Q.XIV, 1782. ME 2:207]

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

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

24 [...]

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

38 "The idea prevails with some — indeed, it found expression in arguments at the bar — that we have in this
39 country substantially or practically two national governments; one, to be maintained under the Constitution,
40 with all its restrictions; the other to be maintained by Congress outside and independently of that instrument,
41 by exercising such powers as other nations of the earth are accustomed to exercise." It is one thing to give
42 such a latitudinarian construction to the Constitution as will bring the exercise of power by Congress, upon a
43 particular occasion or upon a particular subject, within its provisions. It is quite a different thing to say that
44 Congress may, if it so elects, proceed outside of the Constitution. The glory of our American system 381*381
45 of government is that it was created by a written constitution which protects the people against the exercise of
46 arbitrary, unlimited power, and the limits of which instrument may not be passed by the government it
47 created, or by any branch of it, or even by the people who ordained it, except by amendment or change of its
48 provisions. "To what purpose," Chief Justice Marshall said in [Marbury v. Madison, 1 Cranch, 137,](#)
49 176,"are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at
50 any time, be passed by those intended to be restrained? The distinction between a government with limited
51 and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and
52 if acts prohibited and acts allowed are of equal obligation."

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

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

1. NO PART of the Constitution limits what the national government can do in a territory, including the prohibition against Titles of Nobility and even ex post facto laws.
2. As long as Congress is legislating for territories, it can do whatever it wants, including an income tax, just like every other nation of the earth. In fact, this is the source of all the authority for enacting the income tax to begin with.
3. If Congress wants to invade the states commercially and tax them, all it has to do is:
 - 3.1. Write such legislation ONLY for the territories and implement it as a franchise. Since all franchises are based on contract, then they can be enforced extraterritorially, including in a state. This is the basis for the Social Security Act of 1935, in fact.

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

Locus contractus regit actum.

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

[Bouvier's Maxims of Law, 1856;

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

"It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and that it does in fact constitute a contract when the requisite element of a consideration is present.²⁷ Conversely, a franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee.²⁸ "

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

For further details on the Social Security FRAUD, see:

Resignation of Compelled Social Security Trustee, Form #06.002

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

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

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

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

3.3.2. It ISN'T a franchise or excise.

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

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

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

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

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

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

3.5. Use propaganda and abusive regulation of the banking system and employers to turn banks and private companies in states of the Union into federal employment recruiters, in which you can't open an account or pursue

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

²⁸ *Pennsylvania R. Co. v. Bowers*, 124 Pa 183, 16 A 836.

1 “employment” without becoming a privileged and enfranchised public officer representing an
2 PUBLIC/GOVERNMENT office domiciled on federal territory and subject to the territorial law. See:

Federal and State Tax Withholding Options for Private Employers, Form #09.001
<http://sedm.org/Forms/FormIndex.htm>

3 3.6. Bribe CONSTITUTIONAL states with “commercial incentives” or subsidies if they in essence agree by compact
4 or agreement to act as federal territories and allow the income tax to be enforced within their borders. This is
5 done through DEBT and the Federal Reserve as well as the Agreements on Coordination of Tax Administration
6 (ACTA) between the national government and the states. Now obviously, they can only do that within
7 ENCLAVES within their external borders using the Public Salary Tax Act of 1939, but they will PRETEND for
8 the sake of filthy lucre that it applies EVERYWHERE in the state by:

9 3.6.1. Not defining the term “State” within their revenue codes.

10 3.6.2. Calling those who insist on these limits “frivolous” in court.

11 3.7. Engage in an ongoing propaganda campaign to discredit and persecute all those who expose and try to remedy the
12 above. This is done by making the government UNACCOUNTABLE for the truth or accuracy of ANYTHING it
13 says or does administratively. We have been a target of that campaign. See:

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

14 3.8. Legislatively create a conflict of interest in the judges administering the territorial franchise so that they will be
15 forced to apply it to the states of the Union.

16 3.9. Get the U.S. Supreme Court, through pressure on individual justices, to allow the financial and criminal conflict
17 of interest with judges to stand and expand.

18 3.10. Use the U.S. Supreme Court as a method to embargo challenges to the above illegalities by denying appeals. This
19 was done using the Certiorari Act of 1925 proposed by former President and Chief Justice William Howard Taft.
20 This was the same President who proposed the Sixteenth Amendment and FRAUDULENTLY got it passed by
21 lame duck Secretary of State Philander Knox.²⁹

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

25 1. Making judges into “taxpayers” started in 1918. This allowed them to become the target of political persecution by the
26 Bureau of Internal Revenue if they properly enforce and protect the civil status of parties.

27 1.1. This began first with the Revenue Act of 1918, 40 Stat. 1065, Section 213(a) and was declared unconstitutional.

28 1.2. The second attempt to make judges taxpayers occurred the Revenue Act of 1932, 47 Stat. 169 and this time it
29 stuck.

30 1.3. This conflict of interest is also documented in *Evans v. Gore*, 253 U.S. 245 (1920), *Miles v. Graham*, 268 U.S.
31 501 (1925), *O'Malley v. Woodrough*, 307 U.S. 277 (1939), and *U.S. v. Hatter*, 532 U.S. 557, 121 S.Ct. 1782,
32 (2001).

33 2. Judges have been allowed, illegally, to serve as BOTH franchise judges under Article IV of the Constitution and
34 CONSTITUTIONAL judges under Article III. When given a choice of the two, they will always pick the Article IV
35 franchise judge status, because it financially rewards them and unduly elevates their own importance and jurisdiction.

36 3. The IRS is allowed to financially reward judges and prosecutors for convicting those who do not consent to the identity
37 theft. See 26 U.S.C. §7623, Internal Revenue Manual (I.R.M.), Section 25.2.2.

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

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

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

²⁹ See: *The Law that Never Was*, William Benson. It documents the fraudulent ratification of the Sixteenth Amendment. See also *Great IRS Hoax*, Form #11.302, Section 6.6.1; <http://fanguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

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

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

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

20 **8.3 Federal Enclaves within the states have NO SEPARATION of powers**

21 Another very important point needs to be made about the ONLY place WHERE there is no separation of powers, which is
22 federal enclaves within states of the Union and the District of Columbia. Below is a definition of a federal enclave:

23 **Federal enclave**

24 *From Wikipedia, the free encyclopedia*

25 *In United States law, a "federal enclave" is a parcel of federal property within a [state](#) that is under the "Special*
26 *Maritime and Territorial Jurisdiction of the United States."^[1] As of 1960, the year of the latest comprehensive*
27 *inquiry,^[2] seven percent of federal property had enclave status, of which four percent (almost all in Alaska and*
28 *Hawaii) was under "concurrent" state jurisdiction. The remaining three percent, on which some state laws do*
29 *not apply, is scattered almost at random throughout the United States. In 1960, there were about 5,000*
30 *enclaves, with about one million people living on them.^[3] These numbers would undoubtedly be lower today*
31 *because many of these areas were [military bases that have been closed and transferred out of federal](#)*
32 *[ownership](#).*

33 *Since late 1950s, it has been an official federal policy that the states should have full [concurrent jurisdiction](#) on*
34 *all federal enclaves,^[4] an approach endorsed by legal experts.^[5]*

35 *[Wikipedia: Federal Enclave, Downloaded 3/19/2018;*
36 *https://en.wikipedia.org/wiki/Federal_enclave]*

37 38 FOOTNOTES:

39 *[1] 18 U.S.C. §7(3). See [United States Department of Justice Criminal Resource Manual § 1630](#)*

40 *[2] [Federal legislative jurisdiction: report](#). Washington, D.C.: Public Land Law Review Commission, Land and*
41 *Natural Resources Division, U.S. Dept. of Justice. 1969. Retrieved 3 November 2011.*

42 *[3] [Id.](#), at 146.*

43 *[3] U.S. REPORT OF THE INTERDEPARTMENTAL COMMITTEE FOR THE STUDY OF JURISDICTION*
44 *OVER FEDERAL AREAS WITHIN THE STATES, PART 1, THE FACTS AND COMMITTEE*
45 *RECOMMENDATIONS (1956) (hereafter "1956 REPORT") at 70.*

[4] Roger W. Haines, Jr., *FEDERAL ENCLAVE LAW* (Atlasbooks.com 2011) at 9, 213; Stephen E. Castlen and Gregory O. Block, *Exclusive Federal Legislative Jurisdiction: Get Rid of It!*, 154 *MIL. L. REV.* 113 (1997); David E. Engdahl, *State and Federal Power over Federal Property*, 18 *ARIZ. L. REV.* 283, 336, n.228 (1976) ("No extensive patchwork of nationalized acreages created here and there out of the territory of the states, even with state consent, could have been intended.").

The document mentioned in Footnote 3 above is found on our website as *Jurisdiction Over Federal Areas Within the States*, Form #11.203. "Special Maritime and Territorial Jurisdiction of the United States" mentioned above is then discussed in the following authorities online:

1. *Criminal Resource Manual*, Section 663: Special Maritime and Territorial Jurisdiction, U.S. Department of Justice <https://www.justice.gov/usam/criminal-resource-manual-663-special-maritime-and-territorial-jurisdiction>
2. *U.S. Attorneys' Manual*, Section 9-20.000-Maritime, Territorial and Indian Jurisdiction, U.S. Department of Justice <https://www.justice.gov/usam/usam-9-20000-maritime-territorial-and-indian-jurisdiction>

Federal areas have no separation of powers as revealed by the following court cites:

The Constitution grants Congress the authority over federal enclaves, by providing that Congress has the power to exercise exclusive Legislation in all Cases whatsoever, over [the District of Columbia], and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for Erection of Forts ... and other needful Buildings.

U.S. Const. art. I, § 8, cl. 17. The Congressional power under clause 17 is plenary. See Palmore v. United States, 411 U.S. 389, 397, 93 S.Ct. 1670, 1676, 36 L.Ed.2d 342 (1973). When Congress legislates with respect to the District of Columbia and federal enclaves it acts as a state government with all the powers of a state government. See id.; Paul v. United States, 371 U.S. 245, 263, 83 S.Ct. 426, 437, 9 L.Ed.2d 292 (1963).

In Palmore, 411 U.S. 389, 93 S.Ct. 1670, 36 L.Ed.2d 342 (1973), the Supreme Court considered "whether a defendant charged with a felony under the District of Columbia Code may be tried by a judge who does not have protection with respect to tenure and salary under Art. III of the Constitution." Id. at 390, 93 S.Ct. at 1672. The Court held that under clause 17 Congress could provide that such a defendant be tried before a non-Article III judge. Id. at 390-91, 93 S.Ct. at 1672-73.

*Because clause 17 does not distinguish between the District of Columbia and other federal enclaves, we find Palmore 1326*1326 indistinguishable from the instant case and controlling. See Paul v. United States, 371 U.S. at 263, 83 S.Ct. at 437 ("The power of Congress over federal enclaves that come within the scope of Art. I, § 8, cl. 17, is obviously the same as the power of Congress over the District of Columbia"). In addition, the reasoning of Palmore is fully applicable here. Under clause 17 Congress acts as a state government with total legislative, executive and judicial power. Palmore, 411 U.S. at 397, 93 S.Ct. at 1676; see Marathon Pipe Line Co., 102 S.Ct. at 2873-74 (discussing the rationale of Palmore). The Constitution does not require that all federal criminal law be enforced before Article III courts. Palmore, 411 U.S. at 400, 93 S.Ct. at 1677; see Swain v. Pressley, 430 U.S. 372, 382-83, 97 S.Ct. 1224, 1230-31, 51 L.Ed.2d 411 (1977). Thus, the requirements of Article III are consistent with the establishment by Congress of non-Article III courts to enforce federal criminal laws in special geographic areas where, pursuant to clause 17, it functions as a state government. Palmore, 411 U.S. at 407-08, 93 S.Ct. at 1681-82; see Marathon Pipe Line Co., 102 S.Ct. at 2874 (emphasizing Congress's unique power under Art. I, § 8, cl. 17, to legislate in certain geographic areas).*

Under the rationale and holding of Palmore, we conclude that the Constitution does not require that a defendant charged with violation of a criminal statute enacted pursuant to Congress's power under clause 17 be tried before an Article III judge. Thus, Jenkins's Article III objection to his trial by magistrate fails. [United States v. Jenkins 734 F.2d 1322, 1325-1326 (9th Cir. 1983)]

It is federal enclaves ONLY, for instance, that state income taxes apply under the Buck Act, 4 U.S.C. §§105-113.

TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
CHAPTER 4 - THE STATES
Sec. 110. Same; definitions

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

1 An example of Special Maritime Jurisdiction within federal enclaves is the U.S. Tax Court, which is an Article I court that
2 can preside ONLY over taxes collected in federal enclaves and NOT within the general or exclusive jurisdiction of
3 Constitutional states:

4 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 76](#) > [Subchapter C](#) > [PART I](#) > § 7441
5 [§ 7441. Status](#)

6 *There is hereby established, under **article I of the Constitution of the United States**, a court of record to be*
7 *known as the United States Tax Court. The members of the Tax Court shall be the chief judge and the judges of*
8 *the Tax Court.*

9 _____
10 *“But when Congress creates a statutory right [a “privilege” in this case, such as a “trade or business”], it*
11 *clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or*
12 *prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before*
13 *particularized tribunals created to perform the specialized adjudicative tasks related to that right.”*
14 [[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 \(1983\)](#)]

15 In order to collect an income tax upon state nationals, states of the Union must therefore in effect kidnap your legal identity
16 and transport it to a federal enclave within your state. The process for effecting such CRIMINAL identity theft is described
17 in detail in the memorandum of law below:

[Government Identity Theft](#), Form #05.046
<https://sedm.org/Forms/FormIndex.htm>

18 The U.S. Tax Court SCAM in which criminal identity theft is used to enforce federal territorial law extraterritorially within
19 states of the Union is further described in:

[The Tax Court Scam](#), Form #05.039
<https://sedm.org/Forms/FormIndex.htm>

20 To give you an example of how this process of theft and deception works in California, the California Revenue and
21 Taxation Code imposes the personal income tax within the “**State of** California”, which is then defined in California
22 Revenue and Taxation Code, §17018 as follows:

23 *California Revenue and Taxation Code*
24 *Division 2: Other Taxes*
25 *Part 10: Personal Income Tax*

26 *17018. "State" includes the District of Columbia, and the possessions of the United States.*

27 Similar provisions apply to the state sales tax:

28 *California Revenue and Taxation Code*
29 *Division 2: Other Taxes*
30 *Part 1: Sales and Use Taxes*

31 *6017. "In this State" or "in the State" means within the exterior limits of the State of California and includes all*
32 *territory within these limits owned by or ceded to the United States of America.*

33 The state income tax SCAM such as the above, is further described in:

[State Income Taxes](#), Form #05.031
<https://sedm.org/Forms/FormIndex.htm>

34 Federal enclaves are also the only place that most state franchises apply, such as driver licensing. As a general rule,
35 whenever any government seeks to regulate any field, they must do so with voluntary civil franchises implemented with
36 offices domiciled within federal enclaves. The office of “driver” under the vehicle code of your state is a prime example of
37 such an office.

1 There are many reasons why federal enclaves are the only place they can offer or enforce government franchises at
2 EITHER the national or state level. Those reasons include the following:

- 3 1. Under the separation of powers doctrine, state and federal jurisdictions cannot overlap except for VERY few subject
4 matters. Hence, you cannot simultaneously be subject to both state and federal civil jurisdiction.
 - 5 1.1. This restriction is enforce mainly through Federal Rule of Civil Procedure 17, which states that domicile is the
6 origin of civil jurisdiction. Since you can only have a domicile in ONE place at a time, you can only be subject to
7 the civil laws of EITHER the national government or the state government, but not both at the same time.
 - 8 1.2. There is only ONE place where state and national government enjoy CONCURRENT or SIMULTANEOUS civil
9 and/or criminal jurisdiction, which is within federal enclaves under the Assimilated Crimes Act, 18 U.S.C. §13
10 and the Buck Act, 4 U.S.C. §104-113. This is why if you think you owe an income tax to BOTH the national and
11 the state governments at the same time, then you MUST be acting AS IF you physically within a federal enclave,
12 even if you are not in fact physically there.
- 13 2. The Constitution forbids the President to join or divide states, or to create states WITHIN states. Hence, federal
14 enclaves CANNOT become “States” in a Constitutional sense but can become possessions or territories akin to federal
15 corporations.

16 *U.S. Constitution, Article IV, Section 3*

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

20 Incidentally, the “consent of the legislatures” indicated above is implemented in the tax codes of most of the states,
21 because their income taxes apply in effect to federal corporations within their state domiciled within federal enclaves.

- 22 3. Constitutional rights attach to physical LAND within a constitutional state. They DO NOT attach to the CIVIL
23 STATUS of the people ON the land.

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

- 27 4. Constitutional rights are UNALIENABLE, which means that you are INCAPABLE of legally surrendering them, even
28 with your express consent.

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

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

- 36 5. The only place where UNALIENABLE Constitutional rights DO NOT exist is:
 - 37 5.1. Abroad.
 - 38 5.2. Within federal enclaves within the states.
 - 39 5.3. Within the District of Columbia.

40 We discuss the above in the following course:

Unalienable Rights Course, Form #12.038
<https://sedm.org/Forms/FormIndex.htm>

- 41 6. Congress knows that they cannot offer any program or franchise within a constitutional state that would cause you to
42 alienate your unalienable rights. Therefore, the ONLY practical way they can get you to surrender your rights is to
43 effect one of the following two methods of criminal identity theft:
 - 44 6.1. To get you to change your normal physical location in a constitutional state to a place not protected by the
45 constitution, such as while you are working. This occurs, for instance, with Congressmen or federal statutory
46 “employees” who work in the District of Columbia but commute daily from places OUTSIDE the “Beltway”. The
47 taxability of these people is described in District of Columbia v. Murphy, 314 U.S. 441 (1941).
 - 48 6.2. To confuse the context of geographical words of art used on government forms. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

6.3. To misrepresent your physical location on a government forms or through a false third party reports such as information returns as being within federal territory.

Avoiding Traps in Government Forms Course, Form #12.023

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

6.4. To deceive you into applying for franchises available only to people present or domiciled on federal territory. See:

Government Instituted Slavery Using Franchises, Form #05.030

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

The main method of implementing the criminal identity theft and surrender of ignorant constitutional rights is therefore to deceive you into applying for or participating in government franchises that place your physical location within federal enclaves or what the Wikipedia article called “Special Maritime and Territorial Jurisdiction of the United States”. This is the MAIN technique by which you become a government slave and serf and subject your self usually unknowingly and unconstitutionally to a totalitarian national government under its exclusive territorial jurisdiction.

For a fascinating read of just how complicated the overlap of state and federal jurisdiction can get within federal enclaves, read the following:

Wikipedia: Federal Enclave

https://en.wikipedia.org/wiki/Federal_enclave

8.4 Corporatization and Enfranchisement of the Government: Destruction of the Separation between what is “public” and what is “private”³⁰

“Governments never do anything by accident; if government does something you can bet it was carefully planned.”

[Franklin D. Roosevelt, President of the United States]

Franchises are the main method by which:

1. The separation between what is “public” and what is “private” is destroyed.
2. Socialism is introduced into a republican form of government.
3. The sovereignty of people in the states of the Union are destroyed.

The gravely injurious effects of participating in government franchises include the following.

1. Those who participate become domiciliaries of the federal zone, “U.S. persons”, and “resident aliens” in respect to the federal government.
2. Those who participate become “trustees” of the “public trust” and “public officers” of the federal government and suffer great legal disability as a consequence:

“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. ³¹ 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. ³² That is, a public officer occupies a fiduciary relationship

³⁰ Adapted from Section 14 of:

Government Instituted Slavery Using Franchises, Form #05.030;

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

³¹ 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.

³² 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.

1 to the political entity on whose behalf he or she serves. 33 and owes a fiduciary duty to the public. 34 It has
2 been said that the fiduciary responsibilities of a public officer cannot be less than those of a private
3 individual. 35 Furthermore, it has been stated that any enterprise undertaken by the public official which
4 tends to weaken public confidence and undermine the sense of security for individual rights is against public
5 policy.³⁶
6 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

- 7 3. Those who participate are stripped of ALL of their constitutional rights and waive their Constitutional right not to be
8 subjected to penalties and other “bills of attainder” administered by the Legislative Branch without court trials. They
9 then must function the degrading treatment of filling the role of a federal “public employee” subject to the supervision
10 of their servants in the government.

11 “The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the
12 regulator of private conduct, are not the same as the restrictions that it places upon the government in its
13 capacity as employer. We have recognized this in many contexts, with respect to many different constitutional
14 guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. *Kelley v.*
15 *Johnson*, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable
16 cause, but in many circumstances government employees can. *O’Connor v. Ortega*, 480 U.S. 709, 723 (1987)
17 (plurality opinion); *id.*, at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for
18 refusing to provide the government information that may incriminate them, but government employees can be
19 dismissed when the incriminating information that they refuse to provide relates to the performance of their job.
20 *Gardner v. Broderick*, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of
21 speech in particular: Private citizens cannot be punished for speech of merely private concern, but government
22 employees can be fired for that reason. *Connick v. Myers*, 461 U.S. 138, 147 (1983). Private citizens cannot be
23 punished for partisan political activity, but federal and state employees can be dismissed and otherwise
24 punished for that reason. *Public Workers v. Mitchell*, 330 U.S. 75, 101 (1947); *Civil Service Comm’n v. Letter*
25 *Carriers*, 413 U.S. 548, 556 (1973); *Broadrick v. Oklahoma*, 413 U.S. 601, 616 -617 (1973).”
26 [*Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990)]

- 27 4. Those who participate may lawfully be deprived of equal protection of the law, which is the foundation of the U.S.
28 Constitution. This deprivation of equal protection can lawfully become a provision of the franchise agreement.
29 5. Those who participate can lawfully be deprived of remedy for abuses in federal courts.

30 “These general rules are well settled: (1) That the United States, when it creates rights in individuals against
31 itself [a “public right”, which is a euphemism for a “franchise” to help the court disguise the nature of the
32 transaction], is under no obligation to provide a remedy through the courts. *United States ex rel. Dunlap v.*
33 *Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v.*
34 *United States*, 7 Wall. 188, 195, 19 L.Ed. 35; *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700;
35 *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special
36 remedy, that remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35
37 *Sup.Ct.* 398, 59 L.Ed. 520, *Ann.Cas.* 1916A, 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed.
38 920; *Barnet v. National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers’ & Mechanics’ National Bank v.*
39 *Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might
40 not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by
41 the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the
42 denial of compensation was rested wholly upon the construction of the act. See *Medbury v. United States*, 173
43 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936;
44 *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin (No. 200)*, 249
45 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919. But here Congress has provided:
46 [*U.S. v. Babcock*, 250 U.S. 328, 39 S.Ct. 464 (1919)]

- 47 6. Those who participate can be directed which federal courts they may litigate in and can lawfully be deprived of a
48 Constitutional Article III judge or Article III court and forced to seek remedy ONLY in an Article I or Article IV
49 legislative or administrative tribunal within the Legislative rather than Judicial branch of the government.

³³ *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.

³⁴ *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).

³⁵ *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.

³⁶ *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 Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other
2 rights, such a distinction underlies in part Crowell's and Raddatz' recognition of a critical difference between
3 rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems
4 to us to be necessary in light of the delicate accommodations required by the principle of separation of powers
5 reflected in Art. III. The constitutional system of checks and balances is designed to guard against
6 "encroachment or aggrandizement" by Congress at the expense of the other branches of government. [Buckley](#)
7 [v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683.](#) But when Congress creates a statutory right [a "privilege" in this
8 case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions,
9 or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that
10 right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to
11 that right.FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental
12 to Congress' power to define the right that it has created. No comparable justification exists, however, when the
13 right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions
14 that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions
15 of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted
16 encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.
17 [*Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]

18 Since the founding of our country, franchises have systematically been employed in every area of government to transform
19 a government based on equal protection into a for-profit private corporation based on privilege, partiality, and favoritism.
20 The effects of this form of corruption are exhaustively described in the following memorandum of law on our website:

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

21 What are the mechanisms by which this corruption has been implemented by the Executive Branch? This section will
22 detail the main mechanisms to sensitize you to how to fix the problem and will relate how it was implemented by exploiting
23 the separation of powers doctrine.

24 The foundation of the separation of powers is the notion that the powers delegated to one branch of government by the
25 Constitution cannot be relegated to another branch.

26 ". . . a power definitely assigned by the Constitution to one department can neither be surrendered nor
27 delegated by that department, nor vested by statute in another department or agency. Compare *Springer v.*
28 *Philippine Islands*, 277 U.S. 189, 201, 202, 48 S.Ct. 480, 72 L.Ed. 845."
29 [*Williams v. U.S.*, 289 U.S. 553, 53 S.Ct. 751 (1933)]

30 Keenly aware of the above limitation, lawmakers over the years have used it to their advantage in creating a tax system that
31 is exempt from any kind of judicial interference and which completely destroys all separation of powers. Below is a
32 summary of the mechanism, in the exact sequence it was executed at the federal level:

- 33 1. Create a franchise based upon a "public office" in the Executive or Legislative Branch. This:
 - 34 1.1. Allows statutes passed by Congress to be directly enforced against those who participate.
 - 35 1.2. Eliminates the need for publication in the Federal Register of enforcement implementing regulations for the
36 statutes. See [5 U.S.C. §553\(a\)](#) and [44 U.S.C. §1505\(a\)\(1\)](#).
 - 37 1.3. Causes those engaged in the franchise to act in a representative capacity as "public officers" of the United States
38 government pursuant to Federal Rule of Civil Procedure 17(b), which is defined in [28 U.S.C. §3002\(15\)\(A\)](#) as a
39 federal corporation.
 - 40 1.4. Causes all those engaged in the franchise to become "officers of a corporation", which is the United States,
41 pursuant to [26 U.S.C. §6671\(b\)](#) and [26 U.S.C. §7343](#).
- 42 2. Give the franchise a deceptive "word of art" name that will deceive everyone into believing that they are engaged in it.
 - 43 2.1. The franchise is called a "trade or business" and is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as "the functions of a public
44 office". How many people know this and do they teach this in the public (government) schools or the IRS
45 publications? NOT!
 - 46 2.2. Earnings connected with the franchise are called "effectively connected with a trade or business in the United
47 States". The term "United States" deceptively means the GOVERNMENT, and not the geographical United
48 States.
- 49 3. In the franchise agreement, define the effective domicile or choice of law of all those who participate as being on
50 federal territory within the exclusive jurisdiction of the United States. [26 U.S.C. §7408\(d\)](#) and [26 U.S.C. §7701\(a\)\(39\)](#)
51 place the effective domicile of all "franchisees" called "taxpayers" within the District of Columbia. If the feds really

had jurisdiction within states of the Union, do you think they would need this devious device to “kidnap your legal identity” or “res” and move it to a foreign jurisdiction where you don’t physically live?

4. Place a excise tax upon the franchise proportional to the income earned from the franchise. In the case of the Internal Revenue Code, all such income is described as income which is “effectively connected with a trade or business within the United States”.

“Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon licenses to pursue certain occupations and upon corporate privileges...the requirement to pay such taxes involves the exercise of [220 U.S. 107, 152] privileges, and the element of absolute and unavoidable demand is lacking...

...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the right to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the measure of taxation is found in the income produced in part from property which of itself considered is nontaxable...

Conceding the power of Congress to tax the business activities of private corporations.. the tax must be measured by some standard...”
[*Flint v. Stone Tracy Co., 220 U.S. 107 (1911)*]

5. Mandate that those engaged in the franchise must have usually false evidence submitted by ignorant third parties that connects them to the franchise. IRS information returns, including IRS Forms W-2, 1042-S, 1098, and 1099, are the mechanism. 26 U.S.C. §6041 says that these information returns may ONLY be filed in connection with a “trade or business”, which is a code word for the name of the franchise.
6. Write statutes prohibiting interference by the courts with the collection of “taxes” (kickbacks) associated with the franchise based on the idea that courts in the Judicial Branch may not interfere with the internal affairs of another branch such as the Legislative Branch. Hence, the “INTERNAL Revenue Service”. This will protect the franchise from interference by other branches of the government and ensure that it relentlessly expands.
- 6.1. The Anti-Injunction Act, 26 U.S.C. §7421 is an example of an act that enjoins judicial interference with tax collection or assessment.
- 6.2. The Declaratory Judgments Act, 28 U.S.C. §2201(a) prohibits federal courts from pronouncing the rights or status of persons in regard to federal “taxes”. This has the effect of gagging the courts from telling the truth about the nature of the federal income tax.
- 6.3. The word “internal” means INTERNAL to the Legislative Branch and the United States government, not INTERNAL to the geographical United States of America.
7. Create administrative “franchise” courts in the Legislative Branch which administer the program pursuant to Articles I and IV of the United States Constitution.
- 7.1. U.S. Tax Court. 26 U.S.C. §7441 identifies the U.S. Tax Court as an Article I court.
- 7.2. U.S. District Courts. There is no statute establishing any United States District Court as an Article III court. Consequently, even if the judges are Article III judges, they are not filling an Article III office and instead are filling an Article IV office. Consequently, they are Article IV judges. All of these courts were turned into franchise courts in the Judicial Code of 1911 by being renamed from the “District Court of the United States” to the “United States District Court”.

For details on the above scam, see:

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

8. Create other attractive federal franchises that piggyback in their agreements a requirement to participate in the franchise. For instance, the original Social Security Act of 1935 contains a provision that those who sign up for this program, also simultaneously become subject to the Internal Revenue Code.

Section 8 of the Social Security Act
INCOME TAX ON EMPLOYEES

SECTION 801. In addition to other taxes, there shall be levied, collected, and paid upon the income of every individual a tax equal to the following percentages of the wages (as defined in section 811) received by him after December 31, 1936, with respect to employment (as defined in section 811) after such date:

- (1) With respect to employment during the calendar years 1937, 1938, and 1939, the rate shall be 1 per centum.
(2) With respect to employment during the calendar years 1940, 1941, and 1942, the rate shall be 1 1/2 per centum.
(3) With respect to employment during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.
(4) With respect to employment during the calendar years 1946, 1947, and 1948, the rate shall be 2 1/2 per centum.

(5) With respect to employment after December 31, 1948, the rate shall be 3 per centum.

9. Offer an opportunity for private citizens not domiciled within the jurisdiction of Congress to “volunteer” by license or private agreement to participate in the franchise and thereby become “public officers” within the Legislative Branch. The W-4 and Social Security SS-5 is an example of such a contract.
- 9.1. Call these volunteers “taxpayers”.
- 9.2. Call EVERYONE “taxpayers” so everyone believes that the franchise is MANDATORY.
- 9.3. Do not even acknowledge the existence of those who do not participate in the franchise. These people are called “nontaxpayers” and they are not mentioned in any IRS publication.
- 9.4. Make the process of signing the agreement invisible by calling it a “Withholding Allowance Certificate” instead of what it really is, which is a “license” to become a “taxpayer” and call all of your earnings “wages” and “gross income”.

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

(a) In general.

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

Title 26: Internal Revenue

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

Subpart E—Collection of Income Tax at Source

§31.3402(p)-1 Voluntary withholding agreements.

(a) In general.

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

10. Create a commissioner to service the franchise who becomes the “fall guy”, who then establishes a “bureau” without the authority of any law and which is a private corporation that is not part of the U.S. government.

53 Stat. 489

Revenue Act of 1939, 53 Stat. 489

Chapter 43: Internal Revenue Agents

Section 4000 Appointment

The Commissioner may, whenever in his judgment the necessities of the service so require, employ competent agents, who shall be known and designated as internal revenue agents, and, except as provided for in this title, no general or special agent or inspector of the Treasury Department in connection with internal revenue, by whatever designation he may be known, shall be appointed, commissioned, or employed.

The above means that everyone who works for the Internal Revenue Service is private contractor not appointed, commissioned, or employed by anyone in the government. They operation on commission and their pay derives from the amount of plunder they steal. See also:

Department of Justice Admits under Penalty of Perjury that the IRS is Not an Agency of the Federal Government.

Family Guardian Fellowship

<http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

11. Create an environment that encourages irresponsibility, lies, and dishonesty within the bureau that administers the franchise.

11.1. Indemnify these private contractors from liability by giving them “pseudonyms” so that they can disguise their identify and be indemnified from liability for their criminal acts. The IRS Restructuring and Reform Act,

1 Pub.Law 105-206, Title III, Section 3706, 112 Stat. 778 and Internal Revenue Manual (I.R.M.), Section 1.2.4
2 both authorize these pseudonyms.

- 3 11.2. Place a disclaimer on the website of this private THIEF contractor indemnifying them from liability for the
4 truthfulness or accuracy of any of their statements or publications. See Internal Revenue Manual (I.R.M.),
5 Section 4.10.7.2.8.

6 *"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their*
7 *advisors... While a good source of general information, publications should not be cited to sustain a position."*
8 [[Internal Revenue Manual \(I.R.M.\), Section 4.10.7.2.8 \(05-14-1999\)](#)]

- 9 11.3. Omit the most important key facts and information from publications of the franchise administrator that would
10 expose the proper application of the "tax" and the proper audience. See the following, which is over 2000 pages
11 of information that are conveniently "omitted" from the IRS website about the proper application of the franchise
12 and its nature as a "franchise":

Great IRS Hoax, Form #11.302

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

- 13 11.4. Establish precedent in federal courts that you can't trust anything that anyone in the government tells you, and
14 especially those who administer the franchise. See:

<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

- 15 12. Use the lies and deceptions created in the previous step to promote several false perceptions in the public at large that
16 will expand the market for the franchise. These include:

17 12.1. That the franchise is NOT a franchise, but a mandatory requirement that applies to ALL.

18 12.2. That participation is mandatory for ALL, instead of only for franchisees called "taxpayers".

19 12.3. That the IRS is an "agency" of the United States government that has authority to interact directly with the public
20 at large. In fact, it is a "bureau" that can ONLY lawfully service the needs of other federal agencies within the
21 Legislative Branch and which may NOT interface directly with the public at large.

22 12.4. That the statutes implementing the franchise are "public law" that applies to everyone, instead of "private law"
23 that only applies to those who individually consent to participate in the franchise.

- 24 13. Create a system to service those who prepare tax returns for others whereby those who accept being "licensed" and
25 regulated get special favors. This system created by the IRS essentially punishes those who do not participate by
26 giving the horrible service and making them suffer inconvenience and waiting long in line if they don't accept the
27 "privilege" of being certified. Once they are certified, if they begin telling people the truth about what the law says and
28 encourage following the law by refusing to volunteer, their credentials are pulled. This sort of censorship is
29 accomplished through:

30 13.1. IRS Enrolled Agent Program.

31 13.2. Certified Public Accountant (CPA) licensing.

32 13.3. Treasury Circular 230.

- 33 14. Engage in a pattern of "selective enforcement" and propaganda to broaden and expand the scam. For instance:

34 14.1. Refuse to answer simple questions about the proper application of the franchise and the taxes associated with it.
35 See:

If the IRS Were Selling Used Cars, Family Guardian Fellowship

<http://famguardian.org/Subjects/Taxes/FalseRhetoric/IRSSellingCars.htm>

36 14.2. Prosecute those who submit false TAX returns, but not those who submit false INFORMATION returns. This
37 causes the audience of "taxpayers" to expand because false reports are connecting innocent third parties to
38 franchises that they are not in fact engaged in.

39 14.3. Use confusion over the rules of statutory construction and the word "includes" to fool people into believing that
40 those who are "included" in the franchise are not spelled out in the law in their entirety. This leaves undue
41 discretion in the hands of IRS employees to compel ignorant "nontaxpayers" to become franchisees. See the
42 following:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

43 14.4. Refuse to define the words used on government forms, use terms that are not defined in the code such as "U.S.
44 citizen", and try to confuse "words of art" found in the law with common terms in order to use the presumptuous
45 behavior of the average American to expand the misperception that everyone has a legal DUTY to become a
46 "franchisee" and a "taxpayer".

47 14.5. Refuse to accept corrected information returns that might protect innocent "nontaxpayers" so that they are
48 inducted involuntarily into the franchise as well.
49

1 The above process is WICKED in the most extreme way. It describes EXACTLY how our public servants have made
2 themselves into our masters and systematically replaced every one of our rights with “privileges” and franchises. The
3 Constitutional prohibition against this sort of corruption are described as follows by the courts:

4 *“It would be a palpable incongruity to strike down an act of state legislation which, by words of express*
5 *divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by*
6 *which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable*
7 *privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that,*
8 *as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it*
9 *sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it*
10 *may not impose conditions which require the relinquishment of Constitutional rights. If the state may compel*
11 *the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender*
12 *of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be*
13 *manipulated out of existence.”*
14 *[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]*

15 *“A right common in every citizen such as the right to own property or to engage in business of a character not*
16 *requiring regulation CANNOT, however, be taxed as a special franchise by first prohibiting its exercise and*
17 *then permitting its enjoyment upon the payment of a certain sum of money.”*
18 *[Stevens v. State, 2 Ark. 291; 35 Am. Dec. 72, Spring Val. Water Works v. Barber, 99 Cal. 36, 33 Pac. 735, 21*
19 *L.R.A. 416. Note 57 L.R.A. 416]*

20 *“The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is*
21 *an artificial entity which owes its existence and charter power to the State, but the individual’s right to live and*
22 *own property are natural rights for the enjoyment of which an excise cannot be imposed.”*
23 *[Redfield v. Fisher, 292 Oregon 814, 817]*

24 *“Legislature...cannot name something to be a taxable privilege unless it is first a privilege.” [Taxation West*
25 *Key 43]...“The Right to receive income or earnings is a right belonging to every person and realization and*
26 *receipt of income is therefore not a ‘privilege’, that can be taxed.”*
27 *[Jack Cole Co. v. MacFarland, 337 S.E.2d. 453, Tenn.*

28 Through the above process of corruption, the separation of powers is completely destroyed and nearly every American has
29 essentially been “assimilated” into the Legislative Branch of the government, leaving the Constitutional Republic
30 bequeathed to us by our founding fathers vacant and abandoned. Nearly every service that we expect from government has
31 been systematically converted over the years into a franchise using the techniques described above. The political and legal
32 changes resulting from the above have been tabulated to show the “BEFORE” and the “AFTER” so their extremely harmful
33 effects become crystal clear in your mind. This process of corruption, by the way, is not unique to the United States, but is
34 found in every major industrialized country on earth.
35

Table 7: Effect of turning government service into a franchise

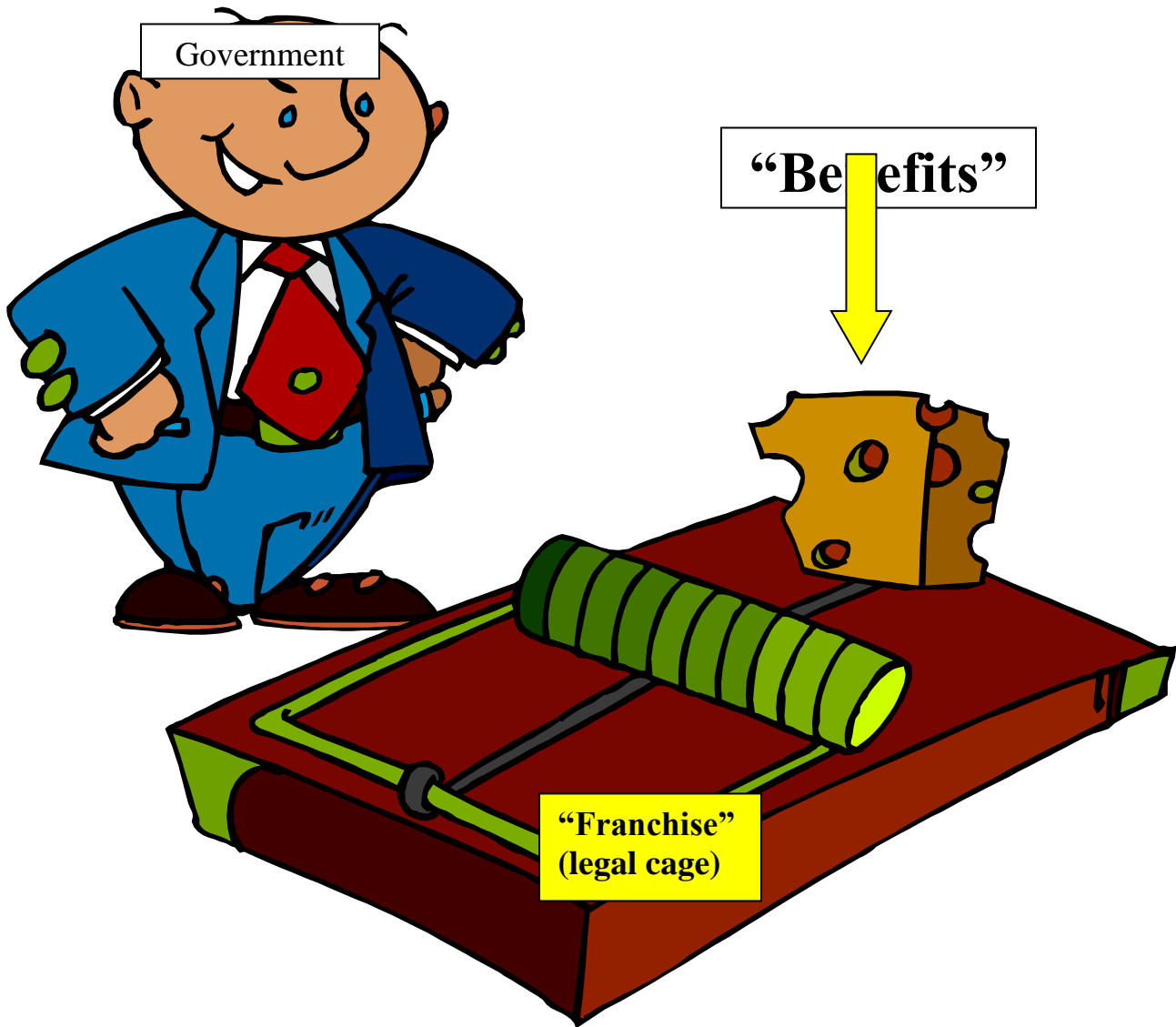
#	Characteristic	DE JURE CONSTITUTIONAL GOVERNMENT	DE FACTO GOVERNMENT BASED ENTIRELY ON FRANCHISES
1	Purpose of government	Protection	Provide “social services” and “social insurance” to government “employees” and officers
2	Nature of government	Public trust Charitable trust	For-profit private corporation (see 28 U.S.C. §3002(15)(A))
3	Citizens	The Sovereigns Constitutional but not Statutory Citizens	1. “Employees” or “officers” of the government 2. “Trustees” of the “public trust” 3. “customers” of the corporation 4. Statutory “U.S. citizens” pursuant to 8 U.S.C. §1401
4	Effective domicile of citizens	Sovereign state of the Union	Federal territory and the District of Columbia
5	Purpose of tax system	Fund “protection”	1. Socialism. 2. Political favors. 3. Wealth redistribution 4. Consolidation of power and control (corporate fascism)
6	Equal protection	Mandatory	Optional
7	Nature of courts	Constitutional Article III courts in the Judicial Branch	Administrative or “franchise” courts within the Legislative Branch
8	Branches within the government	Executive Legislative Judicial	Executive Legislative (Judiciary merged with Legislative. See Judicial Code of 1911)
9	Purpose of legal profession	Protect individual rights	1. Protect collective (government) rights. 2. Protect and expand the government monopoly. 3. Discourage reforms by making litigation so expensive that it is beyond the reach of the average citizen. 4. Persecute dissent.
10	Lawyers are	Unlicensed	Privileged and licensed and therefore subject to control and censorship by the government.
11	Votes in elections cast by	“Electors”	“Franchisees” called “registered voters” who are surety for bond measures on the ballot. That means they are subject to a “poll tax”.
12	Driving is	A common right	A licensed “privilege”
13	Marriage is	A common right	A licensed “privilege”
14	Purpose of the military	Protect the sovereign citizens No draft within states of the Union is lawful. See Federalist Paper #15	1. Expand the corporate monopoly internationally 2. Protect public servants from the angry populace who want to end the tyranny.

#	Characteristic	DE JURE CONSTITUTIONAL GOVERNMENT	DE FACTO GOVERNMENT BASED ENTIRELY ON FRANCHISES
15	Money is	1. Based on gold and silver. 2. Issued pursuant to Article 1, Section 8. Clause 5.	1. A corporate bond or obligation borrowed from the Federal Reserve at interest. 2. Issued pursuant to Article 1, Section 8. Clause 2.
16	Property of citizens is	Private and allodial	All property is donated to a “public use” and connected with a “public office” to procure the benefits of a franchise
17	Ownership of real property is	Legal	Equitable. The government owns the land, and you rent it from them using property taxes.
18	Purpose of sex	Procreation	Recreation
19	Responsibility	The individual sovereign is responsible for all his actions and choices.	The collective social insurance company is responsible. Personal responsibility is outlawed.

1 If you would like to know more about the subjects discussed in this section, please refer to the following free
2 memorandums of law on our website focused exclusively on this subject:

- 3 1. *Corporatization and Privatization of the Government*, Form #05.024
4 <http://sedm.org/Forms/FormIndex.htm>
5 2. *Government Instituted Slavery Using Franchises*, Form #05.030
6 <http://sedm.org/Forms/FormIndex.htm>

1 **9 Government Franchises: main vehicle for destroying the separation of powers**



2

3 Government franchises are the main method used by covetous public servants to destroy your PRIVATE rights and/or
4 convert your private rights to public rights against your will, undermine your sovereignty, and destroy equal protection by
5 making themselves superior to you. However, they cannot injure you without your consent to participate, which you
6 should not give. The following subsections describe the basic aspects of franchises that you need to know about.

7 The courts call "franchises" by various pseudo names to disguise the nature of the inferior relation to the government of
8 "franchisees", such as "public right" or "privilege". Franchises include:

9 1. A public office:

10 *"Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective*
11 *franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more*
12 *individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our*
13 *laws."*

14 *[People v. Ridgley, 21 Ill. 65, 1859 W.L. 6687, 11 Peck 65 (Ill., 1859)]*

15 2. All federal and state income taxes. See:

The "Trade or Business" Scam, Form #05.001

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

3. **Domicile** in the forum state, which causes one to end up being one of the following:
 - 3.1. Statutory "U.S. citizen" pursuant to [8 U.S.C. §1401](#) if a domestic national.
 - 3.2. Statutory "Permanent resident" pursuant to [26 U.S.C. §7701\(b\)\(1\)\(A\)](#) if a foreign national.
4. Becoming a notary public. This makes the applicant into a "public official" commissioned by the state government.

Chapter 1

Introduction

§1.1 Generally

***A notary public (sometimes called a notary) is a public official appointed under authority of law** with power, among other things, to administer oaths, certify affidavits, take acknowledgments, take depositions, perpetuate testimony, and protect negotiable instruments. Notaries are not appointed under federal law; they are appointed under the authority of the various states, districts, territories, as in the case of the Virgin Islands, and the commonwealth, in the case of Puerto Rico. The statutes, which define the powers and duties of a notary public, frequently grant the notary the authority to do all acts justified by commercial usage and the "law merchant".*

[Anderson's Manual for Notaries Public, Ninth Edition, 2001, ISBN 1-58360-357-3]

5. Becoming a registered "voter" rather than an "elector".
6. Serving as a jurist. [18 U.S.C. §201\(a\)\(1\)](#) says that all persons serving as federal jurists are "public officials".
7. [Internal Revenue Code §501\(c\)\(3\)](#) status for churches. Churches that register under this program become government "trustees" and "public officials" that are part of the government. Is THIS what you call "separation of church and state"? See:

Taxation of Churches and ChurchGoers, Family Guardian Website, Spirituality Page, Section 8

<http://famguardian.org/Subjects/Spirituality/spirituality.htm>

8. Most but not all licensed activities, such as:
 - 8.1. Attorney licenses. All attorneys are "officers of the court" and the courts in turn are part of the government.
See:

Why You Don't Want to Hire an Attorney, Family Guardian Fellowship

<http://famguardian.org/Subjects/LawAndGovt/LegalEthics/Corruption/WhyYouDontWantAnAtty/WhyYouDontWantAnAttorney.htm>

- 8.2. Marriage licenses. See:

Sovereign Christian Marriage, Form #06.009

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

- 8.3. Driver's licenses. See:

Defending Your Right to Travel, Form #06.010

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

- 8.4. Professional licenses.

- 8.5. Fishing licenses.

9. All government "benefits", including, but not limited to:

- 9.1. Social Security benefits. See:

Resignation of Compelled Social Security Trustee, Form #06.002

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

- 9.2. Medicare.

- 9.3. Medicaid.

10. FDIC insurance of banks. [31 C.F.R. §202.2](#) says all FDIC insured banks are "agents" of the federal government and therefore "public officers".

11. Participation of banks in the federal Reserve System. [12 U.S.C. §90](#) makes all "national banks" that are part of the Federal Reserve System into "agents of the government".

12. Patents.

13. Copyrights.

The U.S. Supreme Court acknowledged that private conduct is beyond the reach of the government and that certain harmful, and therefore regulated activities may require the actors to be "public officers" when it held the following.

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

To implement these principles, courts must consider from time to time where the governmental sphere [e.g. "public purpose" and "public office"] ends and the private sphere begins. Although the conduct of private parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the "essential dichotomy" between the private sphere and the public sphere, with all its attendant constitutional obligations. Moose Lodge, supra, at 172.

[. . .]

Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state action analysis centers around the second part of the Lugar test, whether a private litigant, in all fairness, must be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect of the analysis is often a fact-bound inquiry, see Lugar, supra, 457 U.S. at 939, our cases disclose certain principles of general application. Our precedents establish that, in determining whether a particular action or course of conduct is governmental in character, it is relevant to examine the following:

[1] the extent to which the actor relies on governmental assistance and benefits, see Tulsa Professional Collection Services, Inc. v. Pope, 485 U.S. 478 (1988); Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961);

[2] whether the actor is performing a traditional governmental function, see Terry v. Adams, 345 U.S. 461 (1953); Marsh v. Alabama, 326 U.S. 501 (1946); cf. San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 483 U.S. 522, 544-545 (1987);

[3] and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see Shelley v. Kraemer, 334 U.S. 1 (1948).

Based on our application of these three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant in the District Court was pursuant to a course of state action. [Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991)]

Note that the "statutory or decisional law" they are referring to above are ONLY.

1. Criminal law.
2. Franchises that you consensually engage in using your right to contract.

For an explanation of why this is, see:

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

If you want an exhaustive analysis of how franchises such as the Internal Revenue Code Subtitles A through C operate, please see the following:

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

9.1 Summary of the effects of franchises

Nearly every type of government-issued "benefit", license, or "privilege" you could possibly procure requires the participant to be a "public officer", "public official", "fiduciary", "alien", "resident", "transferee", or "trustee" of the government of one kind or another with a "residence" on federal territory.

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

The application or license to procure the "benefits" of the franchise constitutes the contract mentioned above that creates the "RES" which is "IDENT-ified" within the government's legislative jurisdiction on federal territory. Hence "RES-IDENT"/"resident".

1 "Res. Lat. The subject matter of a trust [the Social Security Trust or the "public trust"/"public office", in
2 most cases] or will [or legislation]. In the civil law, a thing; an object. As a term of the law, this word has a
3 very wide and extensive signification, including not only things which are objects of property, but also such as
4 are not capable of individual ownership. And in old English law it is said to have a general import,
5 comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res,"
6 according to the modern civilians, is meant everything that may form an object of rights, in opposition to
7 "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions
8 [or CONSEQUENCES of choices and CONTRACTS/AGREEMENTS you make by procuring BENEFITS] of all
9 kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to
10 the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

11 Res is everything that may form an object of rights and includes an object, subject-matter or status. In re
12 Riggle's Will, 11 A.D.2d. 51 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-
13 matter, or status, considered as the defendant [hence, the ALL CAPS NAME] in an action, or as an object
14 against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is "the res"; and
15 proceedings of this character are said to be in rem. (See In personam; In Rem.) "Res" may also denote
16 the action or proceeding, as when a cause, which is not between adversary parties, is entitled "In re _____".
17 [Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

18 The "subject matter or status" they are talking about includes all privileged statuses such as "taxpayer", "benefit recipient",
19 or statutory "U.S. citizen" (8 U.S.C. §1401), or statutory "U.S. resident (alien)" (26 U.S.C. §7701(b)(1)(A)). Even domicile
20 is a type of franchise--a "protection franchise", to be precise. This "res-ident" is what most people in the freedom
21 community would refer to as your "straw man". If a state-issued license or benefit is at issue, the territory that the privilege
22 or franchise attaches to is federal territory that is usually in a federal area within the exterior limits of the state. This "res-
23 ident" is what most people in the freedom community would refer to as your "straw man". If it is a state-issued license or
24 benefit, that federal territory is usually in a federal area within the exterior limits of the state. The reason all licenses must
25 presume federal territory is that licenses usually regulate the exercise of rights protected by the Constitution and the Bill of
26 Rights portion of the Constitution does not apply on federal territory.

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

43 Consent to the franchise contract is therefore what creates the statutory "person" and "individual", or "res-ident" who is the
44 only proper subject of the franchise in the otherwise foreign jurisdiction. In fact, we refer to all statutory "residents" simply
45 as "government contractors". Below is an example of how this identity theft and kidnapping occurs in fraudulently creating
46 this "res-ident". The word of art "trade or business" is defined as "the functions of a public office" in 26 U.S.C.
47 §7701(a)(26). When one indicates that they are engaged in the privileged "trade or business"/public office activity, they at
48 that point are treated as and presumed to be "resident aliens" within the meaning of the Internal Revenue Code:

49 26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons. (4-1-04)

50 A domestic corporation is one organized or created in the United States, including only the States (and during
51 the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the
52 law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A
53 domestic corporation is a resident corporation even though it does no business and owns no property in the
54 United States. A foreign corporation engaged in trade or business within the United States is referred to in
55 the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in
56 trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in
57 trade or business within the United States is referred to in the regulations in this chapter as a resident
58 partnership, and a partnership not engaged in trade or business within the United States, as a nonresident

partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.
 [Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

“Consensus facit legem.
 Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.”
 [Bouvier’s Maxims of Law, 1856;
 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

Applying for any kind of "privilege" or franchise from the government or engaging in the activity that constitutes the privilege therefore amounts to your constructive consent to be treated as a "resident alien" who is domiciled on federal territory and who has no constitutional rights. The following articles and forms describe this straw man and provide tools to notify the government that you have disconnected yourself from this "straw man" who is the "public officer" that is the only proper or lawful subject of most federal legislation:

1. Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008
2. Proof That There Is a "Straw Man", Form #05.042
<http://sedm.org/Forms/FormIndex.htm>
3. IRS Form 56: Notice Concerning Fiduciary Relationship, Form #04.204
<http://sedm.org/Forms/FormIndex.htm>
4. Affidavit of Corporate Denial, Form #02.004
<http://sedm.org/Forms/FormIndex.htm>

Participating in federal franchises has the following effects upon the legal status of various types of "persons" listed below. The right column describes the status of the "public officer" you represent while you are acting in that capacity. The right column is a judicial creation not found directly in the statutes and which results from the application of the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. §1605. It does not describe your own private status. This "public officer" in the right column is the "straw man" that is the subject of nearly all federal legislation that could or does regulate your conduct. Without the existence of the straw man, the Thirteenth Amendment would make it illegal to enforce federal civil law against human beings because of the prohibition against involuntary servitude.

Table 8: Effect of participating in franchises upon your status

Entity type	Sovereign status within federal civil law WITHOUT franchises	Status in federal civil law AFTER accepting franchise
Human being born within and domiciled within a state of the Union	"Non-resident non-person"	"Resident alien" "Nonresident alien" "Nonresident alien individual"
	Private man or woman	"Public officer" Trustee of the "public trust"
	Constitutional but not statutory "citizen" (See <u>Why You Are a "national"</u> , " <u>state national</u> ", and <u>Constitutional but not Statutory Citizen</u>)	Statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 because representing a federal corporation under 28 U.S.C. §3002(15)(A) which is a "citizen" pursuant to <u>Federal Rule of Civil Procedure 17(b)</u> NOT a constitutional "citizen of the United States" pursuant to <u>Fourteenth Amendment</u>
	"Stateless person" "Transient foreigner"	Inhabitant
	Foreigner	Domestic person "U.S. person" (26 U.S.C. §7701(a)(30)) Domiciliary
State of the Union	"state" "foreign state"	Statutory "State" as defined in 4 U.S.C. §110(d) (see <u>Federal Trade Zone Act, 1934, 19 U.S.C. 81a-81u</u>)
Trust	Foreigner	Domestic person
	Foreign estate (26 U.S.C. §7701(a)(31))	"U.S. person" (26 U.S.C. §7701(a)(30))
	Nonstatutory trust	Statutory trust
State corporation	Foreigner	Domestic person
	Foreign estate (26 U.S.C. §7701(a)(31))	"U.S. person" (26 U.S.C. §7701(a)(30))

Entity type	Sovereign status within <u>federal civil law</u> WITHOUT franchises	Status in <u>federal civil law</u> AFTER accepting franchise
Federal corporation	Domestic person "U.S. person" "Person" (already privileged)	Domestic person "U.S. person" (26 U.S.C. §7701(a)(30)) "Person" (already privileged)

1
2

WARNING: Participating in ANY government franchise can leave you entirely without standing or remedy in any federal court! Essentially, by eating out of the government's hand, you are SCREWED, BLACK AND BLUED, and TATTOOED!

"These general rules are well settled:

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

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

[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]

For a detailed exposition of why the above is true, see also [Allen v. Graham, 8 Ariz.App. 336, 446 P.2d. 240 \(Ariz.App. 1968\)](#). Signing up for government entitlements hands them essentially a blank check, because they, and not you, determine the cost for the service and how much you will pay for it beyond that point. This makes the public servant into your Master and beyond that point, you must lick the hands that feed you. Watch Out! NEVER, EVER take a hand-out from the government of ANY kind, or you'll end up being their CHEAP WHORE. The Bible calls this WHORE "Babylon the Great Harlot". **Remember:** Black's Law Dictionary defines "commerce", e.g. commerce with the GOVERNMENT, as "intercourse". Bend over!

***"Commerce. ...Intercourse [BEND OVER!]** by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it is carried on..."*

[Black's Law Dictionary, Sixth Edition, p. 269]

Government franchises and licenses are the main method for destroying the sovereignty of the people pursuant to [28 U.S.C. §1603\(b\)\(3\)](#) and [28 U.S.C. §1605\(a\)\(2\)](#). They are also the MAIN method that our public servants abuse to escape the straight jacket chains of the constitution. Below is an admission by the U.S. Supreme Court of this fact in relation to Social Security:

*"We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme **free of all constitutional restraint.**"*

[Flemming v. Nestor, [363 U.S. 603](#) (1960)]

For further details on how franchises destroy rights and undermine the constitutional requirement for equal protection, read the [Sovereignty Forms and Instructions Manual, Form #10.005, Sections 1.4 through 1.11](#).

9.2 Definition

Black's Law Dictionary defines a "franchise" as follows:

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, 81 N.E. 443, 22 L.R.A.,N.S., 420.

Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of a corporation, is sometimes called a "personal" franchise. as distinguished from a "property" franchise, which authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special privilege in its employment, as, for example, to construct and operate a railroad. See Sandham v. Nye, 9 Misc.Rep. 541, 30 N.Y.S. 552.

Secondary Franchises. The franchise of corporate existence being sometimes called the "primary" franchise of a corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may, receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls, collect fares, etc. State v. Topeka Water Co., 61 Kan. 547, 60 P. 337; Virginia Canon Toll Road Co. v. People, 22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or general franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a corporation, while the latter are certain rights and privileges conferred upon existing corporations. Gulf Refining Co. v. Cleveland Trust Co., 166 Miss. 759, 108 So. 158, 160.

*Special Franchisee. See Secondary Franchises, supra.
[Black's Law Dictionary, Fourth Edition, pp. 786-787]*

The following are contemporary synonyms for the word "franchise". In earlier times at the founding of this country, franchises were called "patronage".

1. "public right".
2. "publici juris".
3. "privilege".
4. "excise taxable privilege".
5. "public office".
6. "Congressionally created right".
7. "trade or business" (see 26 U.S.C. §7701(a)(26)).

All franchises are contracts between the grantor, which is the government, and the grantee, which is the private citizen:

1 As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon
2 valuable considerations, for purposes of individual advantage as well as public benefit,³⁷ and thus a franchise
3 partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is
4 subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be
5 granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in
6 exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But
7 when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental
8 control growing out of its other nature as publici juris.³⁸
9 [American Jurisprudence 2d, Franchises, §4: Generally (1999)]

10 The term “publici juris” as used above is defined as follows:

11 “Publici juris /pɪblɪsaj jɪns/. Lat. Of public right. The word “public” in this sense means pertaining to the
12 people, or affecting the community at large; that which concerns a multitude of people; and the word “right,”
13 as so used, means a well-founded claim; an interest; concern; advantage; benefit. This term, as applied to a
14 thing or right, means that it is open to or exercisable by all persons. It designates things which are owned by
15 “the public;” that is, the entire state or community, and not by any private person. When a thing is common
16 property, so that anyone can make use of it who likes, it is said to be publici juris; as in the case of light, air,
17 and public water.”
18 [Black’s Law Dictionary, Fifth Edition, p. 1106]

19 Franchises are therefore an outgrowth of your absolute right to contract and they require either implicit or explicit consent
20 in order for the terms of the franchise agreement to be enforceable against you. They are public property. Based on the last
21 definition, they ALWAYS result in a conversion of YOUR formerly private property to public property, a public use, a
22 public purpose, and/or public office in the government, which is a polite way of saying that all those who participate must
23 do all the following in order to participate:

- 24 1. Donate their PRIVATE property to the public in order to qualify for “benefits”.
- 25 2. Surrender their right to own private property.
- 26 3. Transform from a sovereign to a subject and a serf.
- 27 4. Transform from a de jure citizen to nothing more than a federal “employee” or public officer on official business.
- 28 5. Join a socialist collective.
- 29 6. Consent to transform a de jure government into a de facto private corporate monopoly that not only doesn’t protect
30 private rights, but systematically destroys them and makes them illegal for all practical purposes.
- 31 7. Consent to allow your donations to the franchise to be illegally used to bribe other people to expand and perpetuate
32 “the system” and Ponzi scheme.

33 **9.3 Basis for the legal authority to establish government franchises**

34 The basis for the legal authority to establish government franchises is the right to preemptively protect the public from
35 harmful or injurious activities:

- 36 1. This form of “protection” is called “regulation”.
- 37 2. Civil statutory law implements the regulation.
- 38 3. The Executive Branch of the government institutes all enforcement actions that do the regulating.
- 39 4. The regulation or enforcement CANNOT lawfully be instituted against EXCLUSIVELY PRIVATE people or
40 activities. The right to regulate EXCLUSIVELY private rights and private property is repugnant to the constitution.
- 41 5. Those who are the subject of the regulation have to volunteer to be regulated by filling out a government application.
42 The process of APPLYING is synonymous with the implied consent of the applicant to BE civilly regulated. Such
43 applications are called by any of the following name:
 - 44 5.1. License application. Examples: Driver License or Contractor License applications.
 - 45 5.2. Registration. Examples: Vehicle registration or voter registration.
 - 46 5.3. Application for a Social Security Number card, SSA Form SS-5.
 - 47 5.4. Application for a Taxpayer Identification Number (TIN), I.R.S. Form W-9.
- 48 6. The process of applying for the “benefit” of the protection afforded by the regulation:

³⁷ Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

³⁸ Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

- 1 6.1. Constitutes implied or constructive consent to donate formerly PRIVATE property to a public use, public
2 purpose, or public office in order to procure the “benefits” of the franchise.
- 3 6.2. Changes the status of the property associated with the application or license number from ABSOLUTE ownership
4 to QUALIFIED ownership. You become the QUALIFIED owner and the GOVERNMENT becomes the LEGAL
5 owner, who can take the property away from you if you violate the terms of the franchise.
- 6 6.3. Changes the status applicant into the equivalent of a public officer in the government managing public property.
7 A public officer, after all, is legally defined as a person in charge of the property of the public, which property is
8 the “benefit” or property conveyed or loaned to the applicant.
- 9 6.4. Is interpreted by courts of justice as what is called a “purposeful avilment” of commerce within the legislative
10 jurisdiction of the government grantor which waives sovereign immunity under the Foreign Sovereign
11 Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97, and the Longarm Statutes of your state.
- 12 7. Those who have not VOLUNTARILY applied or who are threatened with illegal enforcement when they DO NOT
13 apply may not lawfully become the target of civil regulation of their activities or conduct. For instance, a nonresident
14 PRIVATE human being NOT lawfully engaged in a public office and NOT using the public roadways for hire, if he is
15 indicted or convicted of driving without a license, is the subject of criminal duress, simulation of legal process, witness
16 tampering, and international terrorism.
- 17 8. The output of the application process results in the transfer of SPECIFIC material property that REMAINS government
18 property AFTER the applicant receives it, and therefore constitutes a REVOCABLE TEMPORARY LOAN. The right
19 to take back the property is the method of REVOKING the franchise or privilege. Such property might include:
20 8.1. Driver license.
21 8.2. Social Security Card.
22 8.3. Government ID.
23 8.4. Resident ID card.
24 8.5. Professional license.
25 8.6. USA passport.
26 8.7. License to practice law.
27 8.8. Vehicle license plate and registration card.
28 8.9. Resident green card.
- 29 9. Consonant with the civil regulation of the applicant is the right to extract “fees” and/or “taxes” that pay for the
30 “benefit” of the regulation. This would include vehicle registration fees, property taxes, Social Security deductions,
31 etc.
32 9.1. If the fees collected pay for any purpose OTHER than DIRECTLY delivering the regulation under ONLY that
33 specific franchise, then a “revenue scheme” and abuse has occurred.
34 9.2. If the franchise forces you to sign up for ANOTHER not directly related franchise, it is an abuse and a tort. For
35 instance, if the driver licensing forces you to provide a Social Security Number, then indirectly they are forcing
36 you to sign up for YET ANOTHER franchise not directly related to safe travel on the roadways. This violates the
37 unconstitutional conditions doctrine of the U.S. Supreme Court.

38 The most flagrant and blatant abuse of franchises is to:

- 39 1. Establish them to prevent an activity that the applicant does NOT regard as harmful or which does not in fact protect
40 anything or anyone but the undeserving.
- 41 2. Establish them PRIMARILY for revenue (the love of money), and then to PRETEND that some public injury will
42 occur if they are NOT instituted that in fact is NOT an injury according to the intended applicants or participants.
43 Many examples come to mind, such as Obamacare, Social Security, Medicare, etc.
- 44 3. Extract fees and taxes FAR BEYOND the cost of administering the regulation.
- 45 4. Make each and every franchise into a gateway to FORCE the applicant to be subject to ANY AND EVERY OTHER
46 franchise offered by the government. This is called an “adhesion contract” and it is unconscionable. For instance,
47 force everyone signing up for driver licenses to become a statutory “U.S. citizen” domiciled on federal territory and
48 subject to ANY and ALL federal law, even though the separation of powers doctrine does NOT permit it.
- 49 5. Illegally prosecute those who do not consent to participate for “failure to obtain a license”.
- 50 6. Redistribute the excess fees generated for totally unrelated purposes to bribe voters to expand the franchise and the
51 corresponding revenues, in what amounts to a Ponzi scheme.

52 We describe the above combination of tactic as socialism and define it as follows:

1 *"Ineptocracy (in-ep-toc'-ra-cy) - a system of government where the least capable to lead are elected by the*
2 *least capable of producing, and where the members of society least likely to sustain themselves or succeed, are*
3 *rewarded with goods and services paid for by the confiscated wealth of a diminishing number of producers.*

4 Synonyms: Electile dysfunction."
5 [SEDM Political Dictionary]

6 Lastly, there are some very important things to realize about franchises should you find yourself litigating against their
7 illegal enforcement in court:

- 8 1. The common law furnishes remedies ONLY for PAST civil injuries. Other than possibly the subject of injunctions, it
9 does not affect and cannot affect FUTURE conduct.
- 10 2. The common law requires an INJURED PARTY to file the suit against.
11 2.1. Most franchise violations do not HAVE an injured party.
12 2.2. Without a specific injured party, there can be no damages and therefore no jurisdiction to civilly sue.
- 13 3. Whenever the legislature intends to PREVENT FUTURE injury rather than provide a remedy for PAST injury, then it
14 must do so WITH the consent of the party. The reason is that only by your consent can they deprive you of the
15 exercise of a right that did NOT injure a SPECIFIC other person:

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

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

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

22 *Nemo videtur fraudare eos qui sciunt, et consentiunt.*
23 *One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."*

24 [Bouvier's Maxims of Law, 1856;
25 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

- 26 4. Civil penalties for actions that have no injured party are an example of franchises that are operating in a
27 PREVENTIVE rather than CORRECTIVE mode, because they have no injury or injured party.
28 4.1. They are also called "infractions" and they can only be instituted against those who CONSENT by applying for a
29 "license".
30 4.2. Absent consent, then they are called a "bill of attainder" if instituted against a non-franchisee or licensee. All
31 such penalties are ILLEGAL and unconstitutional.
- 32 5. Most courts that administer franchises are NOT in fact "courts" as constitutionally defined, but the equivalent of
33 arbitration boards within the Executive Branch. Thus, for the purposes of administering penalties, they do not satisfy
34 the criteria for a "court" within the meaning of the constitutional prohibitions against "bills of attainder":

35 *United States Constitution*
36 *Article 1, Section. 10*

37 *No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin*
38 *Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any*
39 *Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of*
40 *Nobility.*

- 41 6. Because all franchises are considered "contracts" from a civil legal perspective, then no government official can
42 lawfully interfere with enforcing the contract AGAINST you that you consented to by filling out a government
43 application for the "benefit". That would amount to essentially protecting you from your own ignorance. Caveat
44 emptor.
- 45 7. It is perfectly within your rights to choose to do business with those who are UNLICENSED within any and every field
46 or occupation. It is within your rights because:
47 7.1. Government cannot compel you to contract with them by forcing the Seller to be a licensed public officer.
48 7.2. You have a right to contract the government OUT of your life and your business interactions.

- 1 7.3. Governments are established to PROTECT your right to either contract or NOT contract with ANY and
2 EVERYONE else. Hence, they have to protect you from being forced to contract with THEM.
- 3 7.4. When this approach is taken, the Seller who would normally be licensed should document in writing that it is the
4 intention of BOTH parties to ensure that the government is not involved and that they are BOTH acting in an
5 EXCLUSIVELY PRIVATE capacity beyond the regulation by any government.
- 6 7.5. If a government violates this provision or prosecutes the seller for being unlicensed, then they are engaging in a
7 mafia protection racket and committing a criminal tort.

8 **9.4 Franchise operation in a simplified nutshell**

9 This section presents a simplified description of how franchises operate that is useful to the common man and as a
10 conversation piece at social events.

11 To fully understand how franchises work, one must understand the nature of “property” from a legal perspective. Below is
12 a definition:

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

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

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

32 *Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical
33 thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*,
34 230 Or. 439, 370 P.2d. 694, 697.*

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

37 *Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal
38 property, contract rights, choses-in-action and other interests in or claims to wealth, admission or
39 transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal
40 Code. Q 223.0. See also Property of another, infra. Dusts. Under definition in Restatement Second, Trusts, Q
41 2(c), it denotes interest in things and not the things themselves.
42 [Black's Law Dictionary, Fifth Edition, p. 1095]*

43 The idea of owning property carries with it the right to exclude all others from using said property and the right to control
44 HOW the property is used by others in every particular. The right to control how people use your property is how
45 franchises and trusts are created, in fact. One's right to control their property, who uses it, and how they use it is defensible
46 in court by the owner as a matter of equity.

47 When one takes federal money, which is property, it always comes with regulatory strings attached. Well, they are not so
48 much as "strings" but rather, they are massive - sized chain links, linking the federal benefit recipient to the U.S.
49 Government in a way that always requires the surrender by the Citizen/benefit recipient, of some Right. Here is how a
50 book on the common law describes the method by which distributing government property called “benefits” can be used to
51 control the recipient:

1 How, then, are purely equitable obligations created? For the most part, either by the acts of third persons or by
2 equity alone. But how can one person impose an obligation upon another? By giving property to the latter on
3 the terms of his assuming an obligation in respect to it. At law there are only two means by which the object
4 of the donor could be at all accomplished, consistently with the entire ownership of the property passing to
5 the donee, namely: first, by imposing a real obligation upon the property; secondly, by subjecting the title of
6 the donee to a condition subsequent. The first of these the law does not permit; the second is entirely
7 inadequate. Equity, however, can secure most of the objects of the doner, and yet avoid the mischiefs of real
8 obligations by imposing upon the donee (and upon all persons to whom the property shall afterwards come
9 without value or with notice) a personal obligation with respect to the property; and accordingly this is what
10 equity does. It is in this way that all trusts are created, and all equitable charges made (i. e., equitable
11 hypothecations or liens created) by testators in their wills. In this way, also, most trusts are created by acts
12 inter vivos, except in those cases in which the trustee incurs a legal as well as an equitable obligation. In short,
13 as property is the subject of every equitable obligation, so the owner of property is the only person whose act
14 or acts can be the means of creating an obligation in respect to that property. Moreover, the owner of
15 property can create an obligation in respect to it in only two ways: first, by incurring the obligation himself,
16 in which case he commonly also incurs a legal obligation; secondly, by imposing the obligation upon some
17 third person; and this he does in the way just explained.
18 [*Readings on the History and System of the Common Law, Second Edition, 1925, Roscoe Pound, p. 543*]

19 The U.S. Supreme Court describes the above process as follows:

20 “When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public
21 interest, and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private
22 right, they referred to

23 [1] property dedicated [DONATED] by the owner to public uses, or

24 [2] to property the use of which was granted by the government [e.g. Social Security Card], or

25 [3] in connection with which special privileges were conferred [licenses].

26 Unless the property was thus dedicated [by one of the above three mechanisms], or some right bestowed by
27 the government was held with the property, either by specific grant or by prescription of so long a time as to
28 imply a grant originally, the property was not affected by any public interest so as to be taken out of the
29 category of property held in private right.”

30 [*Munn v. Illinois, 94 U.S. 113, 139-140 (1876)*]

31 The “title of the donee” that Roscoe Pound is referring to above, in the case of government franchises, for instance, is
32 “taxpayer” and or “citizen”. The following maxims of law implement the above principle of equity:

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

35
36 *Que sentit commodum, sentire debet et onus.*
37 *He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.*
38 [*Bouvier’s Maxims of Law, 1856;*
39 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>*]

40 The principle that borrowing someone else’s property makes the borrower the servant of the lender is also biblical in origin.
41 Keep in mind that the thing borrowed need NOT be “money” and can be ANY KIND OF PROPERTY, from a legal
42 perspective:

43 *“The rich rules over the poor,*
44 *And the borrower is servant to the lender.”*
45 [*Prov. 22:7, Bible, NKJV*]

46 What kind of government property can be given to you that might impose an obligation upon you as the “donee”? How
47 about any of the following, all of which are treated as GOVERNMENT property and not PRIVATE property. Receipt or
48 use of any of the following types of property creates a prima facie presumption that you are a public officer “donee”
49 exercising agency on behalf of the government, which agency is the other half of the mutual “consideration” involved in the
50 implied contract regulating the use of the property:

- 51 1. Any kind of “status” you claim to which legal rights attach under a franchise. Remember: All “rights” are property”!
52 These types of rights are called “public rights” by the courts. This includes:

- 1.1. “taxpayer” (Internal Revenue Code “trade or business” franchise).
- 1.2. “citizen” or “resident” (civil law protection franchise).
- 1.3. “driver” (Vehicle Code of your state).
- 1.4. “spouse” (Family Code of your state, which is a voluntary franchise).
2. A Social Security Card. 20 C.F.R. §422.103(d) says the card and the number belong to the U.S. government.
3. A “Taxpayer Identification Number” (TIN) issued under the authority of 26 U.S.C. §6109. All “taxpayers” are public officers in the U.S. government. Per 26 C.F.R. §301.6109-1, use of the number provides prima facie evidence that the user is engaged in official government business called a “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office” (in the U.S. and not state government).
4. Any kind of license. Most licenses say on the back or in the statutes regulating them that they are property of the government and must be returned upon request. This includes:
 - 4.1. Driver’s licenses.
 - 4.2. Contracting licenses.
5. A USA Passport. The passport indicates on page 6, note 2 that it is property of the U.S. government and must be returned upon request. So does 22 C.F.R. §51.7.
6. Any kind of government ID, including state Resident ID cards. Nearly all such ID say they belong to the government. This includes Common Access Cards (CACs) used in the U.S. military.
7. A vehicle license plate. Attaching it to the car makes a portion of the vehicle public property.
8. Stock in a public corporation. All stock holders in corporations are regarded by the courts as GOVERNMENT CONTRACTORS!

“The court held that the first company’s charter was a contract between it and the state, within the protection of the constitution of the United States, and that the charter to the last company was therefore null and void., Mr. Justice DAVIS, delivering the opinion of the court, said that, if anything was settled by an unbroken chain of decisions in the federal courts, it was that an act of incorporation was a contract between the state and the stockholders, ‘a departure from which now would involve dangers to society that cannot be foreseen, would shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect which has always been felt for the judicial department of the government.’”
 [New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885)]

Once they hand you government property essentially as a “bribe”, you consent to be treated as a de facto “public officer” in the government. A “public officer” is, after all, legally defined as someone who is in charge of the property of the public. Receipt and temporary custody of the valuable property of the public therefore constitutes your “employment consideration” to act as a public officer!:

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

Why do they use property as the means to effect or create the franchise? The reason is because they have jurisdiction over their property WHEREVER it is situated, including within states of the Union.

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

1 regulations respecting territory Congress may constitutionally make are supreme, and are not dependent on
2 the situs of 'the territory.'"

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

4 If they didn't use the lending of their property to reach you, they would otherwise, not have civil jurisdiction over those
5 domiciled in a legislatively (but not constitutionally) foreign state such as a Constitutional state of the Union through their
6 civil law, since all law is prima facie territorial and they don't own and don't have civil jurisdiction over Constitutional
7 states of the Union:

8 *"It is a well established principle of law that all federal regulation applies only within the territorial*
9 *jurisdiction of the United States unless a contrary intent appears."*

10 [*Foley Brothers, Inc. v. Filardo*, 336 U.S. 281 (1949)]

11 *"The laws of Congress in respect to those matters [outside of Constitutionally delegated powers] do not extend*
12 *into the territorial limits of the states, but have force only in the District of Columbia, and other places that are*
13 *within the exclusive jurisdiction of the national government."*

14 [*Caha v. U.S.*, 152 U.S. 211 (1894)]

15 *"There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears*
16 *[legislation] is meant to apply only within the territorial jurisdiction of the United States."*

17 [*U.S. v. Spelar*, 338 U.S. 217 at 222.]

18 Ultimately, however, what your corrupted public servants are doing is both criminal and illegal. None of the franchises
19 they administer expressly authorize the creation of any new public offices in the government, but rather add benefits to
20 EXISTING public offices. If they abuse public funds and programs to bribe otherwise PRIVATE people to accept the
21 duties of a public office, the U.S. Code says this is a serious crime:

22 [TITLE 18 > PART 1 > CHAPTER 11 > § 210](#)
23 [§ 210. Offer to procure appointive public office](#)

24 *Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in*
25 *consideration of the use or promise to use any influence to procure any appointive office or place under the*
26 *United States for any person, shall be fined under this title or imprisoned not more than one year, or both.*

27
28 [TITLE 18 > PART 1 > CHAPTER 11 > § 211](#)
29 [§ 211. Acceptance or solicitation to obtain appointive public office](#)

30 *Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing*
31 *of value, in consideration of the promise of support or use of influence in obtaining for any person any*
32 *appointive office or place under the United States, shall be fined under this title or imprisoned not more than*
33 *one year, or both.*

34 *Whoever solicits or receives anything of value in consideration of aiding a person to obtain employment under*
35 *the United States either by referring his name to an executive department or agency of the United States or by*
36 *requiring the payment of a fee because such person has secured such employment shall be fined under this title,*
37 *or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an*
38 *employment agency pursuant to the written request of an executive department or agency of the United States.*

39 If you collude with your criminal public servants in this FRAUD by accepting the bribe and carry on the charade of
40 pretending to be a public officer, you too become a criminal who is impersonating a public officer. You also become hated
41 in God's eyes because you are simultaneously trying to serve two masters, meaning God and Caesar:

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

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

1 "No one can serve two masters; for either he will hate the one and love the other, or else he will be loyal to the
2 one and despise the other. You cannot serve God and mammon [unrighteous gain or any other false god]."³⁹
3 [Jesus in Matt. 6:24, Bible, NKJV]

4 Everything they give you will always be a LOAN rather than a GIFT. Everything they give you will always have legal
5 strings attached that make the property they give you into a Trojan Horse designed to destroy and enslave you. The proverb
6 "Beware of Greeks bearing gifts." definitely applies to everything the government does. Please keep these critical facts in
7 mind as you try and decide whether you want you and your family to give the corrupted U.S. Government the right to
8 intrude into your personal health care. Also keep in mind that under the concept of equal protection, you can use the
9 SAME tactic to entrap and prejudice the government and defend yourself from this tactic.

10 Here is this principle of equity in action, as espoused by the U.S. Supreme Court in *Fullilove v. Klotznick*, 448 U.S. 448, at
11 474 (1990). What the U.S. Supreme Court is describing is the basic principle for how franchises operate and how they are
12 used to snare you. In a 6 -3 decision that dealt with the 10% minority set - aside issue, the Court held the following:

13 ". . .Congress has frequently employed the Spending Power to further broad policy objectives... by conditioning
14 receipt of federal moneys upon compliance by the recipient... with federal statutory and administrative
15 directives. This Court has repeatedly upheld... against constitutional challenge... the use of this technique to
16 induce governments and private parties to cooperate voluntarily with federal policy."
17 [*Fullilove v. Klotznick*, 448 U.S. 448, at 474 (1990)]

18 When those who are unknowingly party to a franchise challenge the constitutionality or violation of due process resulting
19 from the enforcement of the franchise provisions against them, here is how the U.S. Supreme Court has historically
20 responded:

21 "We can hardly find a denial of due process in these circumstances, particularly since it is even doubtful that
22 appellee's burdens under the program outweigh his benefits. It is hardly lack of due process for the
23 Government to regulate that which it subsidizes."
24 [*Wickard v. Filburn*, 317 U.S. 111, 63 S.Ct. 82 (1942)]

25 The key to the effect of the conveyance of property is the NATURE of the funds or property conveyed by the government.
26 If it was property of the government at the time it was conveyed, then it is a subsidy and conveys rights to the government.
27 If, on the other hand, the property was someone else's property temporarily loaned to the government under a franchise of
28 the REAL owner, it ceases to be a subsidy and cannot convey any rights to the government under ITS franchise, because
29 the government is not the rightful owner of the property. That is why everything that members of the Ministry convey to
30 the government is identified legally not as a gift, but a LOAN, on the following form. Section 6 establishes what we call an
31 "anti-franchise franchise" which reverses the relationship between the parties and makes all those who receive monies from
32 the sender into officers and servants of the sender under franchise contract:

[Tax Form Attachment](http://sedm.org/Forms/FormIndex.htm), Form #04.201
<http://sedm.org/Forms/FormIndex.htm>

33 If you want to win at this game, you have to use all the same weapons and tactics as your enemy and INSIST vociferously
34 on complete equality of treatment and rights as the Constitution mandates. You can't do that until you have identified and
35 fully understand how all of the weapons function.

36 Here is yet more proof of why those who accept government benefits cannot assert their constitutional rights as a defense to
37 challenge the statutes that regulate the benefit. The language below comes from the Brandeis rules for the U.S. Supreme
38 Court:

39 *The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its*
40 *constitutionality. [Great Falls Manufacturing Co. v. Attorney General](#), 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527;*
41 *[Wall v. Parrot Silver & Copper Co.](#), 244 U.S. 407, 37 S.Ct. 609, 61 L.Ed. 1229; [St. Louis, etc., Co., v. George](#)*
42 *[C. Prendergast Const. Co.](#), 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351."*
43 [*Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936)]

³⁹The New King James Version. 1996, c1982 . Thomas Nelson: Nashville

1 What the court is saying in the above statute is that those who accept federal benefits HAVE NO CONSTITUTIONAL
2 RIGHTS and have voluntarily surrendered ALL such rights!

3 Here is how franchises enslave and entrap you:

- 4 1. Congress borrows money in your name (like they were using your credit card) from the private Federal Reserve Bank.
5 You and your descendants must pay this money back at interest.

6 *"I sincerely believe ... that banking establishments are more dangerous than standing armies, and that the*
7 *principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a*
8 *large scale."*
9 *[Thomas Jefferson to John Taylor, 1816]*

- 10 2. Congress wants to further its broad policy objectives (like making America a socialist state under a "unitary
11 executive"...or invading another country for its natural resources.)
12 3. So Congress offers private people and state and foreign governments BRIBES using the money borrowed/STOLEN in
13 #1. above...On condition that those private people and state and foreign governments cooperate "VOLUNTARILY"
14 with federal policy.
15 4. Federal policy is whatever federal judges and other bureaucrats say it is.
16 5. Among the "federal policy" you must comply with is for them to be able to lawfully and administratively take from
17 you ANY amount of money they want to fund their program. This is done through false information return reporting,
18 IRS administrative levies that would otherwise be a constitutional tort, etc. if you had not consented to them in
19 advance.
20 6. In short, once you accept the bribe, you change from being the BOSS of your public servants into their
21 "employee"/officer and cheap whore. They turn the relationship upside down with trickery and words of art.
22 7. If you create your own franchise (we call it an anti-franchise franchise) and call EVERYTHING you pay them a
23 privilege and use their own game rules against them, they will hypocritically and unlawfully apply different rules
24 against themselves than they apply to you, in violation of the requirement for equal protection. If they are going to
25 defend the above method of acquiring rights, they have to defend your EQUAL right to play the same rules with them
26 and prohibit themselves from abusing sovereign immunity to make the game rules unequal. They call what you give to
27 them a non-refundable gift in 31 U.S.C. §321(d), and yet everything they give to you is a mere temporary loan that
28 makes you their voluntary, uncompensated public officer. HYPOCRITES!

29 Notice the word "voluntarily" in Fullilove v. Klutznick above. The federal government cannot coerce a state citizen not
30 domiciled on federal land and not taking money from King Congress. The only way the federal government can make you
31 a subject of itself and rule over you, and tax you, is by your CONSENT in taking federal "benefits" (bribes... to entice you
32 to agree to its jurisdiction – The Declaration of Independence requires the federal government to get your consent in order
33 to exercise its powers).

34 Parents tell their children:

35 *"As long as you live in my house...you play by my rules."*

36 The federal government says, and the Supreme Court agrees:

37 *"As long as you take money from me...you play by my rules (e.g. compulsory health care...compulsory flu*
38 *injections...compulsory education for your children in government schools...federal income tax...etc.,) not by*
39 *constitutional rules."*

40 Now...:

- 41 1. Are you a free self-determining citizen of your state...or are you a subject of the federal government?
42 2. Did you sign the social security APPLICATION (giving your consent) for your newborn children to be subjects of
43 federal bureaucrats and tyrants?

44 We use the term "state citizen" in the same sense that the reader understands it.

1 If you are a subject of the federal government, and have made your children subjects of the federal government by writing
2 them off as privileged tax deductions on a federal tax return, the U.S. Supreme Court has held over and over that you
3 cannot bring constitutional challenges against the federal government in federal court. Federal judges will dismiss you...
4 and rightly so... for "lack of standing".

5 *"These general rules are well settled:*

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

11 *(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder*
12 *Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas.*
13 *1916A, 118; Arnsion v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnet v. National Bank, 98 U.S.*
14 *555, 558, 25 L.Ed. 212; Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still*
15 *the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to*
16 *hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of*
17 *the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly*
18 *upon the construction of the act. See Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed.*
19 *779; Parish v. MacVeagh, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; McLean v. United States, 226 U.S. 374,*
20 *33 Sup.Ct. 122, 57 L.Ed. 260; United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696,*
21 *decided April 14, 1919."*
22 *[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]*

23 Since the Constitution offers no remedy to statutory "subjects" and serfs of the federal government when Rights [which
24 state citizens have surrendered for a bribe] are violated, what is it they actually celebrate on the 4th of July by waving those
25 federal flags made in COMMUNIST China? Hmmm...

26 What is really going on is that there is an invisible war being waged against your constitutional rights by people who are
27 supposed to be serving and protecting you, but who have stealthily and invisibly transformed from protectors into
28 predators. As a result of these stealthful transformations, Americans are largely unaware that they are a conquered people.
29 The conquerors are statutory but not constitutional aliens from a legislatively foreign land called the District of Columbia,
30 who bribed you to put on chains and go not into a physical cage, but a LEGAL cage called a franchise. This is the same
31 thing that Jacob did to Esau, his brother, in the Bible: Persuaded him to give up his freedom and inheritance for a stinking
32 bowl of pottage. Here is the way the Bible dictionary describes it, wherein "taxes" used to be called "tribute" in biblical
33 times:

34 *"TRIBUTE. Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a*
35 *common feature of international relationships in the biblical world. The tributary could be either a hostile state*
36 *or an ally. Like deportation, its purpose was to weaken a hostile state. Deportation aimed at depleting the man-*
37 *power. The aim of tribute was probably twofold: to impoverish the subjugated state and at the same time to*
38 *increase the conqueror's own revenues and to acquire commodities in short supply in his own country. As an*
39 *instrument of administration it was one of the simplest ever devised: the subjugated country could be made*
40 *responsible for the payment of a yearly tribute. Its non-arrival would be taken as a sign of rebellion, and an*
41 *expedition would then be sent to deal with the recalcitrant. This was probably the reason for the attack*
42 *recorded in Gn. 14.*
43 *[New Bible Dictionary. Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962;*
44 *InterVarsity Press: Downers Grove]*

45 Your devious conquerors are doing and will continue to do EVERYTHING in their power to keep you in their legal cage as
46 their SATANIC SEX SLAVE, PRISONER, and WHORE. This is the same whore that the Bible refers to as "Babylon the
47 Great Harlot" in the book of Revelation. By "sex", we mean commerce between you and a corrupted de facto government
48 that loves money more than it loves YOUR freedom. Black's Law defines "commerce", in fact, as "intercourse" and
49 therefore "sex" in a figurative sense:

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

1 Here are the things your covetous conquerors have done and will continue to do to compel you, AT GUNPOINT, to bend
2 over and be a good little whore, or be slapped silly with what the Constitution calls a “Bill of Attainder” for rattling your
3 legal cage:

4 1. They will willfully lie to you in their publications with judicial impunity about what the law requires. See:

Reasonable Belief About Income Tax Liability, Form #05.007

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

5 2. They will tempt you with socialist bribes called “benefits”. See:

The Government “Benefits” Scam, Form #05.040

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

6 3. They will rig their forms so that it is impossible to truthfully declare your status, leaving as the only options available
7 statuses that connect you to consent to their franchises, even if you DO NOT consent.

8 4. If you already ate the bait and signed up, they will falsely tell you that you aren’t allowed to quit, meaning that you are
9 a slave FOR LIFE.

10 5. They will hide the forms and procedures that can be used to quit the franchise by removing them from their website,
11 but still making them available to people who specifically ask.

12 6. They will make false, prejudicial, and self –serving presumptions or determinations about your status that they are not
13 allowed to do until AFTER you expressly consent to give them that authority IN WRITING and they will do so in
14 violation of due process of law. See:

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

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

15 7. They will deceive you with “words of art”. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

16 8. They will publish false propaganda encouraging third parties to file knowingly false and fraudulent reports about your
17 status such as information returns that constitute prima facie evidence of consent to participate in government
18 franchises. Such reports include IRS Forms W-2, 1042-S, 1098, and 1099. See:

Correcting Erroneous Information Returns, Form #04.001

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

19 9. They will willfully refuse or omit to prosecute the filers of false information returns, thus compelling you to unlawfully
20 and criminally impersonate a public officer who is compelled to fill a position as a franchisee. It is called theft by
21 omission and it is also a criminal conspiracy against your constitutional rights. Both OMISSIONS and
22 COMMISSIONS that cause injury to you are CRIMES. They might even protect criminals filing these false reports
23 INSTEAD of the victims.

24 10. They will disestablish all constitutional courts that could serve as a remedy against such abuses and replace them with
25 statutory franchise courts that can’t recognize or even rule on Constitutional issues or rights. See:

What Happened to Justice?, Form #06.012

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

26 11. They will use “selective enforcement” of the tax laws as a way to silence and punish those who expose their
27 monumental scam. They don’t need to torture you physically. All they have to do is destroy your ability to survive
28 commercially, and it is as good as putting you in jail and subjecting you to physical torture.

29 12. They will remove the subject of law from the curricula in public schools, so that they can do all the above things
30 without you even realizing it is happening so that you don’t become alarmed as they tighten the bars of your cage.

31 Welcome to the Matrix, Neo! Agent Smith with the IRS is waiting for you in the next room. See:

The REAL Matrix, Stefan Molyneux

YOUTUBE: <http://www.youtube.com/watch?v=P772Eb63qIY&>

LOCAL COPY: http://famguardian1.org/Media/The_REAL_Matrix.mp4

32 **9.5 Where franchises may lawfully be enforced**

33 The important thing to remember about franchises is that Congress is FORBIDDEN from creating franchises within states
34 of the Union. Why? Because:

35 1. The Declaration of Independence, which is organic law, says our constitutional rights are “unalienable”.

1 2. An “unalienable right” is one that you AREN’T ALLOWED BY LAW to consent to give away in relation to a real, de
2 jure government! Such a right cannot lawfully be sold, bargained away, or transferred through any commercial
3 process, INCLUDING A FRANCHISE. Hence, even if we consent, the forfeiture of such rights is unconstitutional,
4 unauthorized, and a violation of the fiduciary duty to the public officer we surrender them to.

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

7 3. The only place you can lawfully give up constitutional rights is where they physically do not exist, which is among
8 those domiciled on AND physically present on federal territory not part of any state of the Union.

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

25 4. All de jure governments are created exclusively to protect PRIVATE RIGHTS. The way you protect them is to
26 LEAVE THEM ALONE and not burden their exercise in any way. A lawful de jure government cannot and does not
27 protect your rights by making a business out of destroying, regulating, and taxing their exercise, implement the
28 business as a franchise, and hide the nature of what they are doing as a franchise and an excise. This would cause and
29 has caused the money changers to take over the charitable public trust and “civic temple” and make it into a
30 warehouse in violation of the Constitutional trust indenture. This kind of money changing in fact, is the very reason
31 that Jesus flipped tables over in the temple out of anger: Turning the bride of Christ and God’s minister for justice into
32 a WHORE. The nuns are now pimped out and the church is open for business for all the statutory “taxpayer” Johns
33 who walk in.

34 The above explains why:

- 35 1. The geographical definitions within every franchise we have seen, including the Income Tax, Social Security, etc.,
36 limit themselves to federal territory exclusively and include no part of any state of the Union.
37 2. The Unconstitutional Conditions Doctrine of the U.S. Supreme Court limits what you can consent to in the context of
38 franchises.
39 3. The U.S. Supreme Court held the following about licenses enforced in areas protected by the Constitution, keeping in
40 mind that licensing implements franchises:

41 “. . . the acceptance of a license, in whatever form, will not impose upon the licensee an obligation to respect or
42 to comply with any provisions of the statute . . . that are repugnant to the Constitution of the United States.”
43 [Power Mfg. Co. v. Saunders, 274 U.S. 490 (1927)]

44 9.6 How franchises are stealthily introduced and propagated by a corrupted government 45 within jurisdictions outside their territory

46 The states of the Union are foreign and alien and sovereign in respect to the national government. Maintaining that
47 separation of legislative powers, in fact, is one of the main purposes of the United States Constitution:

48 “We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.
49 Const., Art. I, 8. As James Madison wrote, “[t]he powers delegated by the proposed Constitution to the federal
50 government are few and defined. Those which are to remain in the State governments are numerous and
51 indefinite.” The Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961). This constitutionally mandated division
52 of authority “was adopted by the Framers to ensure protection of our fundamental liberties.” Gregory v.

1 Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and
2 independence of the coordinate branches of the Federal Government serves to prevent the accumulation of
3 excessive power in any one branch, a healthy balance of power between the States and the Federal
4 Government will reduce the risk of tyranny and abuse from either front." Ibid.
5 [U.S. v. Lopez, 514 U.S. 549 (1995)]

6 In order to break down this separation of powers and enact law that regulates the conduct of nonresident and alien parties
7 domiciled in a legislatively foreign state such as a state of the Union, the national government has to use contracts and
8 franchises to unlawfully reach outside of federal territory. It is a maxim of law that debt and contract know no place,
9 meaning that they can be enforced anywhere.

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

11 *Locus contractus regit actum.*

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

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

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

15 Those who are domiciled in a state of the Union, in order to acquire a "commercial existence", identity, or right in a
16 legislatively but not necessarily constitutionally foreign jurisdiction such as the federal zone are mandatorily required to
17 become privileged. Here is an explanation of this phenomenon by the U.S. Supreme Court. They are talking about
18 CONSTITUTIONAL and not STATUTORY aliens. Note also that legislatively foreign and alien inhabitants who are
19 FOREIGN NATIONALS NOT within any state of the Union must be treated as possessing an "implied license" to do
20 business in a foreign jurisdiction, which in this case is the national government, and therefore become privileged "resident
21 aliens". It is also a violation of the Constitution for the national government to treat those born in or domiciled within
22 Constitutional states of the Union the same as FOREIGN nationals because it deprives them of the "privileges and
23 immunities of [CONSTITUTIONAL] citizens of the United States" and thereby "alienates" their constitutional rights:

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

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

48 The above is another way of expressing the operation of the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C.
49 Chapter 97, in which 28 U.S.C. §1605 identifies the criteria by which foreign sovereigns such as states of the Union, and
50 the inhabitants within them "waive sovereignty immunity" and become subject to the jurisdiction of otherwise foreign law.
51 Those mechanisms imply that when one "purposefully avails" himself of commerce in a foreign jurisdiction, they are to be
52 deemed "resident aliens" within that otherwise foreign jurisdiction, but only for the purposes of THAT specific transaction
53 and not generally.

54 [TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)

55 [§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

(2) **in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;**

The key is the phrase “purposeful availment”. If you did not consent to do business in the forum, and instead had your money stolen by an ignorant payroll clerk or financial institution and sent to the corrupt United States, then that government:

1. Becomes the custodian over STOLEN money.
2. Becomes a “bailee” and “transferee” in temporary possession of property rightfully belonging to the party who was the subject of unlawful withholding and/or reporting.
3. Is required to return the funds, even if no law or even the franchise agreement itself authorizes the return of funds. Hence, a statutory “tax return” available ONLY to statutory franchisees called “taxpayers” need not be filled out and a NON-statutory claim should suffice.

*“A claim against the United States is a right to demand money from the United States. ⁴⁰ Such claims are sometimes spoken of as gratuitous in that they cannot be enforced by suit without statutory consent. ⁴¹ **The general rule of non-liability of the United States does not mean that a citizen cannot be protected against the wrongful governmental acts that affect the citizen or his or her property. ⁴² If, for example, money or property of an innocent person goes into the federal treasury by fraud to which a government agent was a party, the United States cannot [lawfully] hold the money or property against the claim of the injured party.** ⁴³”*
[American Jurisprudence 2d, United States, §45 (1999)]

*“When the Government has illegally received money which is the property of an innocent citizen and when this money has gone into the Treasury of the United States, there arises an implied contract on the part of the Government to make restitution to the rightful owner under the Tucker Act and this court has jurisdiction to entertain the suit.
90 Ct.Cl. at 613, 31 F.Supp. at 769.”
[Gordon v. U. S., 227 Ct.Cl. 328, 649 F.2d. 837 (Ct.Cl., 1981)]*

California Civil Code
Section 2224

“One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other wrongful act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing gained, for the benefit of the person who would otherwise have had it.”

“The United States, we have held, cannot, as against the claim of an innocent party, hold his money which has gone into its treasury by means of the fraud of its agent. While here the money was taken through mistake without element of fraud, the unjust retention is immoral and amounts in law to a fraud of the taxpayer’s rights. What was said in the State Bank Case applies with equal force to this situation. ‘An action will lie whenever the defendant has received money which is the property of the plaintiff, and which the defendant is obligated by natural justice and equity to refund. The form of the indebtedness or the mode in which it was incurred is immaterial.’”
[Bull v. United States, 295 U.S. 247, 261, 55 S.Ct. 695, 700, 79 L.Ed. 1421]

⁴⁰ United States ex rel. Angarica v Bayard, 127 U.S. 251, 32 L.Ed. 159, 8 S.Ct. 1156, 4 A.F.T.R. 4628 (holding that a claim against the Secretary of State for money awarded under a treaty is a claim against the United States); Hobbs v McLean, 117 U.S. 567, 29 L.Ed. 940, 6 S.Ct. 870; Manning v Leighton, 65 Vt. 84, 26 A. 258, motion dismd 66 Vt. 56, 28 A. 630 and (disapproved on other grounds by Button’s Estate v. Anderson, 112 Vt. 531, 28 A.2d. 404, 143 A.L.R. 195).

⁴¹ Blagge v. Balch, 162 U.S. 439, 40 L.Ed. 1032, 16 S.Ct. 853.

⁴² Wilson v. Shaw, 204 U.S. 24, 51 L.Ed. 351, 27 S.Ct. 233.

⁴³ Bull v. United States, 295 U.S. 247, 79 L.Ed. 1421, 55 S.Ct. 695, 35-1 U.S.T.C. ¶ 9346, 15 AFTR 1069; United States v. State Bank, 96 U.S. 30, 96 Otto 30, 24 L.Ed. 647.

- 1 4. May be sued in state court under a REPLEVIN action without invoking the franchise contract because the party whose
2 funds were stolen did not consent to be a franchisee and therefore never “purposefully availed” themselves of the
3 franchise or the commercial consequences of the franchise.

4 Here is how the above process of recovering funds unlawfully taken against a nonresident party as described in the FSIA:

5 [TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)
6 [§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

7 (a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any
8 case—

9 (3) in which rights in property taken in violation of international law are in issue and that property or any
10 property exchanged for such property is present in the United States in connection with a commercial activity
11 carried on in the United States by the foreign state; or that property or any property exchanged for such
12 property is owned or operated by an agency or instrumentality of the foreign state and that agency or
13 instrumentality is engaged in a commercial activity in the United States;

14 Below is the sequence of events that creates implied consent to the franchise, creates the legal “person”, “individual”, and
15 “resident”, transports your identity to federal territory, places it within the jurisdiction of a federal FRANCHISE court, and
16 creates what the courts call a “federal question” to be heard ONLY in a federal court. In other words, the franchise
17 agreement dictates choice of law that kidnaps your identity and moves it outside the protections of state law and the
18 constitution and onto federal territory.

- 19 1. Through deceit, fraud, and adhesion contracts within financial account applications and employment withholding
20 paperwork, you are illegally coerced or to apply to receive and become a custodian of government property. The legal
21 definition of “public office” confirms that a public officer is, in fact, someone who manages public property. The
22 property you receive is the Social Security Card, Social Security Number, and the Taxpayer Identification Number.
23 These numbers act as the equivalent of de facto license numbers giving permission from the state for you to engage in
24 “the functions of a public office”. IRS Regulations at 26 C.F.R. §301.6109-1 confirm that the use of the number is
25 ONLY mandatory in the case of those engaging in a “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as
26 “the functions of a public office”.

27 *“Public office. The right, authority, and duty created and conferred by law, by which for a given period, either*
28 *fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of*
29 *the sovereign functions of government for the benefit of the public. Walker v. Rich, 79 Cal.App. 139, 249 P. 56,*
30 *58. An agency for the state, the duties of which involve in their performance the exercise of some portion of the*
31 *sovereign power, either great or small. Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239; Lacey v.*
32 *State, 13 Ala.App. 212, 68 So. 706, 710; Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035; Shelmadine v.*
33 *City of Elkhart, 75 Ind.App. 493, 129 N.E. 878. State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz.*
34 *413, 52 P.2d. 483, 486. Where, by virtue of law, a person is clothed, not as an incidental or transient*
35 *authority, but for such time as de- notes duration and continuance, with Independent power to control the*
36 *property of the public, or with public functions to be exercised in the supposed interest of the people, the*
37 *service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position*
38 *so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.*
39 *[Black’s Law Dictionary, Fourth Edition, p. 1235]*

- 40 2. The USE of said public property and de facto license and the number that goes with it constitutes “prima facie implied
41 consent” to engage in the franchise and accept all of its terms and conditions. Hence, your implied consent makes you
42 into a PRESUMED, DE FACTO public officer and transferee managing federal property. Any commercial transaction
43 you connect the de facto license number to constitutes consent to donate the FRUITS of the transaction to a public
44 purpose in order to receive the benefits of a government franchise.
- 45 3. Implied consent to the franchise contract creates “agency” on the part of the applicant. All contracts create agency,
46 which as a bare minimum consists of delivering the “consideration” called for under the contract. The courts and the
47 government illegally treat this agency as a public office as described in 26 U.S.C. §7701(a)(26). They do this
48 unlawfully, because NO WHERE in the Internal Revenue Code are the creation of any new public offices in the
49 government authorized by the use of any tax form or any identifying number. The “consideration” they define by fiat
50 as consisting of obedience to the laws and dictates of a legislatively foreign jurisdiction.
- 51 4. Third parties are LIED TO by the IRS into producing FALSE legal evidence that connects PRIVATE people with a
52 public office. For instance, IRS FALSELY tells everyone that:

- 1 4.1. Every payment IN A LEGISLATIVELY FOREIGN JURISDICTION AND OUTSIDE THEIR TERRITORY
 2 must be reported using information returns such as IRS Forms W-2, 1042-S, 1098, and 1099.
 3 4.2. The reports MUST contain Taxpayer Identification Numbers, Employer Identification Numbers, and Social
 4 Security Numbers, all of which are ONLY mandatory in the case of those lawfully occupying a public office in
 5 ONLY the District of Columbia and not elsewhere pursuant to 4 U.S.C. §72.
 6 This has the practical effect of “electing” third parties into a public office without their consent, and in most cases
 7 ALSO without even their knowledge. Since they aren’t aware how the SCAM works, they never bother to rebut the
 8 FALSE evidence and hence, are compelled to act as a de facto public officer in criminal violation of 18 U.S.C. §912
 9 and to satisfy all the obligations of the office WITHOUT any real compensation. See:

Correcting Erroneous Information Returns, Form #04.001
<http://sedm.org/Forms/FormIndex.htm>

- 10 5. The public office (the “trade or business”) that is fraudulently created using your implied consent means that you:
 11 5.1. Are acting in a representative capacity on behalf of a federal corporation, which in this case is the national
 12 government.
 13 5.2. Are a statutory “U.S. citizen”, because the United States federal corporation you represent is a statutory but not
 14 constitutional citizen.

15 *“A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was*
 16 *created, and of that state or country only.”*
 17 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]*

- 18 6. Federal Rule of Civil Procedure 17(b) is used to transport your identity to the District of Columbia, because that is
 19 where “U.S. Inc.” is domiciled and located, who is the REAL party in interest for those acting in a representative
 20 capacity.

21 [IV. PARTIES > Rule 17.](#)
 22 [Rule 17. Parties Plaintiff and Defendant: Capacity](#)

23 *(b) Capacity to Sue or be Sued.*

24 **Capacity to sue or be sued is determined as follows:**

- 25 **(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;**
 26 **(2) for a corporation[the “United States”, in this case, or its officers on official duty representing the**
 27 **corporation], by the law under which it was organized [laws of the District of Columbia]; and**
 28 **(3) for all other parties, by the law of the state where the court is located, except that:**
 29 *(A) a partnership or other unincorporated association with no such capacity under that state's law may sue*
 30 *or be sued in its common name to enforce a substantive right existing under the United States Constitution*
 31 *or laws; and*
 32 *(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue*
 33 *or be sued in a United States court.*
 34 *[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]*

- 35 7. The franchise contract is then used to transport your identity against your will to the Domicile of “U.S. Inc.” in what
 36 Mark Twain calls “the District of Criminals”. For example, 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) are used
 37 to transport your identity to the District of Columbia under the Internal Revenue Code The “citizen or resident” they
 38 are talking about is the PUBLIC OFFICE, and NOT the human being and OFFICER filling the office.

39 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)
 40 [§ 7701. Definitions](#)

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

43 *(39) Persons residing outside United States*

44 *If any citizen or resident of the United States does not reside in (and is not found in) any United States judicial*
 45 *district, such citizen or resident shall be treated as residing in the District of Columbia for purposes of any*
 46 *provision of this title relating to—*

47 *(A) jurisdiction of courts, or*

(d) Citizens and residents outside the United States

If any citizen or resident of the United States does not reside in, and does not have his principal place of business in, any United States judicial district, such citizen or resident **shall be treated for purposes of this section as residing in the District of Columbia.**

9.7 How private parties abuse franchises to compel you to contract with the government

Since all franchises are contracts or agreements that acquire the force of law ONLY by your express or implied consent, then any of the following activities represent an attempt to contract with the government grantor of the franchise:

1. Using a government form available only to franchisees.
2. Invoking or claiming any status within a government franchise. Such statuses include the following statutory statuses:
 - 2.1. “U.S. citizen”, “U.S. resident”, “U.S. person”, or “taxpayer” (under the Internal Revenue Code).
 - 2.2. “Employee” under 26 U.S.C. §3401(c) .
 - 2.3. “Employer” under 26 U.S.C. §3401(d) .
 - 2.4. “Spouse” (under the Family Code of your state).
 - 2.5. “Driver” (under the Vehicle Code of your state).
 - 2.6. “Buyer” or “Seller” (under the FIRPTA provisions of the Internal Revenue Code, as described in Income Taxation of Real Estate Sales, Form #05.028).
3. Invoking or claiming any right or privilege within a government franchise. For instance:
 - 3.1. Receiving or being eligible to receive Social Security Benefits.
 - 3.2. Invoking a graduated and thereby REDUCED rather than fixed rate of tax under 26 U.S.C. §1.
 - 3.3. Invoking Earned income Credits under 26 U.S.C. §32.
 - 3.4. Invoking “trade or business” deductions available ONLY to those lawfully engaged in a public office within the U.S. and not State government under 26 U.S.C. §162.

As a risk reduction strategy, the legal departments of most companies will insist that all the people they deal with AGREE or CONSENT to be in a privileged status by insisting that they meet one of the above criteria. This is their technique essentially of:

1. Producing evidence to defend themselves from damages they cause to their clients by their ILLEGAL honoring of a levy or lien against a “nontaxpayer”.
2. Producing evidence that you CONSENTED to be privileged, and therefore do not have standing in court to claim an injury against them.
3. Preventing themselves from becoming the target for IRS enforcement because they might be misconstrued as violating provisions within the Internal Revenue Code “trade or business” franchise agreement.

Keenly aware of the above, private companies such as escrow companies, financial services companies, businesses, and employers typically will tacitly compel you to contract with the government using the following means:

1. Invoking statutory franchise statuses on their application forms for service or the contracts (real estate sales contracts, for instance) that are the output of their services.
2. Saying they won’t do business with you or provide the service you contract with them for unless:
 - 2.1. You invoke a statutory franchise status.
 - 2.2. You agree not to remove references to statutory statuses on their forms or output of their services.
 - 2.3. Submit knowingly FALSE withholding forms that misrepresent your status as a statutory “individual”, “nonresident alien individual”, or “taxpayer”.
3. Secretly filing reports that connect you franchise statuses without your knowledge, as retribution for insisting that they NOT misrepresent your status in their records. Such reports include
 - 3.1. Currency Transaction Report (CTR), Form 8300. See:

3.2. Suspicious Activity Report (SAR) filed with the FINCEN of the Dept. of Treasury.

As an example of the above, here is a provision that an real estate escrow company put within a sales contract that FORCES the Seller to be subject to Federal Investment in Real Property Transfer Act (FIRPTA) who would not otherwise be, as a precondition of the sale. Any astute reader will ensure that such provisions are NOT in THEIR land sale contract. This is an example of PRIVATE PARTIES compelling you into a privileged state and therefore destroying your constitutional rights.

Figure 2: FIRPTA provision within land sale contract

- 3i. 130. **IRS and FIRPTA Reporting:** Seller agrees to comply with IRS reporting requirements. If applicable, Seller agrees to complete, sign, 131. and deliver to Escrow Company a certificate indicating whether Seller is a foreign person or a non-resident alien pursuant to the 132. Foreign Investment in Real Property Tax Act ("FIRPTA"). Buyer and Seller acknowledge that if the Seller is a foreign person, the 133. Buyer must withhold a tax equal to 10% of the purchase price, unless an exemption applies.

The following defensive strategies should be pointed out in response to such CRIMINAL tactics by escrow companies:

1. FIRPTA only pertains to "United States" properties, which are properties physically located in a territory or possession in which the United States government has outright or equity ownership of the entire property or a portion thereof. This is covered in SEDM Forms #04.214, and 05.028.
2. An exclusively PRIVATE party who is not managing PUBLIC property does not have any status under the Internal Revenue Code All "individuals" within the Internal Revenue Code are public officers or instrumentalities within the U.S. government.
3. By including the above provision within a land sale contract against an otherwise exclusively PRIVATE party who is not a public officer "taxpayer", they are acting as the equivalent of employment recruiters for the national government, and doing so ILLEGALLY and in violation of 18 U.S.C. §§912, 201, 208, and 210.
4. One cannot, by exercising their right to contract with an otherwise PRIVATE party, LAWFULLY do any of the following without criminally impersonating a public officer within the U.S. Government:
 - 4.1. Invoke any franchise status, including "individual", "nonresident alien INDIVIDUAL", "taxpayer", "person", etc.
 - 4.2. Invoke any privilege, payment, or "benefit" within a franchise. It is ILLEGAL for the government to pay "benefits" to exclusively PRIVATE parties or to abuse their taxing power to redistribute wealth or "benefits" among otherwise PRIVATE parties.
5. An exclusively PRIVATE party not acting as a public officer within the U.S. government at the time of executing the above transaction would be committing perjury under penalty of perjury to sign any form that connects them to any franchise status, benefit, or eligibility for benefit in violation of [18 U.S.C. §1542](#), [18 U.S.C. §1001](#), and [18 U.S.C. §1621](#) if the document or any of its attachment requires a perjury statement.
6. All attempts by third parties you do business with that encourage you to put knowingly false statements on the application for their services of the output of their services constitute a conspiracy to commit perjury.
7. It is VERY important to define ALL terms on all forms you fill out as being OTHER than the terms used in any state or federal law. The contract provisions above, for instance, did not precisely define all terms, thus delegating UNDUE DISCRETION to both the clerk receiving the form or the judge or jury viewing the form in future legal proceeding to define the term in a way that needlessly benefits the government at your expense. The following form prevents such abuse of language in the context of taxation and is an excellent and highly recommended way to prevent such abuses:

Tax Form Attachment, Form #04.201
<http://sedm.org/Forms/FormIndex.htm>

8. All forms signed under penalty of perjury become testimony of a witness. It is a crime in violation of 18 U.S.C. §1512 and state law to tamper with, advise, or threaten such a witness to change or alter their testimony, and especially to change it to something that they KNOW is false. That means they can't threaten you, withhold service from you, or punish you in any way because they don't like what you put on their forms, or don't like the attachments you mandate to their forms.
9. To protect oneself from such stealthful attempts by third parties to recruit you into a public office in the government, you should ensure that the crimes and misrepresentations described herein are thoroughly and completely documented IN WRITING in the administrative record of the party who attempted it AND in your own records, and that such documentation is served upon them with the following form providing proof that you formally did so. This will

1 produce the evidence you will later need to prosecute the perpetrator of these injuries. They will try to avoid this by
2 talking with you on the phone or in person, but you should hang up the phone and tell them you want their responses
3 and ALL communications IN WRITING signed by a specific person in the company so that they CANNOT avoid
4 producing evidence admissible in court of their own wrongdoing:

[Certificate/Proof/Affidavit of Service, Form #01.002
http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

5 The greatest irony of all is that governments are CREATED to PROTECT your right to PRIVATELY CONTRACT, and
6 yet every opportunity where you could invoke their authority to protect the exercise of that right turns into an opportunity to
7 FORCE you to contract with THEM. They in effect through deceptive “words of art” attempt to INSERT themselves as
8 parties INTO EVERY contract, and then use that relationship to STEAL FROM, and ENSLAVE both parties to the
9 contract to themselves and extract AS MUCH wealth from the transaction as they want without contributing ANYTHING
10 to the transaction that either party regards as having any value at all. That’s TOTALLY EVIL. The right to contract, if it is
11 a right at all, certainly includes the right to contract the government OUT of the relationship between the parties. Here is
12 how the U.S. Supreme Court describes the right of the federal government to INTERFERE with rather than PROTECT
13 your PRIVATE right to contract:

14 Independent of these views, there are many considerations which lead to the conclusion that the power to
15 impair contracts, by direct action to that end, does not exist with the general government. In the first place,
16 one of the objects of the Constitution, expressed in its preamble, was the establishment of justice, and what
17 that meant in its relations to contracts is not left, as was justly said by the late Chief Justice, in *Hepburn v.*
18 *Griswold*, to inference or conjecture. As he observes, at the time the Constitution was undergoing discussion in
19 the convention, the Congress of the Confederation was engaged in framing the ordinance for the government of
20 the Northwestern Territory, in which certain articles of compact were established between the people of the
21 original States and the people of the Territory, for the purpose, as expressed in the instrument, of extending the
22 fundamental principles of civil and religious liberty, upon which the States, their laws and constitutions, were
23 erected. By that ordinance it was declared, that, in the just preservation of rights and property, 'no law ought
24 ever to be made, or have force in the said Territory, that shall, in any manner, interfere with or affect private
25 contracts or engagements bona fide and without fraud previously formed.' The same provision, adds the Chief
26 Justice, found more condensed expression in the prohibition upon the States against impairing the obligation of
27 contracts, which has ever been recognized as an efficient safeguard against injustice; and though the
28 prohibition is not applied in terms to the government of the United States, he expressed the opinion, speaking
29 for himself and the majority of the court at the time, that it was clear 'that those who framed and those who
30 adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of
31 legislation, and that the justice which the Constitution was ordained to establish was not thought by them to
32 be compatible with legislation of an opposite tendency.' 8 Wall. 623. 199 U.S. 700, 765] Similar views are
33 found expressed in the opinions of other judges of this court. In *Calder v. Bull*, which was here in 1798, Mr.
34 Justice Chase said, that there were acts which the Federal and State legislatures could not do without
35 exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act;
36 a law that destroyed or impaired the lawful private contracts of citizens; a law that made a man judge in his
37 own case; and a law that took the property from A. and gave it to B. 'It is against all reason and justice,' he
38 added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they
39 have done it. They may command what is right and prohibit what is wrong; but they cannot change
40 innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private
41 contract, or the right of private property. To maintain that a Federal or State legislature possesses such
42 powers if they had not been expressly restrained, would, in my opinion, be a political heresy altogether
43 inadmissible in all free republican governments.' 3 Dall. 388.

44 In *Ogden v. Saunders*, which was before this court in 1827, Mr. Justice Thompson, referring to the clauses of
45 the Constitution prohibiting the State from passing a bill of attainder, an ex post facto law, or a law
46 impairing the obligation of contracts, said: 'Neither provision can strictly be considered as introducing any
47 new principle, but only for greater security and safety to incorporate into this charter provisions admitted by
48 all to be among the first principles of our government. No State court would, I presume, sanction and enforce
49 an ex post facto law, if no such prohibition was contained in the Constitution of the United States; so, neither
50 would retrospective laws, taking away vested rights, be enforced. Such laws are repugnant to those fundamental
51 principles upon which every just system of laws is founded.'

52 In the *Federalist*, Mr. Madison declared that laws impairing the obligation of contracts were contrary to the
53 first principles of the social compact and to every principle of sound legislation; and in the *Dartmouth*
54 *College Case* Mr. Webster contended that acts, which were there held to impair the obligation of contracts,
55 were not the exercise of a power properly legislative, [199 U.S. 700, 766] as their object and effect was to take
56 away vested rights. 'To justify the taking away of vested rights,' he said, 'there must be a forfeiture, to
57 adjudge upon and declare which is the proper province of the judiciary.' Surely the Constitution would have
58 failed to establish justice had it allowed the exercise of such a dangerous power to the Congress of the United
59 States.

1 In the second place, legislation impairing the obligation of contracts impinges upon the provision of the
2 Constitution which declares that no one shall be deprived of his property without due process of law; and
3 that means by law in its regular course of administration through the courts of justice. Contracts are
4 property, and a large portion of the wealth of the country exists in that form. Whatever impairs their value
5 diminishes, therefore, the property of the owner; and if that be effected by direct legislative action operating
6 upon the contract, forbidding its enforcement or transfer, or otherwise restricting its use, the owner is as
7 much deprived of his property without due process of law as if the contract were impounded, or the value it
8 represents were in terms wholly or partially confiscated.

9 [Sinking Fund Cases, 99 U.S. 700 (1878)]

10 **9.8 How franchises are lawfully abused as snares by corrupt rulers to trap and enslave the** 11 **innocent and the ignorant and Undermine the Constitutional separation of powers**

12 Franchises are the method of choice in a free society by which the innocent, the sinful, or the ignorant are cunningly snared,
13 abused and enslaved to the whims of civil rulers LAWFULLY.

14 "The hand of the diligent will rule, but the lazy man will be put to **forced labor** [slavery!]."
15 [Prov. 12:24, Bible, NKJV]

16 Since participation is at least theoretically consensual and contractual, then no one who participates can claim an injury
17 cognizable in a real, Article III court under the common law:

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

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

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

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

28 Everything the government gives you or promises you, and which is commonly called a "benefit" is, in fact, a snare used to
29 entice you into servitude to them because everything they give you will always have strings attached. The snare is not
30 physical, but legal and contractual. The mechanism of the snare works as follows:

31 **Catching Wild Pigs**

32 *A chemistry professor in a large college had some exchange students in the class. One day while the class was*
33 *in the lab the Professor noticed one young man (exchange student) who kept rubbing his back, and stretching as*
34 *if his back hurt.*

35 *The professor asked the young man what was the matter. The student told him he had a bullet lodged in his*
36 *back. He had been shot while fighting communists in his native country who were trying to overthrow his*
37 *country's government and install a new communist government.*

38 *In the midst of his story he looked at the professor and asked a strange question. He asked, 'Do you know how*
39 *to catch wild pigs?'*

40 *The professor thought it was a joke and asked for the punch line. The young man said this was no joke. 'You*
41 *catch wild pigs by finding a suitable place in the woods and putting corn on the ground. The pigs find it and*
42 *begin to come every day to eat the free corn. When they are used to coming every day, you put a fence down one*
43 *side of the place where they are used to coming. When they get used to the fence, they begin to eat the corn*
44 *again and you put up another side of the fence. They get used to that and start to eat again. You continue until*
45 *you have all four sides of the fence up with a gate in the last side. The pigs, who are used to the free corn, start*
46 *to come through the gate to eat, you slam the gate on them and catch the whole herd.*

1 Suddenly the wild pigs have lost their freedom. They run around and around inside the fence, but they are
2 caught. Soon they go back to eating the free corn. They are so used to it that they have forgotten how to forage
3 in the woods for themselves, so they accept their captivity.

4 The young man then told the professor that is exactly what he sees happening to America. The government
5 keeps pushing us toward socialism and keeps spreading the free corn out in the form of programs such as
6 supplemental income, tax credit for unearned income, tobacco subsidies, dairy subsidies, payments not to plant
7 crops (CRP), welfare, medicine, drugs, etc.. While we continually lose our freedoms -- just a little at a time.

8 One should always remember: There is no such thing as a free lunch! Also, a politician will never provide a
9 service for you cheaper than you can do it yourself.

10 Also, if you see that all of this wonderful government 'help' is a problem confronting the future of democracy in
11 America, you might want to send this on to your friends. If you think the free ride is essential to your way of life
12 then you will probably delete this email, but God help you when the gate slams shut!

13 Keep your eyes on the newly elected politicians who are about to slam the gate on America.

14 Those who want to trap animals lay out “bait” and rig the door of the trap to slam shut when the animal grabs the bait.
15 People can be trapped just as easily as animals and it happens all the time. For the government, this “bait” is called
16 “benefits”. You “grab” or consume this bait by filling out an “application” such as a Social Security Form SS-5, or IRS
17 Forms W-7 or W-9. The courts call this process of grabbing the bait and waiving your sovereign immunity “purposeful
18 availment”.⁴⁴ Beyond the point of taking the bait, you become a public officer in the government corporation. Hence, the
19 “cage”, from a legal perspective, is a corporation and the animal in the cage is a public officer. Why? Because the
20 government can’t lawfully pay public funds to private people. Therefore, you must be assimilated into the government
21 corporation as a public officer and a public “person” in order to lawfully receive the payment or “benefit” and in effect,
22 become one of them.

23 **To lay, with one hand, the power of the government on the property of the citizen, and with the other to**
24 **bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a**
25 **robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree**
26 **under legislative forms.**

⁴⁴ See, for instance, [Yahoo! Inc. v. La. Ligue Contre Le Racisme Et L'Antisemitisme](#), 433 F.3d. 1199 (9th Cir. 01/12/2006), in which the court held the following, which is entirely consistent with the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. §1605 et seq:

In this circuit, we analyze specific jurisdiction according to a three-prong test:

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;

(2) the claim must be one which arises out of or relates to the defendant's forum-related activities; and

(3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

Schwarzenegger v. Fred Martin Motor Co., 374 F.3d. 797, 802 (9th Cir. 2004) (quoting *Lake v. Lake*, 817 F.2d. 1416, 1421 (9th Cir. 1987)). The first prong is determinative in this case. We have sometimes referred to it, in shorthand fashion, as the “purposeful availment” prong. *Schwarzenegger*, 374 F.3d. at 802. Despite its label, this prong includes both purposeful availment and purposeful direction. It may be satisfied by purposeful availment of the privilege of doing business in the forum; by purposeful direction of activities at the forum; or by some combination thereof.

We have typically treated “purposeful availment” somewhat differently in tort and contract cases. In tort cases, we typically inquire whether a defendant “purposefully direct[s] his activities” at the forum state, applying an “effects” test that focuses on the forum in which the defendant’s actions were felt, whether or not the actions themselves occurred within the forum. See Schwarzenegger, 374 F.3d. at 803 (citing *Calder v. Jones*, 465 U.S. 783, 789-90 (1984)). By contrast, in contract cases, we typically inquire whether a defendant “purposefully avails itself of the privilege of conducting activities” or “consummate[s] [a] transaction” in the forum, focusing on activities such as delivering goods or executing a contract. See *Schwarzenegger*, 374 F.3d. at 802. However, this case is neither a tort nor a contract case. Rather, it is a case in which Yahoo! argues, based on the First Amendment, that the French court’s interim orders are unenforceable by an American court.

1 Nor is it taxation. 'A tax,' says Webster's Dictionary, 'is a rate or sum of money assessed on the person or
2 property of a citizen by government for the use of the nation or State.' 'Taxes are burdens or charges imposed
3 by the Legislature upon persons or property to raise money for public purposes.' Cooley, Const. Lim., 479.

4 Coulter, J., in Northern Liberties v. St. John's Church, 13 Pa.St., 104 says, very forcibly, 'I think the common
5 mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the
6 government for the purposes of carrying on the government in all its machinery and operations—that they are
7 imposed for a public purpose.' See, also Pray v. Northern Liberties, 31 Pa.St., 69; Matter of Mayor of N.Y., 11
8 Johns. 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v.
9 Fond du Lac, supra."

10 [[Loan Association v. Topeka, 20 Wall. 655 \(1874\)](#)]

11 Why must they assimilate you into the federal corporation called "government" as a public officer rather than just a private
12 worker or simply a human being? Because the only human beings they can lawfully impose duties upon are those who
13 consent to do so by contract and all franchises are contracts between the government grantor and the formerly private
14 person. Otherwise, the Thirteenth Amendment prohibits "involuntary servitude". It doesn't prohibit **VOLUNTARY**
15 **SERVITUDE**.

16 Like every type of animal trap, the cage or trap is chained to the ground and destroys the mobility, liberty, sovereignty, and
17 freedom of those who eat or who are even eligible to eat the "bait". That cage, in legal contemplation, is portable and can
18 be moved wherever the owner deems proper for their malicious purposes. By examining 26 U.S.C. §§7701(a)(9) and
19 (a)(10), 7701(a)(39), and 7408(d), we see that both the cage and the headquarters of Babylon the Great Harlot federal
20 corporation called the "United States" is the District of Columbia, or what Mark Twain calls "The District of Criminals".
21 Therefore you are chained to the District of Criminals because you are representing an office in the District of Columbia.
22 The chain or cage:

- 23
- 24 1. Attaches to you at the point you consent by filling out the application for the "benefit". Even if you were threatened
25 and intimidated to fill out the form and thereby render it void, the government will look the other way by deliberately
26 omitting to prosecute the source of the duress because doing so would stop the legal plunder.
- 27 2. Consists of the franchise contract that obligates you, the trapped animal, into economic and political servitude to the
28 whims of bureaucrats in the government. This is your half of the "consideration" that forms the contract.
- 29 3. Attaches you to a legal "status" such as that of a statutory "taxpayer" (26 U.S.C. §7701(a)(14)), "citizen" (8 U.S.C.
30 §1401), "benefit recipient", or "federal personnel" (see 5 U.S.C. §552a(a)(12)). Only those who have this "status" can
31 be the object of enforcement of the franchise contract. This status can ONLY be procured through your consent, as
32 demonstrated in the following:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<http://sedm.org/Forms/FormIndex.htm>

33 The following document proves that the "bait" or "benefit" they snare you with, like the bait in real animal traps, was
34 actually worth NOTHING from a legal standpoint because it created no real "right" to anything cognizable in a court of
35 law:

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

36 None of these concepts ought to be new or unfamiliar to Christians who regularly read the word of God. The very first city
37 described in the Bible, which was Babylon, was established by a man name Nimrod who was described as a "mighty
38 hunter". What he hunted were MEN, and he did so by establishing cities full of "benefits" to lure them into the city from
39 out of their agrarian primitive dwellings. To wit:

40 *Cush begot Nimrod; he began to be a mighty one on the earth. ⁹ He was a mighty hunter before the LORD;*
41 *therefore it is said, "Like Nimrod the mighty hunter before the LORD."¹⁰ And the beginning of his kingdom*
42 *was Babel, Erech, Accad, and Calneh, in the land of Shinar. ¹¹ From that land he went to Assyria and built*
43 *Nineveh, Rehoboth Ir, Calah, ¹² and Resen between Nineveh and Calah (that is the principal city).*
44 [*Gen. 10:8-12, Bible, NKJV*]

45 You can learn the story of Nimrod by listening to the following sermon on our website:

1 The following video very powerfully proves that all present nations and countries are, in fact, simply “people farms” for
2 “government livestock”, where YOU are the livestock!:

The REAL Matrix, Stefan Molyneux

YOUTUBE: <http://www.youtube.com/watch?v=P772Eb63qIY&>

LOCAL COPY: http://famguardian1.org/Media/The_REAL_Matrix.mp4

3 The Bible also speaks directly, through the prophet Jeremiah, about those “who devise evil by law” as a way to trap and
4 enslave men. The “snares” they are referring to, at least in the area of government and the legal field, are franchises. The
5 phrase “fearing the Lord” is defined in Proverbs 8:13 as hating, and by implication punishing and preventing violation of
6 God’s laws such as those described here:

7 “Let us now fear the LORD our God,
8 Who gives rain, both the former and the latter, in its season.
9 He reserves for us the appointed weeks of the harvest.”
10 Your iniquities have turned these things away, [filling out government forms for “benefits”]
11 And your sins have withheld good from you.
12 ‘For among My people are found wicked men [the District of Criminals, who are foreigners posing as
13 protectors];
14 They lie in wait as one who sets snares;
15 They set a trap;
16 They catch men.
17 As a cage is full of birds,
18 So their houses are full of deceit. [in their usurious “codes” that are not law, but contracts]
19 Therefore they have become great and grown rich. [by stealing and spending TRILLIONS of dollars from those
20 who were unjustly compelled to participate in government franchises]
21 They have grown fat, they are sleek;
22 Yes, they surpass the deeds of the wicked;
23 They do not plead the cause, [who pleads such a cause?: LAWYERS!]
24 The cause of the fatherless; [or the “nontaxpayer”]
25 Yet they prosper,
26 And the right of the needy [or the “nontaxpayer”] they do not defend.
27 Shall I not punish them for these things?’ says the LORD.
28
29 ‘Shall I not avenge Myself on such a nation as this?’
30 “An astonishing and horrible thing
31 Has been committed in the land:
32 The prophets [pastors in 501c3 “privileged” churches] prophesy falsely,
33 And the priests [judges, who preside over a civil religion of socialism that worships the “state”] rule by their
34 own power;
35 And My people love to have it so.
36 But what will you do in the end?”
37 [Jeremiah 5:24-31, Bible, NKJV]

38 It is interesting to note that our most revered founding fathers understood these concepts and warned against engaging in
39 contracts or alliances, and by implication “franchises”, with any government, when they said:

40 “My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic;
41 but to keep the United States free from political connections with every other Country. To see that they may
42 be independent of all, and under the influence of none. In a word, I want an American character, that the
43 powers of Europe may be convinced we act for ourselves and not for others [as “public officers”]; this, in my
44 judgment, is the only way to be respected abroad and happy at home.”
45 [George Washington, (letter to Patrick Henry, 9 October 1775);
46 Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]

47 “About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to
48 you, it is proper that you should understand what I deem the essential principles of our government, and
49 consequently those which ought to shape its administration. I will compress them within the narrowest compass
50 they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of
51 whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations
52 — entangling alliances [contracts, treaties, franchises] with none.”
53 [Thomas Jefferson, First Inaugural Address, March 4, 1801]

1 The Bible also disdains contracts, covenants, and franchises with those who are not believers and especially with foreign
2 governments:

3 *“Take heed to yourself, lest you make a covenant or mutual agreement [contract, franchise agreement] with the*
4 *inhabitants of the land to which you go, lest it become a snare in the midst of you.”*
5 *[Exodus 34:12, Bible, Amplified version]*

6 Franchises are the main method by which malicious public servants in the government have systematically and
7 surreptitiously:

- 8 1. Corrupted the original purpose of the charitable public trust called “government” and usurped it in order to:
 - 9 1.1. Unconstitutionally expand their power and influence.
 - 10 1.2. Increase the pecuniary benefits of those serving the government.
 - 11 1.3. Deprive most Americans of equal protection that is the foundation of the United States Constitution.
- 12 2. Exceeded their territorial jurisdiction very deliberately put there for the protection of private rights.

13 *Debitum et contractus non sunt nullius loci.*
14 *Debt and contract [franchise agreement, in this case] are of no particular place.*

15 *Locus contractus regit actum.*
16 *The place of the contract [franchise agreement, in this case] governs the act.*

17 *[Bouvier's Maxims of Law, 1856;*
18 *SOURCE: <http://fanguardian.org/Publications/BouvierMaximsOfLaw/BouviarsMaxims.htm>]*

- 21 3. Destroyed the separation of powers between the states and the federal government put there by the founding fathers for
22 the protection of our liberties. Franchises are abused to pay bribes to state officials to disregard and invade the rights
23 of those under their care and protection by condoning the illegal enforcement of federal statutory civil law and within
24 their borders. See:

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

- 25 4. Enforced federal statutory law directly against persons domiciled outside their territorial jurisdiction in states of the
26 Union who do not work for the government and avoided the requirement to publish implementing enforcement
27 regulations in the Federal Register. See:

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

- 28 5. Introduced and expanded communism and socialism within America and inducted Americans unwittingly into the
29 service of these causes:

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

32 *The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ,*
33 *and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a*
34 *conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto*
35 *government ruled by the judiciary]. It constitutes an **authoritarian dictatorship [IRS, DOJ, and corrupted***
36 ***federal judiciary in collusion**], within a [constitutional] republic, demanding for itself the rights and **privileges***
37 *[including immunity from prosecution for their wrongdoing in violation of [Article 1, Section 9, Clause 8 of the](#)*
38 *[Constitution](#)] accorded to political parties, but **denying to all others the liberties [Bill of Rights] guaranteed by***
39 ***the Constitution**. Unlike political parties, which evolve their policies and programs through public means, by*
40 *the reconciliation of a wide variety of individual views, and submit those policies and programs to the*
41 *electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly*
42 *[by corrupt judges and the IRS in complete disregard of the tax laws] prescribed for it by the foreign leaders of*
43 *the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was*
44 *terrorized to do IRS bidding recently by the framing of [Congressman Traficant](#)] have no part in determining its*
45 *goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members*
46 *of the Communist Party are recruited for indoctrination [in the public schools by homosexuals, liberals, and*
47 *socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS*
48 *and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical*
49 *chieftains. **Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary]***
50 ***acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members.** The*
51 *Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends*
52 *by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to*
53 *acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the*

1 present constitutional Government of the United States ultimately must be brought to ruin by any available
2 means, including resort to force and violence [for using income taxes]. Holding that doctrine, its role as the
3 agency of a hostile foreign power [the Federal Reserve and the American Bar Association (A.B.A.)] renders its
4 existence a clear present and continuing danger to the security of the United States. It is the means whereby
5 individuals are seduced into the service of the world Communist movement, trained to do its bidding, and
6 directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the
7 Communist Party should be outlawed

8 For further details, see:

[Socialism: The New American Civil Religion](http://sedm.org/Forms/FormIndex.htm), Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

- 9 6. Created the “administrative state”, whereby federal agencies are empowered to directly and unconstitutionally
10 supervise the activities of otherwise private citizens and enforce federal statutory law against them. This sort of
11 intrusion is repugnant to the Constitution:

12 “The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide modes
13 of redress” against offensive state action, was “repugnant” to the Constitution. *Id.*, at 15. See also *United States*
14 *v. Reese*, 92 U.S. 214, 218 (1876) ; *United States v. Harris*, 106 U.S. 629, 639 (1883) ; *James v. Bowman*, 190
15 U.S. 127, 139 (1903) . Although the specific holdings of these early cases might have been superseded or
16 modified, see, e.g., *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964) ; *United States v. Guest*,
17 383 U.S. 745 (1966) , their treatment of Congress’ §5 power as corrective or preventive, not definitional, has
18 not been questioned.”
19 [*City of Boerne v. Flores, Archbishop of San Antonio*, 521 U.S. 507 (1997)]

- 20 7. Caused a destruction of sovereign immunity and rights of persons domiciled in states of the Union that brings them
21 under the control of the foreign law system that makes up the U.S. Code. See [28 U.S.C. §1605](#).

22 “If men, through fear, fraud, or mistake, should in terms renounce or give up any natural right, the eternal law
23 of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a
24 gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave.”
25 [Samuel Adams, 1772]

- 26 8. Invaded the exclusive sovereignty of families and churches over charitable causes. Only churches and families can
27 lawfully engage in charitable causes. The U.S. Supreme Court has said that the government may not use its power to
28 tax to compel anyone to subsidize “benefits”, whether charitable or not, to the public at large:

29 “Men are endowed by their Creator with certain unalienable rights, -‘life, liberty, and the pursuit of happiness;’
30 and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [for income] which a
31 man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use
32 it to his neighbor’s injury, and that does not mean that he must use it for his
33 neighbor’s benefit [e.g. SOCIAL SECURITY, Medicare, and every other
34 public “benefit”]; second, that if he devotes it to a public use, he gives to the public a right to
35 control that use; and third, that whenever the public needs require, the public may take it upon payment of
36 due compensation.”
37 [*Budd v. People of State of New York*, 143 U.S. 517 (1892)]

38
39 To lay, with one hand, the power of the government on the property of the citizen, and with the other to
40 bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a
41 robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree
42 under legislative forms.

43 Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or
44 property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges
45 imposed by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const.
46 Lim., 479.

47 *Coulter, J., in Northern Liberties v. St. John’s Church*, 13 Pa.St., 104 says, very forcibly, ‘I think the common
48 mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the
49 government for the purposes of carrying on the government in all its machinery and operations—that they
50 are imposed for a public purpose.’ See, also *Pray v. Northern Liberties*, 31 Pa.St., 69; *Matter of Mayor of*
51 *N.Y.*, 11 Johns. 77; *Camden v. Allen*, 2 Dutch., 398; *Sharpless v. Mayor*, *supra*; *Hanson v. Vernon*, 27 Ia., 47;
52 *Whiting v. Fond du Lac*, *supra*.”
53 [*Loan Association v. Topeka*, 20 Wall. 655 (1874)]

WARNING: Participating in ANY government franchise can leave you entirely without standing or remedy in any federal court! Essentially, by eating out of the government's hand, you are SCREWED, BLACK AND BLUED, and TATTOOED!

*"These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. [United States ex rel. Dunlap v. Black](#), 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; [Gordon v. United States](#), 7 Wall. 188, 195, 19 L.Ed. 35; [De Groot v. United States](#), 5 Wall. 419, 431, 433, 18 L.Ed. 700; [Comegys v. Vasse](#), 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. [Wilder Manufacturing Co. v. Corn Products Co.](#), 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; [Arnson v. Murphy](#), 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; [Barnet v. National Bank](#), 98 U.S. 555, 558, 25 L.Ed. 212; [Farmers' & Mechanics' National Bank v. Dearing](#), 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See [Medbury v. United States](#), 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; [Parish v. MacVeagh](#), 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; [McLean v. United States](#), 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; [United States v. Laughlin](#) (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919.: [U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]*

For a detailed exposition of why the above is true, see also [Allen v. Graham](#), 8 Ariz.App. 336, 446 P.2d. 240 (Ariz.App. 1968). Signing up for government entitlements hands them essentially a blank check, because they, and not you, determine the cost for the service and how much you will pay for it beyond that point. This makes the public servant into your Master and beyond that point, you must lick the hands that feed you. Watch Out! NEVER, EVER take a hand-out from the government of ANY kind, or you'll end up being their CHEAP WHORE. The Bible calls this WHORE "Babylon the Great Harlot". **Remember:** Black's Law Dictionary defines "commerce", e.g. commerce with the GOVERNMENT, as "intercourse". Bend over!

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

Government franchises and licenses are the main method for destroying the sovereignty of the people pursuant to [28 U.S.C. §1603\(b\)\(3\)](#) and [28 U.S.C. §1605\(a\)\(2\)](#) . They are also the MAIN method that our public servants abuse to escape the straight jacket limits of the constitution. Below is an admission by the U.S. Supreme Court of this fact in relation to Social Security:

*"We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme **free of all constitutional restraint.**"*
[Flemming v. Nestor, [363 U.S. 603](#) (1960)]

For further details on how franchises destroy rights and undermine the constitutional requirement for equal protection, read the [Sovereignty Forms and Instructions Manual, Form #10.005, Form #10.005 Sections 1.4 through 1.11.](#)

Those who exercise their right to contract in procuring a franchise become "residents" of the forum or jurisdiction where the other party to the franchise agreement resides or where the agreement itself specifies. In the context of the Internal Revenue Code, Subtitle A "trade or business" franchise agreement, the agreement itself, in [26 U.S.C. §§7701\(a\)\(39\)](#) and [7408\(d\)](#), specifies where the parties to the agreement MUST litigate all disputes. That place is the District of Columbia for all persons who have no domicile in the District of Columbia because they are either domiciled in a foreign country or a state of the Union.

10 State government destruction of the separation of powers

10.1 Doing Business as a Federal Corporation/Territory

The U.S. Supreme Court has held that a federal territory is a federal corporation, when it said:

1 At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual
2 succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several
3 individuals (a "corporation aggregate"). 3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st
4 Am. ed. 1845). The sovereign was considered a corporation. See *id.*, at 170; see also 1 W. Blackstone,
5 Commentaries *467. Under the definitions supplied by contemporary law dictionaries, Territories would have
6 been classified as "corporations" (and hence as "persons") at the time that 1983 was enacted and the
7 Dictionary Act recodified. See W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were
8 originally modeled upon a state or nation"); I. J. Bouvier, A Law Dictionary Adapted to the Constitution and
9 Laws of the United States of America 318-319 (11th ed. 1866) ("In this extensive sense the United States may
10 be termed a corporation"); Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . .
11 great corporation . . . ordained and established by the American people") (quoting United 1495 U.S. 182,
12 202) States v. Maurice, 26 F.Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.); Cotton v. United
13 States, 11 How. 229, 231 (1851) (United States is "a corporation"). See generally Trustees of Dartmouth
14 College v. Woodward, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation").
15 [Ngrairingas v. Sanchez, 495 U.S. 182 (1990)]

16 A corporation that is not also a "body politic" constitutes the equivalent of a private business that is not a government. This
17 subtle distinction is important, because **a "body politic AND corporate" is a government, while a "body corporate"**
18 **with the phrase "politic" removed is simply a private corporation that is NOT a "government"**. The U.S. Supreme
19 Court confirmed this conclusion when it held the following:

20 Both before and after the time when the Dictionary Act and § 1983 were passed, the phrase "bodies politic and
21 corporate" was understood to include the [governments of the] States. See, e.g., J. Bouvier, 1 A Law
22 Dictionary Adapted to the Constitution and Laws of the United States of America 185 (11th ed. 1866); W.
23 Shumaker & G. Longsdorf, Cyclopedic Dictionary of Law 104 (1901); Chisholm v. Georgia, 2 U.S. (2 Dall.)
24 419, 447, 1 L.Ed. 440 (1793) (Iredell, J.); id., at 468 (Cushing, J.); Cotton v. United States, 52 U.S. (11 How.)
25 229, 231, 13 L.Ed. 675 (1851) ("Every sovereign State is of necessity a body politic, or artificial person");
26 Poindexter v. Greenhow, 114 U.S. 270, 288, 5 S.Ct. 903, 29 L.Ed. 185 (1885); McPherson v. Blacker, 146 U.S.
27 1, 24, 13 S.Ct. 3, 6, 36 L.Ed. 869 (1892); Heim v. McCall, 239 U.S. 175, 188, 36 S.Ct. 78, 82, 60 L.Ed. 206
28 (1915). See also United States v. Maurice, 2 Brock. 96, 109, 26 F.Cas. 1211 (CC Va.1823) (Marshall, C.J.)
29 ("The United States is a government, and, consequently, a body politic and corporate"); Van Brocklin v.
30 Tennessee, 117 U.S. 151, 154, 6 S.Ct. 670, 672, 29 L.Ed. 845 (1886) (same). Indeed, the very legislators who
31 passed § 1 referred to States in these terms. See, e.g., Cong. Globe, 42d Cong., 1st Sess., 661-662 (1871) (Sen.
32 Vickers) ("What is a State? Is *79 it not a body politic and corporate?"); *id.*, at 696 (Sen. Edmunds) ("A State
33 is a corporation").

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

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

56 The U.S. Supreme Court also held that the formation of a corporation alone does not "confer political power or political
57 character", which is to say, form a "body politic". The creation of a "body politic" within any act of Congress therefore
58 requires an express declaration:

59 "The mere creation of a corporation, does not confer political power or political character. So this Court
60 decided in Dartmouth College v. Woodward, already referred to. If I may be allowed to paraphrase the
61 language of the Chief Justice, I would say, a bank incorporated, is no more a State instrument, than a natural
62 person performing the same business would be. If, then, a natural person, engaged in the trade of banking,

1 should contract with the government to receive the public money upon deposit, to transmit it from place to
2 place, without charging for commission or difference of exchange, and to perform, when called upon, the duties
3 of commissioner of loans, would not thereby become a public officer, how is it that this artificial being, created
4 by law for the purpose of being employed by the government for the same purposes, should become a part of the
5 civil government of the country? Is it because its existence, its capacities, its powers, are given by law? because
6 the government has given it power to take and hold property in a particular form, and to employ that property
7 for particular purposes, and in the disposition of it to use a particular name? because the government has sold
8 it a privilege [22 U.S. 738, 774] for a large sum of money, and has bargained with it to do certain things; is it,
9 therefore, a part of the very government with which the contract is made?"
10 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

11 The protections of the Bill of Rights, extended to each state of the Union through the Fourteenth Amendment enacted in
12 1868, make it very difficult for the state to interfere with the exercise of any of your many constitutionally guaranteed
13 rights. A brief enumeration of these rights appears below:

Enumeration of Inalienable Rights, Form #06.004
<http://sedm.org/Forms/FormIndex.htm>

14 Over the years since the Civil War, which ended in 1865, states of the Union have gradually, one by one, attempted to
15 circumvent these "straight jacket" restrictions on their actions to undermine the sovereignty of the people by effecting the
16 following types of legal transformations in their civil law systems. This was accomplished by creating a parallel, private
17 corporation that operates side by side with the de jure government and which has a similar name and then slowly
18 transitioning all government services over to this private, for profit federal corporation that is a subsidiary of the federal
19 government. For example, the de jure republic of California is a government while the "State of California" is a private, for
20 profit corporation that is NOT a government. Specific techniques to accomplish this transition include the following:

- 21 1. By writing a new Constitution, which excludes the geographical boundaries of the state. For instance, California has
22 TWO constitutions: The 1849 Constitution and the 1879 Constitution. Both of these constitutions are in full force and
23 effect. The first one is for the de jure Republic, and the second one is for the corporate "State of California", which is:
 - 24 1.1. A corporation
 - 25 1.2. An instrumentality of the federal government.
 - 26 1.3. Functions in the capacity as a "territory" or "State" of the United States as defined in [4 U.S.C. §110\(d\)](#).
- 27 2. By implementing Article IV legislative franchise, rather than Article III Constitutional, courts which may not operate
28 in equity or common law to defend or protect the rights of the people. See:

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

- 29 3. By rewriting their statutory law so that states are acting in *two* capacities and by making it very difficult for the average
30 person to discern which of the two separate jurisdictions a particular statute is referring to:
 - 31 3.1. The de facto federal corporate "territory".
 - 32 3.2. The de jure Republic.
- 33 4. By introducing all kinds of new franchises which:
 - 34 4.1. Are implemented as "private law".
 - 35 4.2. Are available only to "public officers" within the corporation.
 - 36 4.3. Have the ultimate effect of making you into a "public officer" when you sign up for them.
 - 37 4.4. Change the effective domicile of the participants to federal territory pursuant to Federal Rule of Civil Procedure
38 17(b).
 - 39 4.5. Require consent of the participants to enforce. See:
Requirement for Consent, Form #05.003
<http://sedm.org/Forms/FormIndex.htm>
- 40 4.6. Are falsely portrayed by the government and legal profession as "public law" so that everyone will falsely believe
41 they are subject.
- 42 4.7. Compel you to join yet more franchises to spread the slavery. For instance, driver's licenses are used to:
 - 43 4.7.1. Create a false presumption of domicile on federal territory.
 - 44 4.7.2. Compel participation in Social Security by mandating SSNs on driver's license applications.
 - 45 4.7.3. Compel participation in the federal income tax system by sharing driver's license data with the revenue
46 agencies of the state.
- 47 4.8. Behave as adhesion contracts because no way is provided to lawfully terminate participation and the government
48 lies to you about your ability to quit. See:

All of the above techniques are the central theme of the “New Deal” socialists who took power in the 1930’s. These techniques have resulted in a continual erosion of the rights of Americans by replacing rights with privileges and franchises as documented in the memorandum below:

5. By gradually moving most state services over to the “corporate” side of the government and then compelling everyone who wants to avail themselves of these “privileges” to declare that they are “residents”, who in fact are “aliens” with a domicile on federal territory within the exterior limits of the state. This is true of the following types of services:
 - 5.1. Resident tuition at state schools.
 - 5.2. Registering to vote. After the corporatization of the state governments, “electors” became “voters”. You must have a legal domicile in the corporate “State”, which is on federal territory, in order to become a “voter”. In the California Election Code, all registered voters agree to be surety for the debts of the government. This type of “poll tax” has been declared unconstitutional by the U.S. Supreme Court, but it is perfectly legal in the federal zone, where there are no rights, but only “privileges”.
6. By signing onto the federal Buck Act, 4 U.S.C. §105-111, as “territories” under what are called Agreements on Coordination of Tax Administration (ACTA).
 - 6.1. These agreements are made between the United States Secretary of the Treasury and the Governor and Attorney General of a “State”.
 - 6.2. The term “State” is then defined as a territory or possession of the “United States” in [4 U.S.C. §110\(d\)](#). None of the state constitutions authorize a de jure state to operate as a federal territory, and doing so is an unconstitutional breakdown of the separation of powers.
 - 6.3. The agreements are made under the authority of [4 U.S.C. §106](#), which is part of the Buck Act, and [5 U.S.C. §5517](#), in which the federal government consented to the taxation of “public officials” within federal areas and enclaves within a state of the Union.
 - 6.4. The agreements are highly secretive and the IRS or the State will avoid talking about them. The reason is that if Americans understood that they are the basis for all state income taxes, and that federal liability as a domiciliary of the federal zone was a prerequisite for both federal and state liability, most people would balk at paying this fraudulent tax.
 - 6.5. These ACTA agreements simply provide an excuse to levy an income tax in the federal zone only, but the states deliberately and unlawfully misapply it to places not within the federal zone in order to maximize their revenues. The result is racketeering and extortion on a grand scale and the biggest fraud in the history of the country.

Some examples of how the above types of abuses are facilitated include:

1. In California, sales taxes only apply on federal territory. The Revenue and Taxation Code, section 6017, imposes the tax only with the “State”, which is defined as federal territory.

California Revenue and Taxation Code

6017. "In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.

2. In California, the state income tax is imposed only on earnings within federal territory. The Revenue and Taxation Code, Section 17018, imposes the tax only within the “State”, which is defined as federal territory.

California Revenue and Taxation Code

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

3. In California, you must be a “resident” in order to obtain a state driver’s license. The code then defines a “resident” as a person with a domicile in the “State”. This is the same “State” as above.

California Vehicle Code

*12505. (a) (1) For purposes of this division only and notwithstanding Section 516, **residency shall be determined as a person's state of domicile.** "State of domicile" means the state where a person has his or her*

1 true, fixed, and permanent home and principal residence and to which he or she has manifested the intention of
2 returning whenever he or she is absent.

3 Examples of the above types of abuses are rampant in every state of the Union. These examples illustrate the following
4 facts which we welcome you to investigate and confirm for yourself:

- 5 1. Whenever the state makes receipt of any benefit contingent on “domicile” or “residence” within the “State”, it is *not*
6 engaging in a “public purpose”, but private business activity.
7 1.1. The “taxes” collected to pay for these contractual private services also amount to private business activity
8 implemented voluntarily through your unlimited and private right to contract.
9 1.2. You may lawfully avoid paying for these services that you don’t want by not availing yourself of the services and
10 by switching your domicile to be outside of the “State”. See:

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

- 11 2. Income taxes, sales taxes, vehicle licenses, and marriage licenses in your state are all “voluntary” and may not be
12 enforced against anyone who does not maintain a domicile on federal territory within the exterior limits of a state.
13 3. If you fill out any forms volunteering to participate in any of the above programs, you establish a prima facie
14 presumption that you live on federal territory within the state, and have no constitutional rights because you live there.
15 4. Any state service or program which prescribes a penalty without a court hearing:
16 4.1. Constitutes an unconstitutional Bill of Attainder. See:
17 4.1.1. Constitution, Article 1, Section 9, Clause 3.
18 4.1.2. The following article: <http://famguardian.org/TaxFreedom/CitesByTopic/BillOfAttainder.htm>
19 4.2. Is unconstitutional if instituted within the de jure Republic, but lawful within the “Corporate” state, which is not
20 protected by the Bill of Rights.
21 4.3. The only way that non-judicial penalties can be lawful is if you consent to them. A Bill of Attainder is a penalty
22 instituted WITHOUT your consent. Consequently, all state programs that enforce compliance enforced using
23 non-judicial penalties can only apply within the federal zone and the corporate “State”.
24 5. If you want to preserve and protect your rights, you can’t have a domicile on federal territory or:
25 5.1. Have a vehicle registered in your name in the “State”.
26 5.2. Get a marriage license from the “State”. Se

Sovereign Christian Marriage, Form #06.009
<http://sedm.org/Forms/FormIndex.htm>

- 27 5.3. Pay income taxes in the “State”. See:

Great IRS Hoax, Form #11.302
<http://sedm.org/Forms/FormIndex.htm>

- 28 5.4. Pay sales taxes in the “State”.
29 5.5. Tolerate or allow information returns, such as IRS Forms 1042-S, 1098, 1099, or K-1 to be filed against your
30 name. All such “information returns” create a prima facie presumption that you are engaged in a “trade or
31 business” on federal territory in your state, which is a federal franchise or privilege that is taxable. See:

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

- 32 5.6. Use a Social Security Number in any interaction with the government. This creates a prima facie presumption
33 that you are the “public official” who is the subject of the Buck Act. See:

Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

34 The U.S. Supreme Court warned about the above types of abuses and mischief on the part of the states and the federal
35 government, and has become accessory after the fact to such abuses by denying appeals to correct these kinds of abuses:

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

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

2 The Court's predictions above have come true. The de jure Republic we once enjoyed has been replaced by the
3 "administrative state", which is a totalitarian democracy devoid of rights. This "administrative state" does everything
4 through "administrative law" which abuses and disregards the rights of everyone. See the following for details on how this
5 massive fraud upon the public operates:

Understanding Administrative Law, Ron Branson
<http://famguardian.org/Subjects/LawAndGovt/AdminLaw/UnderstandingAdministrativeLaw.htm>

6 In effect, corrupt and covetous lawyers and politicians, when they want to invade an area of private business and
7 commerce, expand their revenues and control over the populace, and compete with private industry in the "social insurance
8 business", have chosen to do it only in the federal zone, which they then enforce as private contract law conducted in a
9 geographical area not protected by the Bill of Rights or the Constitution. If you avail yourselves of the "privileges" of these
10 voluntary private business "services", then you are presumed implicitly to be bound by the remainder of the "contract" that
11 governs their operation:

12 CALIFORNIA CIVIL CODE
13 DIVISION 3. OBLIGATIONS
14 PART 2. CONTRACTS
15 CHAPTER 3. CONSENT

16 [Section 1589](#)

17
18 *1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations
19 arising from it, so far as the facts are known, or ought to be known, to the person accepting.*
20

21 *"The Government urges that **the Power Company is estopped to question the validity of the Act creating the**
22 **Tennessee Valley Authority**, and hence that the stockholders, suing in the right of the corporation, cannot [297
23 U.S. 323] maintain this suit. **The principle is invoked that one who accepts the benefit of a statute cannot**
24 **be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581;**
25 **Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co.,**
26 **260 U.S. 469.**"
27 [Ashwander v. Tennessee Valley Auth., [297 U.S. 288](#) (1936)]*

28 Below is what the U.S. Supreme Court said about the abuse of "privileges" in order to manipulate constitutional rights out
29 of existence and thereby undermine the Constitution:

30 *"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed
31 by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583.
32 "Constitutional rights would be of little value if they could be indirectly denied,' Smith v. Allwright, 321 US.
33 649, 644, or manipulated out of existence,' Gomillion v. Lightfoot, 364 U.S. 339, 345."
34 [Harman v. Forssenius, [380 U.S. 528](#) at 540, 85 S.Ct. 1177, 1185 (1965)]
35*

36 *"It would be a palpable incongruity to strike down an act of state legislation which, by words of express
37 divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by
38 which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable
39 privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that,
40 as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it
41 sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it
42 may not impose conditions which require the relinquishment of Constitutional rights. If the state may compel
43 the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender
44 of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be
45 manipulated out or existence."
46 [Frost v. Railroad Commission, [271 U.S. 583](#); 46 S.Ct. 605 (1926)]*

47 If you would like to learn more about the subjects in this section, we refer you to the following additional resources:

- 48 1. Corporatization and Privatization of the Government, Form #05.024
49 <http://sedm.org/Forms/FormIndex.htm>
50 2. Highlights of American Legal and Political History CD, Form #11.202

1 <http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm>

2 **10.2 Attorney licensing**

3 Attorney licensing is an important method for breaking down the separation of powers between private individuals and the
4 state. Licensing of attorneys:

- 5 1. Makes attorneys into fiduciaries and officers of the state.
- 6 2. Causes a person to surrender their right to challenge jurisdiction of the court.

7 *"In propria persona. In one's own proper person. It was formerly a rule in pleading that pleas to the*
8 *jurisdiction of the court must be plead in propria persona, because **if pleaded by attorney they admit the***
9 ***jurisdiction, as an attorney is an officer of the court, and he is presumed to plead after having obtained leave,***
10 *which admits the jurisdiction."*
11 *[Black's Law Dictionary, Sixth Edition, p. 792]*

- 12 3. Causes all those who form artificial entities such as corporations, trusts, LLC's, etc. to have to employ "officers of the
13 state" and "officers of the court" to defend their lawful status. This prejudices the management of artificial entities in
14 favor of the state, because "officers of the court" are always regulated to favor the state and will lose their license if
15 they don't.

16 In actual practice, there is no such thing formally and officially called a "attorney license". What this "licensing" process
17 amounts to is the following:

- 18 1. Taking the state bar exam, created and administered by the American Bar Association (ABA).
- 19 2. Passing the bar by correctly answering the required minimum number of questions.
- 20 3. Receiving a certificate from the state Supreme Court signed by the clerk or a justice of the supreme court of your state.
21 This certificate is viewed as your meal ticket to represent clients in your state.
- 22 4. Thereafter paying annual membership fees to the American Bar Association in the state where admitted. See:
23 <http://www.abanet.org/>.

24 In order to rescind the "license" of an attorney to practice law, a complaint must be registered with the state bar association
25 of the state in which he has credentials. The state bar association is a private, quasi-government organization which takes
26 responsibility for investigating complaints and for disciplining attorneys. They set standards of professional and ethical
27 conduct and have their own rules of conduct. See:

28 <http://www.abanet.org/cpr/>

29 A lawyer who has received too many complaints will be investigated by the state bar and eventually have his "license"
30 (certificate) revoked. Below is an example of a ruling in which the "license" of an attorney was rescinded, so you can see
31 for yourself:

<http://famguardian.org/Disks/IRSDVD/Researchers/Rivera,Ed/03-O-01778.pdf>

32 When the investigation commences in which a license may be terminated, the bar association sends a request to the attorney
33 to supply all client records for those who complained. This, of course, is illegal violation of the attorney-client privilege. If
34 he continues to practice law beyond the point that his license is revoked, the local ABA comes into his office with the
35 county sheriff, confiscates his client files, and notifies the clients that they may no longer seek his services.

36 We must remember that a license is legally defined as "permission from the state to do that which is otherwise illegal", and
37 the implication of attorney licensing is that it is illegal for an unlicensed attorney to talk in front of a judge or jury.
38 Common sense tells us that this violates the [First Amendment](#) guarantee of free speech. As reasonable men, we must
39 therefore conclude that the American Bar Association (ABA) is nothing but a lawyer union that wants to jack up its own
40 salaries by restricting the supply of lawyers and which is in bed with federal judges to help illegally expand their
41 jurisdiction in return for the privilege of having those inflated salaries.

1 The following supreme Court cases held that a State may not pass statutes prohibiting the unauthorized practice of law or to
2 interfere with the Right to freedom of speech, secured in the [First Amendment](#):

3 1. [United Mine Workers v. Illinois Bar Association, 389 U.S. 217 \(1967\)](#):

4 *"We start with the premise that the rights to assemble peaceably and to petition for a redress of grievances are*
5 *among the most precious of the liberties safeguarded by the Bill of Rights. These rights, moreover, are*
6 *intimately connected, both in origin and in purpose, with the other First Amendment rights of free speech and*
7 *free press. "All these, though not identical, are inseparable." Thomas v. Collins, [323 U.S. 516, 530 \(1945\)](#). See*
8 *De Jonge v. Oregon, [299 U.S. 353, 364 \(1937\)](#). The First Amendment would, however, be a hollow promise if it*
9 *left government free to destroy or erode its guarantees by indirect restraints so long as no law is passed that*
10 *prohibits free speech, press, petition, or assembly as such. We have therefore repeatedly held that laws which*
11 *actually affect the exercise of these vital rights cannot be sustained merely because they were enacted for the*
12 *purpose of dealing with some evil within the State's legislative competence, or even because the laws do in fact*
13 *provide a helpful means of dealing with such an evil. Schneider v. State, [308 U.S. 147 \(1939\)](#); Cantwell v.*
14 *Connecticut, [310 U.S. 296 \(1940\)](#). "*
15 *[United Mine Workers v. Illinois Bar Association, [389 U.S. 217 \(1967\)](#)]*

16 2. [NAACP v. Button, 371 U.S. 415 \(1963\)](#): Supreme Court outlawed state restrictions on legal advertising by non-legal
17 groups pursuing litigation as a form of political activism.

18 3. [Railroad Trainmen v. Virginia State Bar, 377 U.S. 1 \(1964\)](#): U.S. Supreme Court ruled that an injunction issued by a
19 state court, prohibiting, as the unlawful solicitation of litigation and the unauthorized practice of law, a labor union
20 from advising injured members or their dependents to obtain legal assistance before settling claims and recommending
21 specific lawyers to handle such claims, infringes rights guaranteed by the First and Fourteenth Amendments. NAACP
22 v. Button, [371 U.S. 415](#), followed.

23 *Virginia undoubtedly has broad powers to regulate the practice of law within its borders; [10](#) but we have had*
24 *occasion in the past to recognize that in regulating the practice of law a State cannot ignore the rights of*
25 *individuals secured by the Constitution. [11](#) For as we said in NAACP v. Button, supra, [371 U.S., at 429](#), "a*
26 *State cannot foreclose the exercise of constitutional rights by mere labels." Here what Virginia has sought to*
27 *halt is not a commercialization of the legal profession which might threaten the moral and ethical fabric of the*
28 *administration of justice. It is not "ambulance chasing." The railroad workers, by recommending competent*
29 *lawyers to each other, obviously are not themselves engaging in the practice of law, nor are they or the lawyers*
30 *whom [[377 U.S. 1, 7](#)] they select parties to any soliciting of business. It is interesting to note that in Great*
31 *Britain unions do not simply recommend lawyers to members in need of advice; they retain counsel, paid by the*
32 *union, to represent members in personal lawsuits, [12](#) a practice similar to that which we upheld in NAACP v.*
33 *Button, supra.*

34 *A State could not, by invoking the power to regulate the professional conduct of attorneys, infringe in any way*
35 *the right of individuals and the public to be fairly represented in lawsuits authorized by Congress to effectuate a*
36 *basic public interest. Laymen cannot be expected to know how to protect their rights when dealing with*
37 *practiced and carefully counseled adversaries, cf. Gideon v. Wainwright, [372 U.S. 335](#), and for them to*
38 *associate together to help one another to preserve and enforce rights granted them under federal laws cannot*
39 *be condemned as a threat to legal ethics. [13](#) The State can no more keep these workers from using their*
40 *cooperative plan to advise one another than it could use more direct means to bar them from resorting to the*
41 *courts to vindicate their legal rights. The right to petition the courts cannot be so handicapped.*
42 *[Railroad Trainmen v. Virginia State Bar, [377 U.S. 1 \(1964\)](#)]*

43 Nevertheless, states and judges continue to unlawfully insist that they have the right to license attorneys and institute what
44 amounts to "privilege-induced slavery" against anyone who wants to practice law. In so doing, all they are doing in the
45 process is regulating "private conduct", because:

46 1. All federal courts are Article IV, legislative, territorial courts that have no jurisdiction over persons domiciled in the
47 exclusive jurisdiction of a state of the Union. Consequently, the only way they can end up in front of a federal judge,
48 in most cases, is to involve themselves in voluntary franchises of the federal government. See:

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

49 2. Most state statutory law is private law that only applies in the federal areas within the exterior limits of the state.
50 Consequently, the only way a person domiciled in other than the federal zone to come within their jurisdiction is to
51 exercise his private right to contract. For further details, see section 10.1 earlier.

52 If you would like to know how to practice law as a pro per or lawyer without a state-issued license, see the following article
53 on our website:

10.3 Dumbing down our children in the public school on legal subjects

We said earlier in section 2 that the founders originally gave us separation of school and state. Over the years, that separation has eroded to the point where now, the vast majority of Americans are a commodity that is “manufactured” in public schools by the government. The state and local governments have deliberately dumbed down the populace on legal subjects by refusing to teach any kind of legal subjects in public school. This results in a population of Americans who:

1. Lack the legal means to hold their government accountable to the Constitution and to stay within the bounds of their delegated authority.
2. Cannot defend themselves in Court.
3. Have become slaves to the legal profession and the Courts because they are easily hoodwinked and manipulated by unscrupulous judges and lawyers.
4. If they serve as jurists, will injure their fellow Americans because of their legal ignorance, and their inability to read or study the law. Most criminal tax convictions occur without the jurists ever seeing or reading the tax law for themselves. They are prompted by the judge to act as an angry lynch mob rather than an objective finder of fact. Thomas Jefferson said that when judges are biased, which is the case on tax matters because the judge is a “taxpayer” and a benefit recipient from the taxes, then the jury must judge BOTH the facts AND the law:

"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty." -- Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283
[SOURCE: <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1520.htm>]

This “dumbing down” of America is not an accident. It is a deliberate, systematic plan to transition our republican heritage of individual rights and liberties towards a socialist, collectivist, totalitarian democratic state devoid of rights. The nature of that state is documented in the free publication below:

10.4 Driver’s licensing

Every state of the Union issues driver’s licenses. The prerequisite for getting a driver’s license is to apply. a “domicile” within the “State”. The “State” they are referring to is the federal zone and does not include any part of the land under exclusive state jurisdiction.

California Vehicle Code

12500. (a) A person may not drive a motor vehicle upon a highway, unless the person then holds a valid driver's license issued under this code, except those persons who are expressly exempted under this code.

12505. (a) (1) For purposes of this division only and notwithstanding Section 516, residency shall be determined as a person's state of domicile. "State of domicile" means the state where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has manifested the intention of returning whenever he or she is absent. Prima facie evidence of residency for driver's licensing purposes includes, but is not limited to, the following:

- (A) Address where registered to vote.*
- (B) Payment of resident tuition at a public institution of higher education.*
- (C) Filing a homeowner's property tax exemption.*
- (D) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.*

[SOURCE:
<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=32316329954+0+0+0&WAISaction=retrieve>]

1 In addition to the above, the driver's license application in many states also requires the applicant to certify that they are
2 "within the United States" and the "United States" they mean is the federal zone as defined in [26 U.S.C. §7701\(a\)\(9\)](#) and
3 (a)(10) . This is the case on the back of the driver's license application in California, for instance. This causes them to
4 surrender all constitutional protections for their rights, because the federal zone is not protected by any part of the Bill of
5 Rights and also subjects them to exclusive jurisdiction and plenary power of the federal government. This, in most cases, is
6 how they become "taxpayers" under federal law who have no rights.

7 If you would like to know details more about the driver's license scam, see the following book:

[Defending Your Right to Travel](#), Form #06.010
<http://sedm.org/Forms/FormIndex.htm>

8 **11 Legislative Branch Destruction of the Separation of Powers and Your** 9 **Constitutional Rights**

10 We will now summarize the restrictions imposed by the Separation of Powers Doctrine upon the Legislative Branch:

11 1. Congress may not delegate its authority or responsibility to make law.

12 *The fundamental precept of the delegation doctrine is that the lawmaking function belongs to Congress,*
13 *U.S.Const., Art. I, § 1, and may not be conveyed to another branch or entity. Field v. Clark, 143 U.S. 649, 692*
14 *(1892). This principle does not mean, however, that only Congress can make a rule of prospective force. To*
15 *burden Congress with all federal rulemaking would divert that branch from more pressing issues, and defeat*
16 *the Framers' design of a workable National Government. Thomas Jefferson observed, "Nothing is so*
17 *embarrassing nor so mischievous in a great assembly as the details of execution." 5 Works of Thomas Jefferson*
18 *319 (P. Ford ed. 1904) (Letter to E. Carrington, Aug. 4, 1787). See also A. L. A. Schechter Poultry Corp. v.*
19 *United States, 295 U.S. 495, 529-530 (1935) (recognizing "the necessity of adapting legislation to complex*
20 *conditions involving a host of details with which the national legislature cannot deal directly"). This Court*
21 *established long ago that Congress must be permitted to delegate to others at least some authority that it could*
22 *exercise itself. Wayman v. Southard, 10 Wheat. 1, 42 (1825).*

23 *"The true distinction . . . is between the delegation of power to make the law, which necessarily involves a*
24 *discretion as to what it shall be, and conferring authority [517 U.S. 759] or discretion as to its execution, to be*
25 *exercised under and in pursuance of the law. The first cannot be done; to the latter no valid objection can be*
26 *made."*

27 *Field, supra, at 693-694, quoting Cincinnati, W. & Z. R. Co. v. Commissioners of Clinton County, 1 Ohio.St.*
28 *77, 88-89 (1852).*
29 [\[Loving v. United States, 517 U.S. 748 \(1996\)\]](#)

30
31 *" . . . a power definitely assigned by the Constitution to one department can neither be surrendered nor*
32 *delegated by that department, nor vested by statute in another department or agency. Compare [Springer v.](#)*
33 *Philippine Islands, 277 U.S. 189, 201, 202, 48 S.Ct. 480, 72 L.Ed. 845."*
34 [\[Williams v. U.S., 289 U.S. 553, 53 S.Ct. 751 \(1933\)\]](#)

35 2. Congress may not enact into law a statutory presumption which injures Constitutional rights.

36 *The government makes the point that the conclusive presumption created by the statute is a rule of substantive*
37 *law, and, regarded as such, should be upheld; and decisions tending to support that view are cited. The [285*
38 *U.S. 312, 329] earlier revenue acts created a prima facie presumption, which was made irrebuttable by*
39 *the later act of 1926. A rebuttable presumption clearly is a rule of evidence which has the effect of shifting*
40 *the burden of proof, Mobile, J. & K. C. R. Co. v. Turnipseed, 219 U.S. 35, 43, 31 S.Ct. 136, 32 L.R.A. (N.S.)*
41 *226, Ann.Cas. 1912A, 463; and it is hard to see how a statutory rebuttable presumptions is turned from a rule*
42 *of evidence into a rule of substantive law as the result of a later statute making it conclusive. In both cases it*
43 *is a substitute for proof; in the one open to challenge and disproof, and in the other conclusive. However,*
44 *whether the latter presumption be treated as a rule of evidence or of substantive law, it constitutes an*
45 *attempt, by legislative fiat, to enact into existence a fact which here does not, and cannot be made to, exist in*
46 *actuality, and the result is the same, unless we are ready to overrule the Schlesinger Case, as we are not; for*
47 *that case dealt with a conclusive presumption, and the court held it invalid without regard to the question of its*
48 *technical characterization. This court has held more than once that a statute creating a presumption which*
49 *operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment.*

For example, *Bailey v. Alabama*, [219 U.S. 219](#), 238, et seq., 31 S.Ct. 145; *Manley v. Georgia*, [279 U.S. 1](#), 5-6, 49 S.Ct. 215.

'It is apparent,' this court said in the *Bailey Case* ([219 U.S. 239](#), 31 S.Ct. 145, 151) 'that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions.'

If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to prove the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise of a rule of substantive law.

[[Heiner v. Donnan](#), 285 U.S. 312 (1932)]

3. Congress may not enact any law prescribing a penalty without a judicial trial. This is called a "bill of attainder" in the Constitution, Article 1, Section 10.

Bill of attainder. Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial. *United States v. Brown*, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492; *United States v. Lovett*, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252. An act is a "bill of attainder" when the punishment is death and a "bill of pains and penalties" when the punishment is less severe; both kinds of punishment fall within the scope of the constitutional prohibition. U.S.Const. Art. I, Sect 9, Cl. 3 (as to Congress); Art. I, Sec, 10 (as to state legislatures). [Black's Law Dictionary, Sixth Edition, p. 165]

The ONLY condition in which non-judicial penalties "bills of attainder" are not prohibited is the case of those who surrender their rights by applying for a license to engage in a government franchise.

"And here a thought suggests itself. As the Meadors, subsequently to the passage of this act of July 20, 1868, applied for and obtained from the government a license or permit to deal in manufactured tobacco, snuff and cigars, I am inclined to be of the opinion that they are, by this their own voluntary act, precluded from assailing the constitutionality of this law, or otherwise controverting it. For the granting of a license or permit-the yielding of a particular privilege-and its acceptance by the Meadors, was a contract, in which it was implied that the provisions of the statute which governed, or in any way affected their business, and all other statutes previously passed, which were in pari materia with those provisions, should be recognized and obeyed by them. When the Meadors sought and accepted the privilege, the law was before them. And can they now impugn its constitutionality or refuse to obey its provisions and stipulations, and so exempt themselves from the consequences of their own acts?"

These internal revenue or tax laws were characterized as being not only repugnant to the constitution, but also unreasonably burdensome. With the most minute attention I examined those portions of the acts of July 13, 1866, and July 20, 1868, presented for my consideration; and carefully sought to ascertain *1300 whether they were in conflict with any of the provisions of the constitution. My conclusion on that question has been expressed. I do not concur with counsel, that these laws are unreasonably burdensome. But even if they are, nay, even if they are oppressive, and unjust modes are employed for their enforcement, the remedy lies with congress, and not with the judiciary. By enacting these laws congress has exercised the constitutional power of taxation, and the courts have no power to interfere. [Providence Bank v. Billings](#), 4 Pet. [29 U. S.] 514; [Extension of Hancock Street](#), 18 Pa. St. 26; [Kirby v. Shaw](#), 19 Pa. St. 258; [Livingston v. Mayor, etc., of New York](#), 8 Wend. 85; [In re Opening Furman Street](#), 17 Wend. 649; [Herrick v. Randolph](#), 13 Vt. 525. [In McCulloch v. State of Maryland](#), 4 Wheat. [17 U. S.] 316, 430, Chief Justice Marshall said, that it was unfit for the judicial department to 'inquire what degree of taxation is the legitimate use, and what degree may amount to the abuse of the power.'

[[In re Meador](#), 1 Abb.U.S. 317, 16 F.Cas. 1294, D.C.Ga. (1869)]

4. Congress cannot by legislation write a statutory presumption that declares a person "presumed" guilty until proven innocent.

I cannot subscribe to the idea that any one of the constitutional grants of power to Congress enumerated in Art. I, 8, including the Necessary and Proper Clause, contains either an express or an implied power of Congress to instruct juries as to what evidence is sufficient to convict defendants in particular cases. 12 Congress can [380 U.S. 63, 85] undoubtedly create crimes, but it cannot constitutionally try them. The Constitution specifically prohibits bills of attainder. Congress can declare certain conduct a crime, unless barred by some constitutional provision, but it must, if true to our Constitution of divided powers and the Fifth Amendment's command that cases be tried according to due process of law, leave the trial of those crimes to the courts, in which judges or juries can decide the facts on their own judgment without legislative constraint and judges can set aside convictions which they believe are not justified by the evidence. See [Tot v. United States](#), 319 U.S. 463, 473 (concurring opinion). "It is not within the province of a legislature to declare an individual guilty or presumptively guilty of a crime." [McFarland v. American Sugar Refining Co.](#),

1 [241 U.S. 79, 86](#) . See [Manley v. Georgia, 279 U.S. 1](#) . Yet, viewed realistically, that is what the presumption
2 which the Court today approves does in this case. I think that the presumption which should govern instead in
3 criminal trials in the courts of this country is the time-honored presumption of innocence accorded to all
4 criminal defendants until they are proved guilty by competent evidence.
5 [[United States v. Gainly, 380 U.S. 63 \(1965\)](#)]

6 5. Congress may not deprive a court of jurisdiction based on the outcome of a case or undo a Presidential pardon.

7 *United States v. Klein, 13 Wall. 128, 147 (1872) (Congress may not deprive court of jurisdiction based on the*
8 *outcome of a case or undo a Presidential pardon*
9 [[Loving v. United States, 517 U.S. 748 \(1996\)](#)]

10 6. Congress may not revise judicial determinations by retroactive legislation reopening judgments:

11 *Plaut v. Spendthrift Farms, 514 U.S. 211, 225-226 (1995) (Congress may not revise judicial determinations by*
12 *retroactive legislation reopening judgments)*
13 [[Loving v. United States, 517 U.S. 748 \(1996\)](#)]

14 7. Congress may not enact laws without bicameral passage and presentment of the bill to the President:

15 *INS v. Chadha, 462 U.S. 919, 954-955 (1983) (Congress may not enact laws without bicameral passage and*
16 *presentment of the bill to the President);*
17 [[Loving v. United States, 517 U.S. 748 \(1996\)](#)]

18 8. Congress may not compel disputes to be heard in a legislative or “franchise” court or an administrative agency in the
19 Legislative Branch in the case of matters *not* involving “public rights” or franchises.

20 *“The distinction between public rights and private rights has not been definitively explained in our*
21 *precedents.⁴⁵ Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public*
22 *rights must at a minimum arise “between the government and others.”* [Ex parte Bakelite Corp., supra, at 451,](#)
23 [49 S.Ct., at 413.](#)⁴⁶ *In contrast, “the liability of one individual to another under the law as defined,”* [Crowell v.](#)
24 [Benson, supra, at 51, 52 S.Ct., at 292,](#) *is a matter of private rights. **Our precedents clearly establish that only***
25 ***controversies in the former category may be removed from Art. III courts and delegated to legislative courts***
26 ***or administrative agencies for their determination. See*** [Atlas Roofing Co. v. Occupational Safety and Health](#)
27 [Review Comm’n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 \(1977\);](#) [Crowell v.](#)
28 [Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292.](#) *See also* [Katz, Federal Legislative Courts, 43 Harv.L.Rev.](#)
29 [894, 917-918 \(1930\).](#)^{FN24} *Private-rights disputes, on the other hand, lie at the core of the historically*
30 *recognized judicial power.”*

31 [. . .]

32 *Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other*
33 *rights, such a distinction underlies in part Crowell’s and Raddatz’ recognition of a critical difference between*
34 *rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems*
35 *to us to be necessary in light of the delicate accommodations required by the principle of separation of powers*
36 *reflected in Art. III. The constitutional system of checks and balances is designed to guard against*
37 *“encroachment or aggrandizement” by Congress at the expense of the other branches of government.* [Buckley](#)
38 [v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683.](#) *But when Congress creates a statutory right [a “privilege” in this*
39 *case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions,*
40 *or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that*
41 *right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to*
42 *that right.*^{FN35} *Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental*

⁴⁵ [Crowell v. Benson, 285 U.S. 22, 52 S.Ct. 285, 76 L.Ed. 598 \(1932\)](#), attempted to catalog some of the matters that fall within the public-rights doctrine:

“Familiar illustrations of administrative agencies created for the determination of such matters are found in connection with the exercise of the congressional power as to interstate and foreign commerce, taxation, immigration, the public lands, public health, the facilities of the post office, pensions and payments to veterans.” *Id.*, at 51, 52 S.Ct., at 292 (footnote omitted).

⁴⁶ Congress cannot “withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.” [Murray’s Lessee v. Hoboken Land & Improvement Co., 18 How. 272, 284 \(1856\)](#) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing “private rights” from “public rights.” And it is also clear that even with respect to matters that arguably fall within the scope of the “public rights” doctrine, the presumption is in favor of Art. III courts. See [Glidden Co. v. Zdanok, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21](#) (opinion of Harlan, J.). See also Currie, The Federal Courts and the American Law Institute, Part I, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See [Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.](#)

1 *to Congress' power to define the right that it has created. No comparable justification exists, however, when the*
2 *right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions*
3 *that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions*
4 *of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted*
5 *encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.*
6 *[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]*

7 **11.1 Constitutional Constraints upon the Powers of the Legislative Branch**

8 According to the U.S. Supreme Court, the following constitutional constraints are imposed upon the conduct of the
9 Legislative Branch:

10 **The structure of our Government as conceived by the Framers of our Constitution disperses the federal**
11 **power among the three branches—the Legislative, the Executive, and the Judicial—placing both substantive**
12 **and procedural limitations on each. The ultimate purpose of this separation of powers is to protect the liberty**
13 **and security of the governed.** *As former Attorney General Levi explained:*

14 *“The essence of the separation of powers concept formulated by the Founders from the political experience and*
15 *philosophy of the revolutionary era is that each branch, in different ways, within the sphere of its defined*
16 *powers and subject to the distinct institutional responsibilities of the others is essential to the liberty and*
17 *security of the people. **Each branch, in its own way, is the people's agent, its fiduciary for certain purposes.***

18

19 **“Fiduciaries do not meet their obligations by arrogating to themselves the distinct duties of their master's**
20 **other agents.”** *Levi, Some Aspects of Separation of Powers, 76 Colum.L.Rev. 385-386 (1976).*

21 *Violations of the separation-of-powers principle have been uncommon because each branch has traditionally*
22 *respected the prerogatives of the other two. Nevertheless, the Court has been sensitive to its responsibility to*
23 *enforce the principle when necessary.*

24 *“Time and again we have reaffirmed the importance in our constitutional scheme of the separation of*
25 *governmental powers into the three coordinate branches. See, e.g., [Bowsher v. Synar, 478 U.S., at 725 \[106](#)*
26 *S.Ct., at 3187]* (citing [Humphrey's Executor, 295 U.S. \[602\], at 629-630 \[55 S.Ct. 869, 874, 79 L.Ed. 1611](#)
27 [\(1935\)\]](#)). *As we stated in [Buckley v. Valeo, 424 U.S. \[196 S.Ct. 612, 46 L.Ed.2d. 659\] \(1976\), the system of](#)*
28 *separated powers and checks and balances established in the Constitution was regarded by the Framers as ‘a*
29 *self-executing safeguard against the encroachment or aggrandizement of one branch at the expense of the*
30 *other.’ [Id., at 122 \[96 S.Ct., at 684\]](#). We have not hesitated to invalidate provisions of law which violate this*
31 *principle. See [id., at 123 \[96 S.Ct., at 684\]](#).” [Morrison v. Olson, 487 U.S. 654, 693, 108 S.Ct. 2597, 2620, 101](#)*
32 *L.Ed.2d. 569 (1988).*

33 *The abuses by the monarch recounted in the Declaration of Independence provide dramatic evidence of the*
34 *threat to liberty posed by a too powerful executive. But, as James Madison recognized, the representatives of*
35 *the majority in a democratic society, if unconstrained, may pose a similar threat:*

36 *“It will not be denied, that power is of an encroaching nature, and that it ought to be effectually restrained from*
37 *passing the limits assigned to it.*

38

39 *“The founders of our republics ... seem never for a moment to have turned their eyes from the danger to liberty*
40 *from the overgrown and all-grasping prerogative of an hereditary magistrate, supported and fortified by an*
41 *hereditary branch of the legislative authority. They seem never to have recollected the danger from legislative*
42 *usurpations; which by assembling all power in the same hands, must lead to the same tyranny as is threatened*
43 *by executive usurpations.... **[It is against the enterprising ambition of this department, that the people ought***
44 ***to indulge all their jealousy and exhaust all their precautions.***

45 *“The legislative department derives a superiority in our governments from other circumstances. Its*
46 *constitutional powers being at once more extensive and less susceptible of precise limits, it can with the greater*
47 *facility, mask under complicated and indirect measures, the encroachments which it makes on the co-ordinate*
48 *departments. It is not unfrequently a question of real-nicety in legislative bodies, whether the operation of a*
49 *particular measure, will, or will not extend beyond the legislative sphere.” [The Federalist No. 48, pp. 332-334](#)*
50 *(J. Cooke ed. 1961).*

51 *To forestall the danger of encroachment “beyond the legislative sphere,” the Constitution imposes two basic*
52 *and related constraints on the Congress. It may not “invest itself or its Members with either executive power or*

1 judicial power.” J.W. Hampton, Jr., & Co. v. United States, 276 U.S. 394, 406, 48 S.Ct. 348, 351, 72 L.Ed. 624
2 (1928). And, when it exercises its legislative power, it must follow the “single, finely wrought and exhaustively
3 considered, procedures” specified in Article I. INS v. Chadha, 462 U.S., at 951, 103 S.Ct., at 2784⁴⁷.

4 The first constraint is illustrated by the Court's holdings in Springer v. Philippine Islands, 277 U.S. 189, 48
5 S.Ct. 480, 72 L.Ed. 845 (1928), and Bowsher v. Synar, 478 U.S. 714, 106 S.Ct. 3181, 92 L.Ed.2d. 583 (1986).
6 Springer involved the validity of Acts of the Philippine Legislature that authorized a committee of three-two
7 legislators and one executive-to vote corporate stock owned by the Philippine Government. Because the
8 Organic Act of the Philippine Islands incorporated the separation-of-powers principle, and because the
9 challenged statute authorized two legislators to perform *275 the executive function of controlling the
10 management of the government-owned corporations, the Court held the statutes invalid. Our more recent
11 decision in Bowsher involved a delegation of authority to the Comptroller General to revise the federal budget.
12 After concluding that the Comptroller General was in effect an agent of Congress, the Court held that he could
13 not exercise executive powers:

14 “To permit the execution of the laws to be vested in an officer answerable only to Congress would, in practical
15 terms, reserve in Congress control over the execution of the laws.... The structure of the Constitution does not
16 permit Congress to execute the laws; it follows that Congress cannot grant to an officer under its control what
17 it does not possess.” Bowsher, 478 U.S., at 726, 106 S.Ct., at 3188.

18 The second constraint is illustrated by our decision in Chadha. That case involved the validity of a statute that
19 authorized either House of Congress by resolution to invalidate a decision by the Attorney General to allow a
20 deportable alien to remain in the United States. Congress had the power to achieve that result through
21 legislation, but the statute was nevertheless invalid because Congress cannot exercise its legislative power to
22 enact laws without following the bicameral and presentment procedures specified in Article I. For the same
23 reason, an attempt to characterize the budgetary action of the Comptroller General in Bowsher as legislative
24 action would not have saved its constitutionality because Congress may not delegate the power to legislate to
25 its own agents or to its own Members.⁴⁸
26 [Metropolitan Washington Airports Authority v. Citizens for Abatement of Aircraft Noise, Inc., 501 U.S. 252,
27 111 S.Ct. 2298 (1991)]

28 **11.2 Corruption of the Federal Courts by Congress**

29 From the foundation of this country, most federal courts were created as Article IV legislative territorial and administrative
30 courts and continue in that role today. As Article IV legislative courts:

- 31 1. Their main role is administering the property and territory of the United States pursuant to Article 4, Section 3, Clause
32 2 of the Constitution.
- 33 2. Their jurisdiction is limited exclusively to the territories and possessions of the United States.
- 34 3. Their “judges” are in fact simply “employees” who serve within the Legislative Branch of the government and not
35 within the Judicial Branch.
- 36 4. Persons domiciled within states of the Union may not lawfully serve on juries in these courts.
- 37 5. Judges who do not reside on federal territory within the exterior limits of the district are “de facto” judges who are
38 serving illegally and guilty of a high misdemeanor. They may be impeached for this crime.

39 Much misinformation has occurred about the nature of the federal courts which deceives people about their true nature and
40 is causing a continuing and worsening destruction of the separation of powers. These facts are exhaustively documented
41 with over 6,000 pages of evidence from government records contained in the book below:

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

⁴⁷ “As we emphasized in *Chadha*, when Congress legislates, when it makes binding policy, it must follow the procedures prescribed in Article I. Neither the unquestioned urgency of the national budget crisis nor the Comptroller General’s proud record of professionalism and dedication provides a justification for allowing a congressional agent to set policy that binds the Nation. Rather than turning the task over to its agent, if the Legislative Branch decides to act with conclusive effect, it must do so through a process akin to that specified in the fallback provision-through enactment by both Houses and presentment to the President.” Bowsher, 478 U.S., at 757-759, 106 S.Ct., at 3204-3205 (STEVENS, J., concurring in judgment).

⁴⁸ “If Congress were free to delegate its policymaking authority to one of its components, or to one of its agents, it would be able to evade ‘the carefully crafted restraints spelled out in the Constitution.’ [Chadha, 462 U.S., at 959, 103 S.Ct., at 2788].” Bowsher, 478 U.S., at 755, 106 S.Ct., at 3202 (STEVENS, J., concurring in judgment).

11.3 Unconstitutional delegation of legislative powers by the Legislative Branch to the Executive Branch

As we showed at the beginning of this memorandum in section 1, a breakdown of the separation of powers and tyranny commences when any branch of government delegates its responsibilities to another branch. Nowhere is this breakdown more pronounced than in the area of administrative law, whereby Congress delegates the authority to legislate to the Executive Branch to make "implementing regulations" or "rules" that will implement the statutes they enact. There is a very interesting series of articles on this subject on the Constitution.org website at the address below which you may want to read if you want to investigate this matter further:

Nondelegation and the Administrative State, Constitution.org
http://www.constitution.org/ad_state/ad_state.htm

In order to fully comprehend how this unconstitutional delegation of authority occurs, one must understand how the federal government creates law. Here is how this process works:

1. Congress enacts laws in the Statutes at Large.
2. The President signs the law.
3. The new law is sent to the House of Representatives Office of Law Revision Counsel. That office takes the new law and modifies the U.S. Code to be consistent with the new law. See: <http://uscode.house.gov/>
4. The new law is sent to agencies within the Executive Branch. Those laws which may be enforced against the general public by the imposition of penalties must then have implementing regulations written for them by the Executive Branch Agency responsible for the particular law. This requirement is imposed by the Federal Register Act, 44 U.S.C. §1501(a) and the Administrative Procedures Act, 5 U.S.C. §553(a). Any statutes or laws which are not published in the Federal Register may only lawfully be enforced against those groups that are specifically exempted from the requirement for implementing regulations, which includes federal agencies, federal contractors, federal benefit recipients, and members of the military. All other groups which are the subject of enforcement actions or penalties must have implementing regulations published in the Federal Register, which are then codified in the Code of Federal Regulations.
5. If a dispute or violation occurs over a law, it is litigated in federal courts and thereby subjected to "judicial review" of agency decisions.
 - 5.1. If the law being enforced is without an implementing regulation or was not published in the Federal Register, then it may only be enforced by the court against members of the specifically exempted groups.
 - 5.2. If the law being enforced has implementing regulations, then the federal court must apply BOTH the statute and its implementing regulation and together, they form "the law".

*"...the Act's civil and criminal penalties attach only upon violation of the regulation promulgated by the Secretary; if the Secretary were to do nothing, the Act itself would impose no penalties on anyone...The Government urges that since only those who violate these regulations [not the Code] may incur civil or criminal penalties, it is the actual regulations issued by the Secretary of the Treasury, and not the broad authorizing language of the statute, which are to be tested against the standards of the Fourth Amendment; and that when so tested they are valid."
[*Calif. Bankers Assoc. v. Shultz*, 416 U.S. 21, 44, 39 L.Ed.2d. 812, 94 S.Ct. 1494.]*

*"An administrative regulation, of course, is not a "statute." While in practical effect regulations may be called "little laws," 7 they are at most but offspring of statutes. Congress alone may pass a statute, and the Criminal Appeals Act calls for direct appeals if the District Court's dismissal is based upon the invalidity or construction of a statute. See *United States v. Jones*, 345 U.S. 377 (1953). This Court has always construed the Criminal Appeals Act narrowly, limiting it strictly "to the instances specified." *United States v. Borden Co.*, 308 U.S. 188, 192 (1939). See also *United States v. Swift & Co.*, 318 U.S. 442 (1943). Here the statute is not complete by itself, since it merely declares the range of its operation and leaves to its progeny the means to be utilized in the effectuation of its command. But it is the statute which creates the offense of the willful removal of the labels of origin and provides the punishment for violations. The regulations, on the other hand, prescribe the identifying language of the label itself, and assign the resulting tags to their respective geographical areas. Once promulgated, [361 U.S. 431, 438] these regulations, called for by the statute itself, have the force of law, and violations thereof incur criminal prosecutions, just as if all the details had been incorporated into the congressional language. The result is that neither the statute nor the regulations are complete without the other, and only together do they have any force. In effect, therefore, the construction of one necessarily involves the construction of the other."*

1 [\[U.S. v. Mersky, 361 U.S. 431 \(1960\)\]](#)

2 For the above process to work efficiently, Executive Branch agencies must in effect “write law”, which the Constitution
3 forbids them to do. Under the Constitution, the Legislative Branch is the only branch authorized to write law. In *The*
4 *Betsy*, the U.S. Supreme Court explained why:

5 *“The well-being of the whole depends upon keeping each department within its limits. In the State government,*
6 *several instances have occurred where a legislative act, has been rendered inoperative by a judicial decision,*
7 *that it was unconstitutional; and even under the Federal government the judges, for the same reason, have*
8 *refused to execute an act of Congress. ^{FN*} When, in short, either branch of the government usurps that part of*
9 *the sovereignty, which the Constitution assigns to another branch, liberty ends, and tyranny commences.”*
10 *[The Betsey, 3 U.S. 6 (1794)]*

11 This fundamental violation of the Constitutional separation of powers in delegating legislative authority to the Executive
12 Branch began in the 1930’s, when:

- 13 1. Economic chaos prevailed following the Great Depression of 1929.
- 14 2. The chaos made martial law likely.
- 15 3. Socialist FDR was in firm control of the Executive Branch and was giving unprecedented levels of handouts using the
16 counterfeiting franchise called the Federal Reserve recently enacted into law in 1913. See:

<i>The Money Scam</i> , Form #05.041 http://sedm.org/Forms/FormIndex.htm

- 17 4. The socialist money printing presses could run full time because the Emergency Banking Relief Act ended
18 redeemability of money in gold and silver in 1933. See Emergency Bank Relief Act, 48 Stat. 1 available at:

<i>Legislative History of Money in the United States</i> , Family Guardian Fellowship http://famguardian.org/Subjects/MoneyBanking/Money/LegHistory/LegHistoryMoney.htm
--
- 19 5. Congress had to make concessions to the Executive for the sake of expediency or else risk martial law.

20 The enactment of the Federal Register Act in 1935 by Franklin Delano Roosevelt began this usurpation, [49 Stat. 501](#),
21 whereby Congress created the Federal Register and the Code of Federal Regulations. This usurpation must be eliminated if
22 we are to return to the notion of limited government and fundamental rights. Below is how one scholar describes it:

23 ***Forcing Congress to vote on each and every administrative regulation that establishes a rule of private***
24 ***conduct would prove the most revolutionary change in government since the Civil War—not because the***
25 ***idea is particularly radical, but because we are to day a nation governed, not by elected officials, but by***
26 ***unelected bureaucrats [in the Executive Branch].*** *The central political issues of the 107th Congress—the*
27 *complex and heavy-handed array of regulations that entangle virtually all manner of private conduct, the*
28 *perceived inability of elections to affect the direction of government, the disturbing political power of special*
29 *interests, the lack of popular respect for the law, the sometimes tyrannical and self-aggrandizing exercise of*
30 *power by government, and populist resentment of an increasingly unaccountable political elite—are but*
31 *symptoms of a disease largely caused by delegation. “No regulation without representation!” would be a*
32 *fitting battle cry for the 107th Congress if it is truly interested in fundamental reform of government. It is a*
33 *standard that both the left and the right could comfortably rally around, given that many prominent*
34 *constitutional scholars, policy analysts, and journalists—from Nadine Strossen, president of the American Civil*
35 *Liberties Union, to former judge Robert Bork—have expressed support for the end of delegation. Several*
36 *pieces of legislation (H.R.2301 with 55 House cosponsors and S.1348 with 8 Senate cosponsors) were*
37 *introduced in the 106th Congress to accomplish exactly that. Some observers complain that voting on all*
38 *regulations would overwhelm Congress. Certainly, federal agencies do issue thousands of regulations every*
39 *year. However, the flow of new rules is no argument against congressional responsibility. Congress could*
40 *bundle relatively minor regulations together and vote on the whole package. Both houses could then give major*
41 *regulations—those that impose costs of more than \$100 million annually—close scrutiny. Of course, forcing*
42 *Congress to take full and direct responsibility for the law would not prove a panacea. The legislature, after all,*
43 *has shown itself to be fully capable of violating individual rights, subsidizing special interests, writing complex*
44 *and virtually indecipherable law, and generally making a hash of things. But delegation has helped to make*
45 *such phenomena, not the exception, but the rule of modern government. No more crucial—and potentially*
46 *popular—reform awaits the attention of the 107th Congress.*
47 *[CATO Handbook for Congress, Chapter 8: The Delegation of Legislative Powers,*
48 *[SOURCE: <http://famguardian.org/Subjects/Freedom/AdminState/DelOfLegPowers-hb107-8.pdf>]]*

11.4 Abuse of The Buck Act

All of the corruption of our legal and tax systems occurred during the exigencies of war. The Buck Act was passed in 1940 just before the U.S. entered World War II. The Buck Act is found at 4 U.S.C. §§105-111. The provision relating to income taxes is found in 4 U.S.C. §106:

[TITLE 4 > CHAPTER 4 > § 106](#)
[§ 106. Same: income tax](#)

(a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

(b) The provisions of subsection (a) shall be applicable only with respect to income or receipts received after December 31, 1940.

The “State” to which this act refers is a federal “State”, which is then defined in 4 U.S.C. §110(d) as follows:

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

As used in sections 105–109 of this title—

[. . .]

(c) The term “income tax” means any tax levied on, with respect to, or measured by, net income, gross income, or gross receipts.

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

(e) The term “Federal area” means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency, of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State.

The above definition of “State” includes “federal areas” within the exterior limits of a state of the Union ONLY. It does not include areas under exclusive control of the state that are not federal areas. It gives permission from corporate states of the union to ONLY collect income taxes from those domiciled within federal areas, which are called “possessions” above and not within the general sovereignty or exclusive jurisdiction of a state of the Union. In that capacity, they are acting essentially as federal territories or instrumentalities, which the Constitution does not authorize them to do and which breaks down the separation of powers between the state and federal government.

The federal income tax was enacted primarily upon “public employees” serving within federal areas within a state of the Union. This provision was extended to these “public employees” using 5 U.S.C. §5517 below:

[TITLE 5 > PART III > Subpart D > CHAPTER 55 > SUBCHAPTER II > § 5517](#)
[§ 5517. Withholding State income taxes](#)

(a) When a State statute—

(1) provides for the collection of a tax either by imposing on employers generally the duty of withholding sums from the pay of employees and making returns of the sums to the State, or by granting to employers generally the authority to withhold sums from the pay of employees if any employee voluntarily elects to have such sums withheld; and

(2) imposes the duty or grants the authority to withhold generally with respect to the pay of employees who are residents of the State;

the Secretary of the Treasury, under regulations prescribed by the President, shall enter into an agreement with the State within 120 days of a request for agreement from the proper State official. The agreement shall provide

1 that the head of each agency of the United States shall comply with the requirements of the State withholding
2 statute in the case of employees of the agency who are subject to the tax and whose regular place of Federal
3 employment is within the State with which the agreement is made. In the case of pay for service as a member of
4 the armed forces, the preceding sentence shall be applied by substituting "who are residents of the State with
5 which the agreement is made" for "whose regular place of Federal employment is within the State with which
6 the agreement is made".

7 (b) This section does not give the consent of the United States to the application of a statute which imposes
8 more burdensome requirements on the United States than on other employers, or which subjects the United
9 States or its employees to a penalty or liability because of this section. An agency of the United States may not
10 accept pay from a State for services performed in withholding State income taxes from the pay of the employees
11 of the agency.

12 (c) For the purpose of this section, "State" means a State, territory, possession, or commonwealth of the United
13 States.

14 (d) For the purpose of this section and sections [5516](#) and [5520](#), the terms "serve as a member of the armed
15 forces" and "service as a member of the Armed Forces" include—

16 (1) participation in exercises or the performance of duty under section [502](#) of title [32](#), United States Code, by a
17 member of the National Guard; and

18 (2) participation in scheduled drills or training periods, or service on active duty for training, under section
19 [10147](#) of title [10](#), United States Code, by a member of the Ready Reserve.

20 Congress cannot legislate for states of the Union and enjoys no jurisdiction there, and therefore the above provision only
21 applies to territories of the United States:

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

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

32 What states of the Union have done to break down the separation of power and imperil the very persons within their
33 exclusive jurisdiction who they are charged with protecting from such abuse is to:

- 34
35 1. Institute a state income tax that applies only within federal areas within the exterior limits of the state.

36 *California Revenue and Taxation Code*

37 17018. "State" includes the District of Columbia, and the possessions of the United States.

38 [SOURCE:

39 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=17001-18000&file=17001-17039.1>]

- 40 2. Use state-issued driver's license as prima facie evidence of residence within these federal areas. Private citizens do not
41 need these licenses. See:
42 <http://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel.htm>
43 3. Deliberately misinterpret and misapply the definition of "State" in state courts.
44 4. Abuse the word "includes" and use vague definitions in the revenue codes to "stretch" key definitions within the U.S.
45 code to make them falsely "appear" to apply to the person in the state not domiciled in these federal areas.
46 5. When challenged via correspondence by a concerned American about unlawful enforcement efforts, to cite essentially
47 irrelevant federal case law that does not apply to a person not domiciled in these federal areas. In effect, they abuse
48 federal case law as "political propaganda" that appears to create an obligation, but which in fact is foreign and
49 irrelevant to a person domiciled in a state of the Union.

50 If you would like to learn more about this SCAM, see:

11.5 Separating “Taxation” and “Representation” and moving them into two different branches of the government by the Creation of the IRS

“No taxation without representation”!

This was one of the rallying cries before the American revolution. We have all heard it in high school and read it in the history books, and perhaps felt some sense of pride in it. But do we REALLY know what it means and if we still have it? The answer is, unfortunately, probably not. Because the Constitution SPECIFICALLY STATES that if *anyone* imposes a tax and tries to collect it, *it must be Congress!!*

This is what REPRESENTATION with TAXATION means. If you don't like a tax, you can vote against the people who passed it and who also enforce and collect it, who must be the SAME person . When was the last time you voted for an agent of the Internal Revenue Service? On this subject, Article 1, Section 8 of the Constitution says the following:

*United States Constitution
Article 1, Section 8.*

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Note the above two powers are assigned to Congress and coexist: LAY AND COLLECT. Congress cannot delegate either of these two powers to another branch of government. Instead, our corrupt Congress as created a new Legislative Branch bureau called the IRS, assigned it the collection function, given it no delegated authority in the Internal Revenue Code, allowed it to write its own regulations to enforce the tax (a conflict of interest, I might add) and then hypocritically and habitually complained that it has overstepped its bounds, as if they had no responsibility for its existence! Here is the way Irwin Schiff insightfully describes this situation:

The government has done a masterful job at subterfuge. The same Congress that created the IRS is the one that complains about it. They complain about it like it is some evil and independent agency of the federal government with a life of its own and as though they have no control over it because it is outside the legislative branch, but it was created through the legislation of Congress in 26 U.S.C. §7805! Congress complaining about the abuses of the IRS is like people saying about me:

“You know Irwin Schiff is a really nice guy, but Oh.....HIS FIST. It really hurts and it's such an evil thing when it goes around hitting people all the time!”

Don't let your Congressman suck you into his pity party! Tell him to get off his ass and fix the lawless behavior of the IRS!

This corruption of the taxing function and the separation of the IMPOSITION of the tax and the COLLECTION of the tax began during the Civil War in 1862, when Congress created the office of the Commissioner of Internal Revenue. This event is described by the IRS itself in the Federal Register as follows:

(1) The office of the Commissioner of Internal Revenue was established by an act of Congress (12 Stat. 432) on July 1, 1862, and the first Commissioner of Internal Revenue took office on July 17, 1862.

(2) The act of July 1 provided:

*“That, for the purpose of superintending collection of internal duties, stamp duties, licenses, or taxes imposed by this Act, or which may be hereafter imposed, and of assuming the same, an office is hereby created in the Treasury Department to be called the Office of the Commissioner of Internal Revenue; * * * Commissioner of Internal Revenue, * * * shall be charged, and hereby is charged, under the direction of the Secretary of the Treasury, with preparing all the instructions, regulations, directions, forms, blanks, stamps, and licenses, and distributing the same or any part thereof, and all other matters pertaining to the assessment and collection of the duties, stamp duties, licenses, and taxes, which may be necessary to carry this Act into effect, and with the general superintendance of his office, as aforesaid, and shall have authority and hereby is authorized and required, to provide proper and sufficient stamps or dies for expressing and denoting the several stamp duties,*

1 or the amount thereof in the case of percentage duties, imposed by this Act, and to alter and renew or replace
2 such stamps from time to time, as occasion shall require; * * *:

3 (3) By common parlance and understanding of the time, an office of the importance of the Office of
4 Commissioner of Internal Revenue was a bureau. The Secretary of the Treasury in his report at the close
5 of the calendar year 1862 stated that "The Bureau of Internal Revenue has been organized under the Act
6 of the last session * * *": Also it can be seen that Congress had intended to establish a Bureau of Internal
7 Revenue or thought they had, from the act of March 8, 1868, in which provision was made for the
8 President to appoint with Senate confirmation a Deputy Commissioner of Internal Revenue "who shall be
9 charged with such duties in the bureau of internal revenue as may be prescribed by the Secretary of the
10 Treasury, or as may be required by law, and who shall act as Commissioner of internal revenue in the
11 absence of that officer, and exercise the privilege of franking all letters and documents pertaining to the
12 office of internal revenue." In other words, "the office of internal revenue" was "the bureau of internal
13 revenue, " and the act of July 1, 1862 is the organic act of today's Internal Revenue Service.

14 1111.31 HISTORY

15 1111.31 Internal Taxation. Madison's Notes on the Constitutional Convention reveal clearly that the framers
16 of the Constitution believed for some time that the principal if not sole, support of the new Federal Government
17 would be derived from customs duties and taxes connected with shipping and importations. Internal taxation
18 would not be resorted to except infrequently, and for special reasons. The first resort to internal revenue laws
19 in 1791 and the following 10 years, was occasioned by the exigencies of the public credit. These first laws were
20 repealed in 1802. Internal revenue laws were reenacted for the period 1813-17 when the effects of the war of
21 1812 caused Congress to resort to internal taxation. From 1818 to 1861, however, the United States had no
22 internal revenue laws and the Federal Government was supported by the revenue from import duties and the
23 proceeds from the sale of public lands. In 1862 Congress once more levied internal revenue taxes. This time
24 the establishment of an internal revenue system, not exclusively dependent upon the supplies of foreign
25 commerce, was permanent.

26 [Federal Register, Vol. 37, No. 194, Thursday, October 5, 1972, p. 20960;

27 SOURCE:

28 <http://famguardian.org/TaxFreedom/Evidence/OrgAndDuties/37FR20960-20964-OrgAndFunctions.pdf>

29 Notice that the Bureau of Internal Revenue (BIR) was created in the Treasury Department, which is in the Executive
30 Branch. That means the tax collection function has been separated from the representation function in the Legislature,
31 which is an unlawful delegation of a sovereign function of the Legislative Branch to the Executive Branch. The U.S.
32 Supreme Court said that no branch of the government can delegate any of its functions to another branch, when it said:

33 Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional
34 plan cannot be ratified by the "consent" of state officials. An analogy to the separation of powers among the
35 branches of the Federal Government clarifies this point. The Constitution's division of power among the
36 three branches is violated where one branch invades the territory of another, whether or not the encroached-
37 upon branch approves the encroachment. In *Buckley v. Valeo*, 424 U.S. 1, 118-137 (1976), for instance, the
38 Court held that Congress had infringed the President's appointment power, despite the fact that the President
39 himself had manifested his consent to the statute that caused the infringement by signing it into law. See
40 *National League of Cities v. Usery*, 426 U.S., at 842, n. 12. In *INS v. Chadha*, 462 U.S. 919, 944-959 (1983),
41 we held that the legislative veto violated the constitutional requirement that legislation be presented to the
42 President, despite Presidents' approval of hundreds of statutes containing a legislative veto provision. See *id.*,
43 at 944-945. The constitutional authority of Congress cannot be expanded by the "consent" of the governmental
44 unit whose domain is thereby narrowed, whether that unit is the Executive Branch or the States.
45 [*New York v. United States*, 505 U.S. 144, 112 S.Ct. 2408, 120 L.Ed.2d. 120 (1992)]

46 The above admission by the IRS in the Federal Register on October 5, 1972 proves that they know that the Constitution
47 only authorizes taxation upon imports and not exports or commerce internal to the states of the Union. In short, the
48 Constitution only authorizes EXTERNAL taxation by the federal government. This admission is deliberately vague in
49 defining WHAT the taxation is internal or external in relation to, but the Internal Revenue Code itself makes this point
50 clear: The "United States" that the taxes are "internal" to, for the purposes of Subtitles A through C of the Internal
51 Revenue Code, is the District of Columbia and does not include any part of any state of the Union:

52 TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]
53 Sec. 7701. - Definitions

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

56 (9) United States

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

3 (10): State

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

6 Congress and the federal courts, by allowing the current de facto unlawful situation with the IRS to exist and expand, have
7 *failed to live up to their oath of office to support and defend the Constitution, and:*

- 8 1. Violated the legislative intent of the Constitution, which was to ensure that the federal government was to be funded
9 only by taxes on imports.
- 10 2. Acquiesced to a breakdown of the separation of powers between the Legislative Branch and the Executive Branch, by
11 allowing the Legislative Branch to delegate the tax collection function to the Executive Branch. Congress has
12 abdicated their responsibility to collect taxes by delegating it to another branch of the government: The Department of
13 the Treasury is the EXECUTIVE BRANCH! The Constitution does not allow the Congress to delegate or abdicate
14 their duty to collect taxes!
- 15 3. Become engaged in racketeering and extortion, in violation of [18 U.S.C. §1951](#).

16 On the above corruption and breakdown of the separation of powers, the following quotes apply:

17 *"The accumulation of all powers, legislative, executive and judiciary, in the same hands ... may justly be*
18 *pronounced the very definition of tyranny."*
19 *[James Madison (1751-1863)]*

20 *"Taxation WITH representation ain't so hot either."*
21 *[Gerald Barzan]*

22 **11.6 "Words of Art": Using the Law to deceive and create false presumption**

23 *"The wicked man does deceptive work,*
24 *But to him who sows righteousness will be a sure reward.*
25 *As righteousness leads to life,*
26 *So he who pursues evil pursues his own death.*
27 *Those who are of a perverse heart are an abomination to the Lord,*
28 *But such as are blameless in their ways are a delight.*
29 *Though they join forces, the wicked will not go unpunished;*
30 *But the posterity of the righteous will be delivered."*
31 *[Prov. 11:18-21, Bible, NKJV]*

32 *"Integrity without knowledge is weak and useless, and knowledge without integrity is dangerous and dreadful."*
33 *[Samuel Johnson Rasselas, 1759]*

34 *"Beware lest anyone cheat you through philosophy and empty deceit, according to the tradition of men,*
35 *according to the basic principles of the world, and not according to Christ."*
36 *[Colossians 2:8, Bible, NKJV]*

37
38
39 Does anyone like politicians or the lawyers who write deceptive laws for them? After you read this section, you'll have
40 even less reason to like them! The Internal Revenue Code ("IRC", also called 26 U.S.C.) is a masterpiece of deception
41 designed by greedy and unscrupulous IRS lawyers to mislead Citizens into believing that they are subject to federal income
42 tax. Most of the deception is perpetrated using specialized definitions of words. The Code contains a series of directory
43 statutes using the word "shall", with provisions that are requirements for corporations, trusts, and other "legal fictions" but
44 not for natural persons (you and I). Even members of Congress are generally unaware of the deceptive legal meanings of
45 certain terms that are consistently used in the IRC. These terms have legal definitions for use in the IRC that are very
46 different from the general understanding of the meaning of the words. Such terms are called "words of art". This situation
47 is quite deliberate, and no accident at all.

48 Let's start this section by defining the term "definition":

49 ***definition:** A description of a thing by its properties; an explanation of the meaning of a word or term. The*
50 *process of stating the exact meaning of a word by means of other words. Such a description of the thing*

1 defined, including all essential elements and excluding all nonessential, as to distinguish it from all other things
2 and classes."
3 [Black's Law Dictionary, Sixth Edition, p. 423]

4 Lack of knowledge of legal definitions used in the Internal Revenue Code causes false presumption by uninformed
5 Americans who are confused as to the correct interpretation of both the IRC and the true meaning of the tricky wording in
6 IRS instructional publications and news articles. However, when you understand the legal definitions of these terms, the
7 deception and false presumption is easily recognized and the limited application of the Code becomes very clear. This
8 understanding will help you to see that filing income tax forms and paying income taxes must be voluntary acts for most
9 Americans domiciled in states of the Union because the United States Constitution forbids the federal government to
10 impose any tax directly upon individuals.

11 Most terms used within 26 U.S.C, which is the Internal Revenue Code, appear in Chapter 79, Section 7701. Anything
12 having to do with employer withholding is defined in 26 U.S.C. §3401.

13 **WARNING!: It is extremely important that you read and understand these definitions before you**
14 **begin interpreting the tax codes! Deceiving definitions are the NUMBER ONE way that lawyers**
15 **use to trick and enslave us so we should always question the meaning of words before we start trying**
16 **to interpret the laws they write!**

17 ***Another popular lawyering technique is to use words which are undefined. This has the effect of***
18 ***encouraging uncertainty, conflict, and false presumption in the application of the law, which***
19 ***increases litigation, which in turn makes the legal profession more profitable for the lawyers who***
20 ***write the laws and judges who enforce the laws after they leave public office and go back into***
21 ***private practice. Doesn't that seem like a conflict of interest and an abuse of the public trust for***
22 ***private gain? It sure does to us!***

23 For your edification, Family Guardian Website has prepared a library of definitions on their website in the [Sovereignty](#)
24 [Forms and Instructions area](#) that you can and should refer to frequently at:

25 <http://famguardian.org/TaxFreedom/FormsInstr-Cites.htm>

26 Click on "Cites by Topic" in the upper left corner to see a library of carefully researched definitions. This will allow you to
27 see clearly for yourself how the conniving lawyers inhabiting the District of Criminals (Washington, D.C.) enticed us into
28 slavery in violation of the [Thirteenth Amendment](#) and [18 U.S.C. §1581](#) by using deceiving definitions. Then these evil
29 lawyers tried to cover-up their trick by violating our [Fifth Amendment](#) right of due process by adding the word "includes"
30 to those definitions that were most suspect, like the following:

- 31 1. Definition of the term "State" found in [26 U.S.C. §7701\(a\)\(10\)](#) and [4 U.S.C. §110](#)
- 32 2. Definition of the term "United States" found in [26 U.S.C. §7701\(a\)\(9\)](#)
- 33 3. Definition of the term "employee" found in [26 U.S.C. §3401\(c\)](#) and [26 C.F.R. §31.3401\(c\)-1](#) Employee
- 34 4. Definition of the term "person" found in [26 C.F.R. § 301.6671-1](#) (which governs who is liable for penalties under
35 Internal Revenue Code)

36 What Congress did by defining the word "includes" the way they did was give the federal courts so much "wiggle" room
37 and license that they could define the IRC and federal tax jurisdiction any way they want, which transformed our
38 government from a society of laws to a society of men, in stark violation of the intent of our founding fathers and of the
39 Fifth and Sixth Amendment, and the "void for vagueness" doctrine:

40 **"The government of the United States has been emphatically termed a government of laws, and not of men.**
41 **It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested**
42 **legal right."**
43 **[Marbury v. Madison, 5 U.S. 137; 1 Cranch 137, 2 L.Ed. 60 (1803)]**

1 See the following pamphlet on our website if you would like to learn more about how they perpetrated this fraud and hoax
 2 with the word "includes":

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

3 The definitions found in the U.S. Code apply NOT ONLY to the U.S. Code, but also to the Code of Federal Regulations
 4 (CFR's), which are the implementing regulations for the U.S. Code, and the IRS Publications, which are guidelines to
 5 Americans that implement these regulations. The definitions in the U.S. Code in effect supersede and in some cases are
 6 repeated or are modified and expanded by the Code of Federal Regulations and the IRS Publications. Incidentally, doesn't
 7 it seem strange that the DEFINITIONS, which describe what all of the Code means, are almost at the END of the code,
 8 instead of the beginning? Most other contracts and legal documents always START with the definitions first, and usually
 9 define ALL words open to confusion to prevent misinterpretation. Not so with the I.R.C. They leave the word "individual"
 10 undefined, for instance, because they don't want you knowing what "individual" is, since it appears on your 1040 income
 11 tax form. Wonder why they do this instead of just calling you a "Citizen"? Could it possibly be that the slick lawyers in the
 12 congress hope you won't wade through 9,500 pages of Code to get to the definitions and that you will run out of energy and
 13 interest before you read them? Are they trying to HIDE something? It is important to note that proper and clear definitions
 14 of these deceptive words never appear in any of the IRS publications.

15 As you read through these masterfully crafty deceits and definitions of IRS lawyers listed below and appearing in the
 16 Infernal (written by Satan directly from hell?), I mean Internal Revenue Code (I.R.C. , 26 U.S.C.), ask yourself the
 17 following questions and critically consider the most truthful answers according the I.R.C. We compare the various
 18 definitions for each word to show you how it has been abused to cause deceit. You are probably going to be mad as hell
 19 (like I was) when you find out the trick these crafty IRS lawyers have played on you. Below are just a few examples of
 20 how these depraved, corrupt, arrogant, and power-hungry lawyers have used "legalese" to deceive you. The answers we
 21 give in the third column assume you are the average American domiciled in one of the 50 Union states and not one of the
 22 federal territories that are part of the "federal zone", which is subsequently explained in Section 4.8 of the Great IRS Hoax,
 23 Form #11.302.

24 Table 9: Questions to Ask and Answer as You Read the Internal Revenue Code

#	Question (using legal definitions)	Translation to everyday language ("non-legalese")	Answer (in most cases)
1	Am I an "employee"?	Do I hold a privileged federal "public office" that depends exclusively on rights and privileges granted to me by the citizens who elected or appointed me?	NO. Under the case of <i>Simms v. Ahrens</i> , 271 SW 720, people with everyday skills, trades, or professions or who do not work for the federal government are not considered to be employees as per the I.R.C., and therefore are not subject to "withholding".
2	Do I have "gross income" or "taxable income"?	Do I as a corporation have profit subject to indirect excise ?	NO. See: 1. <i>Eisner v. Macomber</i> , 252 U.S. 189, 207, 40 S.Ct. 189, 9 A.L.R. 1570 (1920); 2. <i>Doyle v. Mitchell Brothers Co.</i> , 247 U.S. 179, 185, 38 S.Ct. 467 (1918); 3. <i>Stratton's Independence v. Howbert</i> , 231 U.S. 399, 414, 58 L.Ed. 285, 34 Sup.Ct. 136 (1913);
3	What is an "individual" as indicated on my "1040 Individual Income Tax Return"?	What is an "individual" as indicated on my "1040 Individual Income Tax Return"?	One of the following: 1. A corporation, an association, a trust, etc. chartered in the District of Columbia with income subject to excise taxes . 2. A nonresident alien or alien as identified in 26 C.F.R. §1.1441-1(c)(3).

#	Question (using legal definitions)	Translation to everyday language ("non-legalese")	Answer (in most cases)
4	Am I a "taxpayer" under Subtitle A of the Internal Revenue Code?	Am I a person who is "liable" for paying income taxes as per the I.R.C Subtitle A?	NO. The only persons liable (under Section 1461) of Subtitle A of the I.R.C. for <i>anything</i> are withholding agents as defined in 26 U.S.C. §7701(a)(16). These withholding agents are transferees for U.S. government property under 26 U.S.C. §6901 and they are "returning" (hence the name "tax return") monies <i>already owned</i> by the U.S. Government and being paid out to nonresident aliens who are elected or appointed officers of the United States Government as part of a pre-negotiated and implied employment agreement. Because the monies they are withholding <i>already</i> belong to the U.S. government even after they are paid out, the withholding agent is liable to return these monies. For private individuals who are not nonresident aliens in receipt of pay as an elected or appointed officer of the U.S. government, all "taxes" falling under Subtitle A are voluntary, which is to say that they are <i>donations</i> and not taxes. However, if you "volunteer" by submitting a tax return or instituting voluntary withholding using a W-4 form, you are referred to as a "taxpayer" because you made yourself "subject to" the tax code voluntarily and therefore are "presumed" to be liable under 26 C.F.R. §31.3401(a)-3. This artificial liability is then created in your IRS Individual Master File (IMF) by IRS agents committing deliberate fraud during data entry into their IDRS computer system. See Sovereignty Forms and Instructions Manual, Form #10.005, Section 2.4.8 for further details on how to expose this IMF fraud.
5	Am I a "tax payer"?	Have I unwittingly deceived the I.R.S. and the U.S. government, by my own ignorance and unknowing falsification on my 1040 income tax return, into thinking that I am a "taxpayer"?	YES. In most cases, people file and pay income taxes and erroneously label themselves as being "taxpayers" because of their own ignorance and the total lack of sources for truth about who are "taxpayers".
6	Am I am "employer"?	Am I someone who pays the salary and wages of an elected or appointed federal political officer?	NO
7	"Must" I pay income taxes.	<ol style="list-style-type: none"> Do I have the "IRS" permission to "volunteer" to pay income taxes, even though I don't have to. "May" I pay income taxes I'm not obligated to pay, please? 	Definitely!
8	Do I live in a "State" or the "United States"?	Do I live in the District of Columbia, Puerto Rico, Guam, the Virgin Islands, or any other U.S. federal territory or enclave within the boundaries of a state which the residents do NOT have constitutional protections of their rights (see <i>Downes v. Bidwell</i> , 182 U.S. 244 (1901)) and are therefore subject to federal income taxes?	NO
9	Do I make "wages" as an "employee"?	Do I receive compensation for "personal services" from the U.S. government as an elected or appointed political officer NOT practicing an occupation of common right?	NO
10	Am I a "withholding agent" per the tax code?	Do I pay income to an elected or appointed officer of the U.S. government who has requested withholding on their pay or to a nonresident alien or corporation with U.S (federal zone) . Source income?	NO
11	Am I a STATUTORY "citizen of the United States" or a resident of the United States?	Was I born or naturalized in the District of Columbia or other federal territory or enclave or do I live there now?	NO

#	Question (using legal definitions)	Translation to everyday language ("non-legal")	Answer (in most cases)
12	Am I a STATUTORY "national but not citizen of the United States" under 8 U.S.C. §1452?	Was I born in a federal possession?	NO
13	Do I conduct a STATUTORY "trade or business" in the STATUTORY "United States"?	Do I hold elected or appointed public office for the U.S. government in the federal United States or federal zone and thereby receive excise taxable privileges from the U.S. government?	NO
14	Do I make "gross income" derived from a "taxable source" as defined in 26 U.S.C. §§861 or 862?	Do I derive income from a privileged corporation that is registered and resident in the "federal zone" or from the U.S.** government as an elected or appointed political official or officer of a U.S.** Corporation?	NO
15	Do I perform "personal services"?	Am I an elected or appointed official of the U.S. government who receives a salary for my job?	NO

1 Jesus warned us that a thief would come to kill and hurt and destroy us by devious means, and this thief is our own
2 government and the legal profession!:

3 *"Most assuredly, I say to you, **he who does not enter the sheepfold by the door, but climbs up some other way,***
4 ***the same is a thief and a robber.** But he who enters the door is the shepherd of the sheep... **The thief does***
5 ***not come except to steal, and to kill, and to destroy.** I have come that they may have life, and that they may*
6 *have it more abundantly."*
7 *[John 10:1-9, Bible, NKJV]*

8 We hope that one of the lessons you will walk away with after you discover the kind of deceit above is that educating our
9 young people to make them smart without giving them a moral or character or religious education causes major problems in
10 our society like that above. Cheating in our schools is now rampant, and once these dishonest students enter the job market
11 and become lawyers, politicians, and judges, their deceit is only magnified because of greed. It's no wonder that during the
12 first half century of this country, you needed to just about have a divinity degree before you could think about studying to
13 be a lawyer! No one with any sense of morality or decency or integrity would try to deceive the way the IRS lawyers have
14 deceived us all with the tax code shown above. This also explains bible verses in which Jesus condemned lawyers. He did
15 this for a reason and now we know why! Let me repeat His very words again for your benefit:

16 *"Woe to you lawyers! for **you have taken away the keys of knowledge:** you did not enter yourselves, and you*
17 *hindered those who were entering."*
18 *[Luke 11:52, Bible, NKJV]*

19 How did lawyers take away the keys to knowledge? They did it by destroying or undermining the meaning of words, and
20 thereby robbing us of our liberty and our right of due process under the law. Because the law has been obfuscated, custody
21 of our liberty has been transferred from the law and our own understanding of the law to the arbitrary whims of judges, the
22 legal profession, and the courts, who we then are forced to rely upon to "interpret" the law and thereby tell us what our
23 rights are. These tactics have transformed us from a society of laws to a society of men, which eventually will be our
24 downfall and the means of totally corrupting our legal system if we don't correct it soon. Confucius said it best:

25 *"When words lose their meaning, people will lose their liberty."*
26 *[Confucius, 500 B.C.]*

27 Lastly, we'd like to offer you a funny anecdote to illustrate just what the affect has been in courtrooms all over the country
28 of the law profession's "theft" of our words and distortion of our language. Playwright Jim Sherman wrote the script below
29 just after Hu Jintao was named chief of the Communist Party in China in 2002. The dialog was patterned after a similar
30 comedic exchange in the 1920's between the Abbott and Costello called "Who's On First?" The conversation depicted
31 below is between George Bush and his Assistant for National Security Affairs, Condoleeza Rice. To apply this metaphor to
32 a tax trial, imagine that George Bush is the jury and Condi is you, who are the accused person litigating to defend your
33 rights. Notice how much confusion there is over words in this interchange. You will then understand just how difficult it is
34 to explain to jurists that the most important words in the tax code *don't* conform to our everyday understanding of the
35 human language in most cases.

36 **HU'S ON FIRST**

1 *By James Sherman*

2 *(We take you now to the Oval Office.)*

3 *George: Condi! Nice to see you. What's happening?*

4 *Condi: Sir, I have the report here about the new leader of China.*

5 *George: Great. Lay it on me.*

6 *Condi: Hu is the new leader of China.*

7 *George: That's what I want to know.*

8 *Condi: That's what I'm telling you.*

9 *George: That's what I'm asking you. Who is the new leader of China?*

10 *Condi: Yes.*

11 *George: I mean the fellow's name.*

12 *Condi: Hu.*

13 *George: The guy in China.*

14 *Condi: Hu.*

15 *George: The new leader of China.*

16 *Condi: Hu.*

17 *George: The Chinaman!*

18 *Condi: Hu is leading China.*

19 *George: Now whaddya' asking me for?*

20 *Condi: I'm telling you Hu is leading China.*

21 *George: Well, I'm asking you. Who is leading China?*

22 *Condi: That's the man's name.*

23 *George: That's who's name?*

24 *Condi: Yes.*

25 *George: Will you or will you not tell me the name of the new leader of China?*

26 *Condi: Yes, sir.*

27 *George: Yassir? Yassir Arafat is in China? I thought he was in the Middle East.*

28 *Condi: That's correct.*

29 *George: Then who is in China?*

30 *Condi: Yes, sir.*

31 *George: Yassir is in China?*

1 Condi: No, sir.

2 George: Then who is?

3 Condi: Yes, sir.

4 George: Yassir?

5 Condi: No, sir.

6 George: Look, Condi. I need to know the name of the new leader of China. Get me the Secretary General of the
7 U.N. on the phone.

8 Condi: Kofi?

9 George: No, thanks.

10 Condi: You want Kofi?

11 George: No.

12 Condi: You don't want Kofi.

13 George: No. But now that you mention it, I could use a glass of milk. And then get me the U.N.

14 Condi: Yes, sir.

15 George: Not Yassir! The guy at the U.N.

16 Condi: Kofi?

17 George: Milk! Will you please make the call?

18 Condi: And call who?

19 George: Who is the guy at the U.N.?

20 Condi: Hu is the guy in China.

21 George: Will you stay out of China?!

22 Condi: Yes, sir.

23 George: And stay out of the Middle East! Just get me the guy at the U.N.

24 Condi: Kofi.

25 George: All right! With cream and two sugars. Now get on the phone.

26 (Condi picks up the phone.)

27 Condi: Rice, here.

28 George: Rice? Good idea. And a couple of egg rolls, too. Maybe we should send some to the guy in China. And
29 the Middle East. Can you get Chinese food in the Middle East?

30 **11.7 Vague laws**

31 Another popular technique used by corrupted politicians and lawyers for destroying the separation of powers is the writing
32 of vague laws. The U.S. Supreme Court explained the effect of vague laws using its “Void for Vagueness Doctrine”:

33 As we said in *Grayned v. City of Rockford*, [408 U.S. 104, 108](#) (1972):

1 "It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly
2 defined. Vague laws offend several important values. First, because we assume that man is free to steer between
3 lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable
4 opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by
5 not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must
6 provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters
7 to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers
8 of arbitrary and discriminatory application." (Footnotes omitted.)

9 See *al Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972); *Cline v. Frink Dairy Co.*, 274 U.S. 445, 47 S.
10 Ct. 681 (1927); *Connally v. General Construction Co.*, 269 U.S. 385 (1926).
11 [*Sewell v. Georgia*, 435 U.S. 982 (1978)]

12 A law which is ambiguous and leads to inconsistent application or varying interpretations depending on the audience
13 violates the "Rule of Lenity" in criminal cases, which the U.S. Supreme Court explained below:

14 This expansive construction of § 666(b) is, at the very least, inconsistent with the rule of lenity -- which the
15 Court does not discuss. This principle requires that, to the extent that there is any ambiguity in the term
16 "benefits," we should resolve that ambiguity in favor of the defendant. See United States v. Bass, 404 U.S.
17 336, 347 (1971) ("In various ways over the years, we have stated that, when choice has to be made between
18 two readings of what conduct Congress has made a crime, it is appropriate, before we choose the harsher
19 alternative, to require that Congress should have spoken in language that is clear and definite" (internal
20 quotation marks omitted)).
21 [*Fischer v. United States*, 529 U.S. 667 (2000)]

22 When politicians and legislators know they lack jurisdiction to implement a particular law, they typically will write in such
23 a vague manner that the courts will have to decide what it means. This, in effect, amounts to a license to the Judicial
24 Branch to expand federal jurisdiction. The two branches of government are supposed to be sovereign and separate and act
25 as checks on each other, but when they want to collude against the rights of Americans, vague laws are the method of
26 choice. The U.S. Supreme Court held that the effect of vague laws is to turn judges and juries essentially into "policy
27 boards" and political, rather than judicial or legal, tribunals. Note the phrase above from the U.S. Supreme Court again:

28 "A vague law impermissibly delegates basic policy matters [political rather than legal choices] to policemen,
29 judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and
30 discriminatory application."

31 You will note that Black's Law Dictionary says that such "political questions" are completely outside of the jurisdiction of
32 any court:

33 "Political questions. Questions of which courts will refuse to take cognizance, or to decide, on account of their
34 purely political character, or because their determination would involve an encroachment upon the executive or
35 legislative powers.

36 "Political questions doctrine" holds that certain issues should not be decided by courts because their resolution
37 is committed to another branch of government and/or because those issues are not capable, for one reason or
38 another, of judicial resolution. *Islamic Republic of Iran v. Pahlavi*, 116 Misc.2d. 590, 455 N.Y.S.2d. 987, 990.

39 A matter of dispute which can be handled more appropriately by another branch of the government is not a
40 "justiciable" matter for the courts. However, a state apportionment statute is not such a political question as to
41 render it nonjusticiable. *Baker v. Carr*, 369 U.S. 186, 208-210, 82 S.Ct. 691, 705-706, 7 L.Ed.2d. 663.
42 [*Black's Law Dictionary*, Sixth Edition, pp. 1158-1159]

43 Therefore, codes or laws that are deliberately written in a vague manner, such as the Internal Revenue Code, have the effect
44 of compelling Courts into the role of a political panel or policy board or "perpetual Constitutional Convention", rather than
45 their legitimate, Constitutional role. In effect, in relation to those matters that they administer which relate to vague laws,
46 they are acting as an extension of the Legislative rather than Judicial Branch, and this represents a breakdown in the
47 Separation of Powers. The de jure role of Courts is as a fact finder and judge, but vague laws compel them into a de facto
48 role of being a political organization within the Legislative Branch. See the article below for an exhaustive analysis of why
49 they are not authorized to act in this role.

Political Jurisdiction, Form #05.004
<http://sedm.org/Forms/FormIndex.htm>

1 Judges in most Courts know that when it comes to “taxes”, they are really unlawfully acting in a de facto “political” rather
2 than de jure “legal” capacity. That is why:

- 3 1. Federal judges will not allow “law” to be discussed in the Courtroom in the context of income taxes. See section 13.3
4 later.
- 5 2. Federal judges will insist, along with their buddy the U.S. Attorney, that all jurists are “taxpayers” and therefore federal
6 “employees” who are subject to their jurisdiction.
- 7 3. Federal judges will not address the requirements of the law in their rulings, but instead simply state “policy” and use
8 other Court rulings instead of the law itself as their authority.
- 9 4. Federal judges will not insist that the sections of the I.R.C. cited by the U.S. Attorney must be proven to be “positive
10 law”, and therefore “law”. See: <http://sedm.org/Forms/05-MemLaw/Consent.pdf>

11 The U.S. Supreme Court admitted that income taxation is largely a “political matter” rather than “legal matter” which is
12 therefore beyond the jurisdiction of any court, when it said the following:

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

21 Notice the phrase “*The latter obviously includes a duty to pay taxes, and **their nature and measure is largely a political
22 matter**””. Well, the way our courts handle liability in a “Willful Failure to File” (pursuant to [26 U.S.C. §7203](http://www.uscourts.gov/uscourt/cases/26-usc-7203)) trial, in fact,
23 is *also* handled as a “political matter” or “political question”. The Constitution reserves all such “political questions” to the
24 jurisdiction of the Executive and Legislative, and not Judicial Branches of the government. Therefore, our courts have
25 become nothing less than angry lynch mobs of “taxpayers” who insist that others “pay their fair share”, rather than
26 objective assemblies of impartial persons who have read, understand, and will apply the law consistent with what the
27 Constitution says. This abuse of “democracy” to prejudice and injure rights is the heart of socialism, which has become
28 “The New American Civil Religion” that is quickly supplanting the influence of Christianity in our culture.*

29 *“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political
30 controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles
31 to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of
32 worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome
33 of no elections.”*
34 *[West Virginia Bd. of Ed. v Barnett, 319 U.S. 624, 638 (1943)]*

35 Please read our Memorandum of law entitled “Socialism: The New American Civil Religion” for exhaustive proof that the
36 “state” has become the new pagan false god, and replaced the true God as the sovereign who rules from above, rather than
37 serves from below, as our Constitution ordains.

[Socialism: The New American Civil Religion, Form #05.016
http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

38 The U.S. Supreme Court also warned about the evil effects of allowing judges to become involved in “political matters”
39 when it said the following prophetic words that exactly describe how tax matters are heard in federal courts all around the
40 country, every day, and all day:

41 **Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament
42 of judges would be that, in such an event, all political privileges and rights would, in a dispute among the
43 people, depend on our decision finally. We would possess the power to decide against, as well as for, them,
44 and, under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much
45 perverted, if not entirely prostrated. But, allowing the people to make constitutions and unmake them, allowing
46 their representatives to make laws and unmake them, and without our interference as to their principles or
47 policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as
48 empowered by the State or the Union, commence their functions and may decide on the rights which conflicting
49 parties can legally set up under them, rather than about their formation itself. Our power begins after theirs
50 [the Sovereign People] ends. Constitutions and laws precede the judiciary, and we act only under and after**

1 them, and as to disputed rights beneath them, rather than disputed points in making them. We speak what is
2 the law, jus dicere, we speak or construe what is the constitution, after both are made, but we make, or revise,
3 or control neither. The disputed rights beneath constitutions already made are to be governed by precedents,
4 by sound legal principles, by positive legislation [e.g. "positive law"], clear contracts, moral duties, and fixed
5 rules; they are per se questions of law, and are well suited to the education and habits of the bench. But the
6 other disputed points in making constitutions, depending often, as before shown, on policy, inclination, popular
7 resolves and popular will and arising not in respect to private rights, not what is meum and tuum, but in
8 relation to politics, they belong to politics, and they are settled by political tribunals, and are too dear to a
9 people bred in the school of Sydney and Russel for them ever to intrust their final decision, when disputed, to a
10 class of men who are so far removed from them as the judiciary, a class also who might decide them
11 erroneously, as well as right, and if in the former way, the consequences might not be able to be averted except
12 by a revolution, while a wrong decision by a political forum can often be peacefully corrected by new
13 elections or instructions in a single month; and if the people, in the distribution of powers under the
14 constitution, should ever think of making judges supreme arbiters in political controversies when not selected
15 by nor, frequently, amenable to them nor at liberty to follow such various considerations in their judgments
16 as [48 U.S. 53] belong to mere political questions, they will dethrone themselves and lose one of their own
17 invaluable birthrights; building up in this way -- slowly, but surely -- a new sovereign power in the republic,
18 in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at least, than
19 the worst elective oligarchy in the worst of times. Again, instead of controlling the people in political affairs,
20 the judiciary in our system was designed rather to control individuals, on the one hand, when encroaching,
21 or to defend them, on the other, under the Constitution and the laws, when they are encroached upon. And if
22 the judiciary at times seems to fill the important station of a check in the government, it is rather a check on the
23 legislature, who may attempt to pass laws contrary to the Constitution, or on the executive, who may violate
24 both the laws and Constitution, than on the people themselves in their primary capacity as makers and
25 amenders of constitutions."
26 [Luther v. Borden, 48 U.S. 1 (1849)]

27 When you remove law from its central role in the Courtroom and put people individually in charge of deciding cases based
28 on "what feels good", the only thing left to decide with are the following evil forces:

- 29 1. Ignorance
- 30 2. Prejudice
- 31 3. Conflict of interest
- 32 4. Bias on the part of the judge
- 33 5. The opinions of biased "experts" who are subject to IRS and judicial extortion.

34 The U.S. Supreme Court described the above travesty of justice by saying that when the liberty of someone is subject to the
35 purely arbitrary will of another, then this is the very essence of slavery itself, when it said:

36 "When we consider the nature and the theory of our institutions of government, the principles on which they are
37 supposed to rest, and review the history of their development, we are constrained to conclude that they do not
38 mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is, of
39 course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are
40 delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all
41 government exists and acts. And the law is the definition and limitation of power. It is, indeed, quite true that
42 there must always be lodged somewhere, and in some person or body, the authority of final decision; and in
43 many cases of mere administration, the responsibility is purely political, no appeal lying except to the ultimate
44 tribunal of the public judgment, exercised either in the pressure of opinion, or by means of the suffrage. But the
45 fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are
46 secured by those maxims of constitutional law which are the monuments showing the victorious progress of the
47 race in securing to men the blessings of civilization under the reign of just and equal laws, so that, in the
48 famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a
49 government of laws and not of men.' **For the very idea that one man may be**
50 **compelled to hold his life, or the means of living, or any material right**
51 **essential to the enjoyment of life, at the mere will of another, seems to be**
52 **intolerable in any country where freedom prevails, as being the essence**
53 **of slavery itself."**
54 [Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

55 Our founding fathers bequeathed to us a "society of law and not of men":

56 "The historic phrase 'a government of laws and not of men' epitomized the distinguishing character of our
57 political society. When John Adams put that phrase into the Massachusetts Declaration of Rights, pt. 1, art. 30,
58 he was not indulging in a rhetorical flourish. **He was expressing the aim [330 U.S. 258, 308] of those**

1 who, with him, framed the Declaration of Independence and founded the Republic. 'A government of laws
2 and not of men' was the rejection in positive terms of rule by fiat, whether by the fiat of governmental or
3 private power.]or a judge or an arbitrary jury of ignorant Americans unjustly manipulated by a judge]. Every
4 act of government may be challenged by an appeal to law, as finally pronounced by this Court. Even this Court
5 has the last say only for a time. Being composed of fallible men, it may err. But revision of its errors must be by
6 orderly process of law. The Court may be asked to reconsider its decisions, and this has been done successfully
7 again and again throughout our history. Or, what this Court has deemed its duty to decide may be changed by
8 legislation, as it often has been, and, on occasion, by constitutional amendment.

9 *"But from their own experience and their deep reading in history, the Founders knew that Law alone saves a*
10 *society from being rent by internecine strife or ruled by mere brute power however disguised. 'Civilization*
11 *involves subjection of force to reason, and the agency of this subjection is law.' 1* *The conception of a*
12 *government by laws dominated the thoughts of those who founded this Nation and designed its Constitution,*
13 *although they knew as well as the belittlers of the conception that laws have to be made, interpreted and*
14 *enforced by men. To that end, they set apart a body of men, who were to be the depositories of law, who by their*
15 *disciplined training and character and by withdrawal from the usual temptations of private interest may*
16 *reasonably be expected to be 'as free, impartial, and independent as the lot of humanity will admit'. So strongly*
17 *were the framers of the Constitution bent on securing a reign of law that they endowed the judicial office with*
18 *extraordinary safeguards and prestige. No one, no matter how exalted his public office or how righteous [330*
19 *U.S. 258, 309] his private motive, can be judge in his own case. That is what courts are for. And no type of*
20 *controversy is more peculiarly fit for judicial determination than a controversy that calls into question the*
21 *power of a court to decide. Controversies over 'jurisdiction' are apt to raise difficult technical problems. They*
22 *usually involve judicial presuppositions, textual doubts, confused legislative history, and like factors hardly fit*
23 *for final determination by the self-interest of a party.*
24 *[United States v. United Mine Workers of America, 330 U.S. 258 (1947)]*

25 The Bible also described the travesty of justice that occurs when we throw out this “society of laws” and replace it with a
26 “society of men”, which is chaos and injustice. Below is a direct quote from the Open Bible on this very subject:

27 *The Book of Judges stands in stark contrast to Joshua. In Joshua an obedient people conquered the land*
28 *through trust in the power of God. **In Judges, however, a disobedient and idolatrous people are defeated time***
29 ***and time again because of their rebellion against God.***

30 *In seven distinct cycles of sin to salvation, Judges shows how Israel had set aside God's law and in its place*
31 *substituted "what was right in his own eyes" (21:25). **The recurring result of abandonment from God's law is***
32 ***corruption from within and oppression from without.** During the nearly four centuries spanned by this book,*
33 *God raises up military champions to throw off the yoke of bondage and to restore the nation to pure worship.*
34 *But all too soon the "sin cycle" begins again as the nation's spiritual temperance grows steadily colder.*

35 ...

36 *The Book of Judges could also appropriately be titled "The Book of Failure."*

37 ***Deterioration** (1:1-3:4). Judges begins with short-lived military successes after Joshua's death, but quickly*
38 *turns to the repeated failure of all the tribes to drive out their enemies. The people feel the lack of a unified*
39 *central leader, but the primary reasons for their failure are a lack of faith in God and lack of obedience to Him*
40 *(2:1-2). Compromise leads to conflict and chaos. Israel does not drive out the inhabitants (1:21, 27, 29, 30);*
41 *instead of removing the moral cancer [IRS, Federal Reserve?] spread by the inhabitants of Canaan, they*
42 *contract the disease. The Canaanite gods [money, sex, covetousness] literally become a snare to them (2:3).*
43 *Judges 2:11-23 is a microcosm of the pattern found in Judges 3-16.*

44 ***Deliverance** (3:5-16:31). In verses 3:5 through 16:31 of the Book of Judges, seven apostasies (fallings away*
45 *from God) are described, seven servitudes, and seven deliverances. **Each of the seven cycles has five steps:***
46 ***sin, servitude, supplication, salvation, and silence.** These also can be described by the words **rebellion,***
47 ***retribution, repentance, restoration, and rest.** The seven cycles connect together as a descending spiral of sin*
48 *(2:19). Israel vacillates between obedience and apostasy as the people continually fail to learn from their*
49 *mistakes. Apostasy grows, but the rebellion is not continual. The times of rest and peace are longer than the*
50 *times of bondage. The monotony of Israel's sins can be contrasted with the creativity of God's methods of*
51 *deliverance.*

52 ***Depravity** (17:1-21:25). Judges 17:1 through 21:25 illustrate (1) religious apostasy (17 and 18) and (2) social*
53 *and moral depravity (19-21) during the period of the judges. Chapters 19-21 contain one of the worst tales of*
54 *degradation in the Bible. **Judges closes with a key to understanding the period: "everyone did what was right***
55 ***in his own eyes" (21:25) [a.k.a. "what FEELS good"].** The people are not doing what is wrong in their own*
56 *eyes, but what is "evil in the sight of the Lord" (2:11).*
57 *[The Open Bible, New King James Version, Thomas Nelson Publishers, Copyright 1997, pp. 340-341]*

58 So the question then becomes:

1 *“Why are we allowing the Congress to compel the Courts to be used to effect slavery , and isn't this a violation*
2 *of the Thirteenth Amendment prohibition against involuntary servitude? Why are we allowing Congress to use*
3 *ambiguity of law to turn our Courts essentially into perpetual 'Constitutional conventions', and placing the*
4 *decision makers at the mercy of the very source of injustice that the courts are supposed to be protecting us*
5 *from, which is the IRS? Isn't this a violation of 28 U.S.C. §455 and a conflict of interest?”*

6 The Bible also says that Christians cannot associate with or be part of this type of evil, when it said:

7 *“**Shall the throne of iniquity, which devises evil by law, have fellowship with You?** They gather*
8 *together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and*
9 *my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own*
10 *wickedness; **the Lord our God shall cut them off.**”*
11 *[Psalm 94:20-23, Bible, NKJV]*

12 Who else but legislators and lawyers could “devise evil by law” as described above by using vague laws and “words of art”
13 to deceive and entrap people? The “throne of iniquity” they are talking about is our political rulers and any judiciary that
14 allows itself to rule on “political questions”.

15 If you would like to know more about vague laws and how they represent tyranny and injustice, see:

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

16 **11.8 Statutory Presumptions that Injure Rights**

17 A statutory presumption is a presumption which is mandated by a statute. Below is an example of such a presumption:

18 [26 U.S.C. Sec. 7701\(c\) INCLUDES AND INCLUDING.](#)

19 *The terms ‘include’ and ‘including’ when used in a definition contained in this title shall not be deemed to*
20 *exclude other things otherwise within the meaning of the term defined.”*

21 What Congress is attempting to create in the above is the following false presumption:

22 *“Any definition which uses the word ‘includes’ shall be construed to imply not only what is shown in the statute*
23 *and the code itself, but also what is commonly understood for the term. The term shall therefore mean*
24 *whatever any government employee deems is necessary to fulfill what he believes is the ‘subjective intent’ of the*
25 *code.”*

26 We know that the above presumption is unconstitutional and if applied as intended, would violate the Void for Vagueness
27 Doctrine of the U.S. Supreme Court. It would also violate the rules of statutory construction that say:

- 28 1. The purpose for defining a word within a statute is so that its ordinary (dictionary) meaning is not implied or assumed
29 by the reader.
- 30 2. When a term is defined within a statute, that definition is provided usually to supersede and not enlarge other
31 definitions of the word found elsewhere, such as in other Titles or Codes.

32 The U.S. Supreme Court has ruled many times that statutory presumptions which prejudice or threaten constitutional rights
33 are unconstitutional. Below are a few of its rulings on this subject to make the meaning perfectly clear:

34 *“Legislation declaring that proof of one fact of group of facts shall constitute prima facie evidence of an*
35 *ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be*
36 *inferred. A prima facie presumption casts upon the person against whom it is applied the duty of going*
37 *forward with his evidence on the particular point to which the presumption relates. A statute creating a*
38 *presumption that is arbitrary, or that operates to deny a fair opportunity to repel it, violates the due process*
39 *clause of the Fourteenth Amendment.* *Legislative fiat may not take the place of fact in the judicial*
40 *determination of issues involving life, liberty, or property. Manley v. Georgia, 279 U.S. 1, 49 S.Ct. 215, 73*
41 *L.Ed. , and cases cited.”*
42 [\[Western and Atlantic Railroad v. Henderson, 279 U.S. 639 \(1929\)\]](#)
43

1 "[I]t is unconstitutional for a legislature to remove from the jury the assessment of facts that increase the
2 prescribed range of penalties to which a criminal defendant is exposed. It is equally clear that such facts must
3 be established by proof beyond a reasonable doubt."
4 [McMillan v. Pennsylvania, 477 U.S. 79 (1986)]
5

6 It has always been recognized that the guaranty of trial by jury in criminal cases means that the jury is to be the
7 factfinder. This is the only way in which a jury can perform its basic constitutional function of determining the
8 guilt or innocence of a defendant. See, e. g., United States ex rel. Toth v. Quarles, 350 U.S. 11, 15-19; Reid v.
9 Covert, 354 U.S. 1, 5-10 (opinion announcing judgment). And of course this constitutionally established power
10 of a jury to determine guilt or innocence of a defendant charged with crime cannot be taken away by Congress,
11 directly or indirectly, in whole or in part. Obviously, a necessary part of this power, vested by the Constitution
12 in juries (or in judges when juries are waived), is the exclusive right to decide whether evidence presented at
13 trial is sufficient to convict. I think it flaunts the constitutional power of courts and juries for Congress to tell
14 them what "shall be deemed sufficient evidence to authorize conviction." And if Congress could not thus directly
15 encroach upon the judge's or jury's exclusive right to declare what evidence is sufficient to prove the facts
16 necessary for conviction, it should not be allowed to do so merely by labeling its encroachment a
17 "presumption." Neither Tot v. United States, 319 U.S. 463, relied [380 U.S. 63, 78] on by the Court as
18 supporting this presumption, nor any case cited in Tot approved such an encroachment on the power of judges
19 or juries. In fact, so far as I can tell, the problem of whether Congress can so restrict the power of court and
20 jury in a criminal case in a federal court has never been squarely presented to or considered by this Court,
21 perhaps because challenges to presumptions have arisen in many crucially different contexts but
22 nevertheless have generally failed to distinguish between presumptions used in different ways, treating them
23 as if they are either all valid or all invalid, regardless of the rights on which their use may impinge. Because
24 the Court also fails to differentiate among the different circumstances in which presumptions may be utilized
25 and the different consequences which will follow, I feel it necessary to say a few words on that subject before
26 considering specifically the validity of the use of these presumptions in the light of the circumstances and
27 consequences of their use.

28 In its simplest form a presumption is an inference permitted or required by law of the existence of one fact,
29 which is unknown or which cannot be proved, from another fact which has been proved. The fact presumed
30 may be based on a very strong probability, a weak supposition or an arbitrary assumption. The burden on the
31 party seeking to prove the fact may be slight, as in a civil suit, or very heavy - proof beyond a reasonable doubt
32 - as in a criminal prosecution. This points up the fact that statutes creating presumptions cannot be treated as
33 fungible, that is, as interchangeable for all uses and all purposes. The validity of each presumption must be
34 determined in the light of the particular consequences that flow from its use. When matters of trifling
35 moment are involved, presumptions may be more freely accepted, but when consequences of vital importance
36 to litigants and to the administration of justice are at stake, a more careful scrutiny is necessary. [380 U.S.
37 63, 79]

38 In judging the constitutionality of legislatively created presumptions this Court has evolved an initial
39 criterion which applies alike to all kinds of presumptions: that before a presumption may be relied on, there
40 must be a rational connection between the facts inferred and the facts which have been proved by competent
41 evidence, that is, the facts proved must be evidence which is relevant, tending to prove (though not
42 necessarily conclusively) the existence of the fact presumed. And courts have undoubtedly shown an
43 inclination to be less strict about the logical strength of presumptive inferences they will permit in civil cases
44 than about those which affect the trial of crimes. The stricter scrutiny in the latter situation follows from the
45 fact that the burden of proof in a civil lawsuit is ordinarily merely a preponderance of the evidence, while in
46 a criminal case where a man's life, liberty, or property is at stake, the prosecution must prove his guilt
47 beyond a reasonable doubt. See Morrison v. California, 291 U.S. 82, 96-97. The case of Bailey v. Alabama,
48 219 U.S. 219, is a good illustration of this principle. There Bailey was accused of violating an Alabama statute
49 which made it a crime to fail to perform personal services after obtaining money by contracting to perform
50 them, with an intent to defraud the employer. The statute also provided that refusal or failure to perform the
51 services, or to refund money paid for them, without just cause, constituted "prima facie evidence" (i.e., gave
52 rise to a presumption) of the intent to injure or defraud. This Court, after calling attention to prior cases
53 dealing with the requirement of rationality, passed over the test of rationality and held the statute invalid on
54 another ground. Looking beyond the rational-relationship doctrine the Court held that the use of this
55 presumption by Alabama against a man accused of crime would amount to a violation of the Thirteenth
56 Amendment to the Constitution, which forbids "involuntary [380 U.S. 63, 80] servitude, except as a
57 punishment for crime." In so deciding the Court made it crystal clear that rationality is only the first hurdle
58 which a legislatively created presumption must clear - that a presumption, even if rational, cannot be used to
59 convict a man of crime if the effect of using the presumption is to deprive the accused of a constitutional
60 right.
61 [United States v. Gainly, 380 U.S. 63 (1965)]

62 The reason a statutory presumption that injures rights is unconstitutional was also revealed in the Federalist Papers, which
63 say on the subject:

1 "No legislative act [including a statutory presumption] contrary to the Constitution can be valid. To deny this
2 would be to affirm that the deputy (agent) is greater than his principal; that the servant is above the master;
3 that the representatives of the people are superior to the people; that men, acting by virtue of powers may do
4 not only what their powers do not authorize, but what they forbid...[text omitted] It is not otherwise to be
5 supposed that the Constitution could intend to enable the representatives of the people to substitute their will
6 to that of their constituents. It is far more rational to suppose, that the courts were designed to be an
7 intermediate body between the people and the legislature, in order, among other things, to keep the latter within
8 the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the
9 courts. A Constitution is, in fact, and must be regarded by judges, as fundamental law. If there should
10 happen to be an irreconcilable variance between the two, the Constitution is to be preferred to the statute."
11 [Alexander Hamilton, *Federalist Paper #78*]

12 The implication of the prohibition against statutory presumptions is that:

- 13 1. No human being who is domiciled within a state of the Union and protected by the Bill of Rights may be victimized or
14 injured in any way by any kind of statutory presumption.
- 15 2. Statutory presumptions may only lawfully be applied against legal "persons" who do not have Constitutional rights,
16 which means corporations or those human beings who are domiciled in the federal zone, meaning on land within
17 exclusive federal jurisdiction that is not protected by the First Ten Amendments to the United States Constitution. See
18 *Downes v. Bidwell*, 182 U.S. 244 (1901).
- 19 3. Any court which uses "judge made law" to do any of the following in the case of a natural person protected by the Bill
20 of Rights is involved in a conspiracy against rights:
 - 21 3.1. Imposes a statutory or judicial presumption.
 - 22 3.2. Extends or enlarges any definition in the Internal Revenue Code based on any arbitrary criteria.
 - 23 3.3. Invokes an interpretation of a definition within a code which may not be deduced directly from language in the
24 code itself.

25 The above inferences help establish who the only proper audience for the Internal Revenue Code is, which is federal
26 corporations, agents, and employees and those domiciled within the federal zone, and excluding those within states of the
27 Union. The reason is that those domiciled in the federal zone are not protected by the Bill of Rights. The only exception to
28 this rule is that any natural person who is domiciled in a state of the Union but who is exercising agency of a federal
29 corporation or legal "person" which has a domicile within the federal zone also may become the lawful subject of statutory
30 presumptions, but only in the context of the agency he is exercising. For instance, this is demonstrated in the document
31 below:

[Resignation of Compelled Social Security Trustee](http://sedm.org/Forms/FormIndex.htm), Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

32 that those participating in the Social Security program are deemed to be "agents", "employees", and "fiduciaries" of the
33 federal corporation called the United States, which has a "domicile" in the federal zone (District of Columbia) under 4
34 U.S.C. §72. Therefore, unless and until they eliminate said agency using the above document, statutory presumptions may
35 be used against them without an unconstitutional result, but only in the context of the agency they are exercising.

36 **11.9 Deceptive laws that blur the line between "public" and "private" property by omission**

37 *"All systems either of preference or of restraint, therefore, being thus completely taken away, the obvious and*
38 *simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate*
39 *the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry*
40 *and capital into competition with those of any other man or order of men. The sovereign is completely*
41 *discharged from a duty, in the attempting to perform which he must always be exposed to innumerable*
42 *delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient:*
43 *the duty of superintending the industry of private people."*
44 [Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776)]

45 The purpose of establishing a government is to protect your private rights to life, liberty, and property. This implies that
46 the government must:

- 47 1. Protect your "private" property from being wrongfully converted to "public property" or taken from you without just
48 compensation as the Fifth Amendment requires.
- 49 2. Respect and protect all contracts you voluntarily make with others that affect your property.

- 1 3. Recognize your rights to all types of property, including your “labor”, which it has said is “property”.
- 2 4. Prevent your property from being taken from you because of the imposition of Bills of Attainder, which are penalties
- 3 instituted by the Legislative or Executive Branch without a judicial trial.
- 4 5. Must apply all the same rules for its own actions as it applies to private citizens, because of the requirement for equal
- 5 protection of the law found in Section 1 of the Fourteenth Amendment and 42 U.S.C. §1981.
- 6 6. Must take extraordinary measures to ensure that the lines between “public property” and “private property” are not
- 7 blurred within the law so as to create unwarranted jurisdiction, authority, or control over private property.

8 The U.S. Supreme Court has held the following on the subject of the those dealing with the government in public contracts
9 and business:

10 *While it is true enough, as the dissent points out, that one who deals with the Government may need to “turn*
11 *square corners,” post at 937 (quoting Rock Island, A. & L. R. Co. v. United States, 254 U.S. 141, 143 (1920)),*
12 *he need not turn them twice.*

13
14 [. . .]

15
16 *Rock Island, A. & L. R. Co. v. United States, 254 U.S. 141, 143 (1920), said that “Men must turn square*
17 *corners when they deal with the Government.” The statement was repeated in Federal Crop Ins. Corp. v.*
18 *Merrill, 332 U.S. 380, 385 (1947). The wisdom of this principle arises not from any ancient privileges of the*
19 *sovereign, but from the necessity of protecting the federal fisc -- and the taxpayers, who foot the bills -- from*
20 *possible improvidence on the part of the countless Government officials who must be authorized to enter into*
21 *contracts for the Government.*
22 *[United States v. Winstar Corp., 518 U.S. 839 (1996)]*

23 To the same degree that the government’s “fisc” or purse must be protected, the citizen’s “fisc” must therefore similarly
24 protected, because the government is the servant of We the People and they owe their existence to the protection of the
25 Sovereigns they serve. This was indirectly alluded to by the U.S. Supreme Court, which said on this subject the following:

26 *“The rights of individuals and the justice due to them, are as dear and precious as those of states. Indeed the*
27 *later are founded upon the former; and the great end and object of them must be to secure and support the*
28 *rights of individuals, or else vain is government.”*
29 *[Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 1 L.Ed. 440 (1793)]*

30 Governments dealing with citizens in the context of private business activity take on the same rights as ordinary
31 corporations, and therefore must operate under the same rules and on a completely level playing field to those of private
32 corporations:

33 *“...when the United States [or a State, for that matter] enters into commercial business it abandons its*
34 *sovereign capacity and is treated like any other corporation...”*
35 *[91 Corpus Juris Secundum (C.J.S.), United States, §4 (2003)]*
36

37 *“What, then, is meant by the doctrine that contracts are made with reference to the taxing power resident in the*
38 *State, and in subordination to it? Is it meant that when a person lends money to a State, or to a municipal*
39 *division of the State having the power of taxation, there is in the contract a tacit reservation of a right in the*
40 *debtor to raise contributions out of the money promised to be paid before payment? That cannot be, because if*
41 *it could, the contract (in the language of Alexander Hamilton) would ‘involve two contradictory things: an*
42 *obligation to do, and a right not to do; an obligation to pay a certain sum, and a right to retain it in the shape*
43 *of a tax. It is against the rules, both of law and of reason, to admit by implication in the construction of a*
44 *contract a principle which goes in destruction of it.’ The truth is, States and cities,*
45 *when they borrow money and contract to repay it with*
46 *interest, are not acting as sovereignties. They come down to*
47 *the level of ordinary individuals. Their contracts have the*
48 *same meaning as that of similar contracts between private*
49 *persons. Hence, instead of there being in the undertaking of a State or city to pay, a reservation of a*
50 *sovereign right to withhold payment, the contract should be regarded as an assurance that such a right will*
51 *not be exercised. A promise to pay, **with a reserved right to deny or change the***
52 ***effect of the promise, is an absurdity.”***

1 “Is, then, property, which consists in the promise of a State, or of a municipality of a State, beyond the reach of
2 taxation? We do not affirm that it is. A State may undoubtedly tax any of its creditors within its jurisdiction for
3 the debt due to him, and regulate the amount of the tax by the rate of interest the debt bears, if its promise be
4 left unchanged. A tax thus laid impairs no obligation assumed. It leaves the contract untouched. But until
5 payment of the debt or interest has been made, as stipulated, we think no act of State sovereignty can work an
6 exoneration from what has been promised to the [446] creditor; namely, payment to him, without a violation
7 of the Constitution. *The true rule of every case of property founded on contract with the government is this:*
8 *It must first be reduced into possession, and then it will become subject, in common with other similar*
9 *property, to the right of the government to raise contributions upon it. It may be said that the government*
10 *may fulfil this principle by paying the interest with one hand, and taking back the amount of the tax with the*
11 *other. But to this the answer is, that, to comply truly with the rule, the tax must be upon all the money of the*
12 *community, not upon the particular portion of it which is paid to the public creditors, and it ought besides to*
13 *be so regulated as not to include a lien of the tax upon the fund. The creditor should be no otherwise acted*
14 *upon than as every other possessor of money; and, consequently, the money he receives from the public can*
15 *then only be a fit subject of taxation when it is entirely separated' (from the contract), 'and thrown*
16 *undistinguished into the common mass.'* 3 Hamilton, Works, 514 et seq. Thus only can contracts with the
17 State be allowed to have the same meaning as all other similar contracts have. “
18 [Murray v. City of Charleston, 96 U.S. 432 (1877)]

19 The “private business activity” referred to above includes:

- 20 1. All government borrowing. Murray v. City of Charleston, 96 U.S. 432 (1877)
- 21 2. All forms of “social insurance”, such as Social Security, Medicare, F.I.C.A., Medicaid, etc.
- 22 3. All charitable programs, such as Temporary Aid to Needy Families (TANF), which was formerly called “Welfare”.

23 “Surely the matters in which the public has the most interest are the supplies of food and clothing; yet can it be
24 that by reason of this interest the state may fix the price at which the butcher must sell his meat, or the vendor of
25 boots and shoes his goods? Men are endowed by their Creator with certain unalienable rights, -'life, liberty, and
26 the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. That
27 property which a man has honestly acquired he retains full control of, subject to these limitations: First, that
28 he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's
29 benefit; second, that if he devotes it to a public use, he gives to the public a right to control that use; and
30 third, that whenever the public needs require, the public may take it upon payment of due compensation.”
31 [Budd v. People of State of New York, 143 U.S. 517 (1892)]

32 Note that the U.S. Supreme Court admitted above that the government’s taxing power cannot be abused to transfer wealth
33 from the wealthy to the less fortunate by obtusely saying the following, which we shall reinforce with other similar cites
34 later in this section:

35 “. . . and that does not mean that he must [or can lawfully be compelled through the government’s taxing powers
36 to] use it for his neighbor’s benefit”.

37 Congress cannot therefore lawfully establish any business activity that is NOT a “public purpose” or which is available only
38 to specific business participants, such as, for instance, anyone other than its own contracted “employees” or “public
39 officers” in the official conduct of their duties. The U.S. Supreme Court alluded to this when it said the following of the
40 first “public corporation” that would operate outside the District of Columbia that was established by Congress:

41 “The Bank is not considered as a private corporation, whose principal object is individual trade and
42 individual profit; but as a public corporation, created for public and national purposes. That the mere
43 business of banking is, in its own nature, a private business, and may be carried on by individuals or
44 companies having no political connexion with the government, is admitted; but the Bank is not such an
45 individual or company. It was not created for its own sake, or for private purposes. It has never been
46 supposed that Congress could create such a [PRIVATE] corporation.”
47 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

48 The offering of all “social insurance”, public borrowing, and “charity” scams to anyone other than federal “employees” and
49 “public officials” as an employment fringe benefit is therefore forbidden because not specifically authorized by the
50 Constitution. The only parties who can lawfully accept such fringe benefits are those engaged in their official conduct of
51 their Constitutionally authorized duties. Offering these scams to the private public without making them into federal
52 instrumentalities in the process thereby constitutes a violation of the separation of powers doctrine. To remain lawful, any
53 such scam, I mean “program” must therefore observe all the following legal constraints upon its conduct:

1. They must either call the program a “public purpose” and convey the same EQUAL rights to *all participants*, including those who did not sign up or contribute. Only in that capacity may they assert “sovereign immunity” to protect or expand such programs.
2. They must honestly and with full disclosure identify the activity as a “private purpose” and “private business activity” that is *only* available to specific individuals who contribute, in which case they must produce proof of individual, voluntary, written consent of *each* participant and must administer the program like any other *private* corporation. In this capacity, they may not assert “sovereign immunity” to protect or expand such programs and may not lawfully call any of the insurance premiums that pay for these programs “taxes”, because they are not paid to government entities and they do not support lawful, constitutionally authorized functions of the government.
3. Any attempt by the government to either protect or expand such “private business” programs of “social insurance” or “charity” devolves to that of the enforcement of consensual private law and private contracts with specific individuals, and cannot be lawfully enforced as “public law” upon all persons equally.

In practice, the government violates the above rules by unlawfully deceiving the public into believing the following using fraudulent publications and verbal statements that the federal courts positively refuse to hold anyone in government personally accountable for:

1. Participation in the program is involuntary. In fact, participation is voluntary and cannot be coerced. See: *Federal and State Tax Withholding Options for Private Employers*, Form #04.101
<http://sedm.org/Forms/FormIndex.htm>
2. Payment for the program is a “tax”, when in fact it is simply a voluntary insurance premium. They falsely call it a “tax” so that you will feel a patriot duty as a law-abiding citizen to “pay your fair share”.
3. That the program is available to “private persons”, when in fact you must first become a “public employee” and a “public official” in order to lawfully participate. The application for participation and benefits therefore fulfills THREE functions:
 - 3.1. Making you into a public employee and “federal personnel” subject to law of a foreign jurisdiction. See [5 U.S.C. §552a\(a\)\(13\)](#).
 - 3.2. Issuing or providing a “license number” called a Social Security Number that authorizes you to represent the federal government as a “public official”. In that capacity, you become a federal instrumentality representing a federal corporation domiciled in the District of Columbia, and pursuant to Federal Rule of Civil Procedure 17(b).
 - 3.3. It constitutes your voluntary consent to have your legal identity “kidnapped” and moved to the District of Criminals, pursuant to [26 U.S.C. §7701\(a\)\(39\)](#) and [26 U.S.C. §7408\(d\)](#). These provisions of the “franchise agreement” authorize the government to prosecute you under the laws of the District of Columbia, regardless of where you live. As a “public official” receiving federal benefits and representing a federal corporation, Federal Rule of Civil Procedure 17(b) say the laws that apply are those of the place of incorporation of the corporation, which is the District of Criminals.
4. That the program is available to persons outside the District of Columbia, when 4 U.S.C. §72 says all “public offices” shall be exercised ONLY in the District of Columbia and NOT elsewhere except as expressly authorized by Congress.
5. That the “States” described in the Social Security Act, [42 U.S.C. §1301\(a\)\(1\)](#), include states of the Union, when in fact they do *not* and CANNOT without violating the separation of powers doctrine that was put there for the protection of our constitutional rights.
6. Refusing to define the term “individual” anywhere in the Internal Revenue Code, in order to hide the identity of “taxpayers” under Subtitle A of the Internal Revenue Code as a “public employees” or “public officials”. The term is defined in the Privacy Act, [5 U.S.C. §552a\(a\)\(2\)](#) to include ONLY public employees, but not similarly defined in the Internal Revenue Code. Note, for instance, that Title 5 of the U.S. Code is entitled “Government organization and employees”, and it does *not* include laws that regulate private persons. This willful deception introduces just enough “indirection” and “cognitive dissonance” to keep the average American guessing about exactly who such an “individual” is. They also hid the truth deep in the regulations at 26 C.F.R. §1.1-1(a)(2)(ii), where the terms “married individual” and “unmarried individual” are both defined as aliens engaged in a “trade or business”, where “trade or business” is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as “the functions of a public office”.

Now let’s further explore this fine line between “public” and “private” property further to exhaustively illustrate what we mean about the government’s attempt to blur the distinction between these two in order to PLUNDER your property. The U.S. Supreme Court has held many times that the ONLY purpose for lawful, constitutional taxation is to collect revenues to support ONLY the machinery and operations of the government and its “employees”. This purpose, it calls a “public use” or “public purpose”:

1 “The power to tax is, therefore, the strongest, the most pervading of all powers of government, reaching
2 directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of
3 *McCulloch v. Md.*, 4 *Wheat.* 431, that the power to tax is the power to destroy. A striking instance of the truth
4 of the proposition is seen in the fact that the existing tax of ten per cent, imposed by the United States on the
5 circulation of all other banks than the National Banks, drove out of existence every *state bank of circulation
6 within a year or two after its passage. This power can be readily employed against one class of individuals and
7 in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is
8 no implied limitation of the uses for which the power may be exercised.

9 To lay, with one hand, the power of the government on the property of the citizen, and with the other to
10 bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a
11 robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree
12 under legislative forms.

13 Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or
14 property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges
15 imposed by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const.
16 Lim., 479.

17 Coulter, J., in *Northern Liberties v. St. John’s Church*, 13 Pa.St., 104 says, very forcibly, ‘I think the common
18 mind has everywhere taken in the understanding that **taxes are a public imposition, levied by authority of the**
19 **government for the purposes of carrying on the government in all its machinery and operations—that they**
20 **are imposed for a public purpose.’** See, also *Pray v. Northern Liberties*, 31 Pa.St., 69; *Matter of Mayor of*
21 *N.Y.*, 11 Johns. 77; *Camden v. Allen*, 2 Dutch., 398; *Sharpless v. Mayor*, supra; *Hanson v. Vernon*, 27 Ia., 47;
22 *Whiting v. Fond du Lac*, supra.”
23 [[Loan Association v. Topeka](#), 20 Wall. 655 (1874)]
24

25 “A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the
26 support of the government. The word has never thought to connote the expropriation of money from one group
27 for the benefit of another.”
28 [[U.S. v. Butler](#), 297 U.S. 1 (1936)]

29 Black’s Law Dictionary defines the word “public purpose” as follows:

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

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

47 A related word defined in Black’s Law Dictionary is “public use”:

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

54 Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent
55 domain, means a use concerning the whole community distinguished from particular individuals. But each and
56 every member of society need not be equally interested in such use, or be personally and directly affected by it;
57 if the object is to satisfy a great public want or exigency, that is sufficient. *Ringe Co. v. Los Angeles County*, 262
58 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. The term may be said to mean public usefulness, utility, or

1 advantage, or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted
2 locality, but must be in common, and not for a particular individual. The use must be a needful one for the
3 public, which cannot be surrendered without obvious general loss and inconvenience. A "public use" for which
4 land may be taken defies absolute definition for it changes with varying conditions of society, new appliances in
5 the sciences, changing conceptions of scope and functions of government, and other differing circumstances
6 brought about by an increase in population and new modes of communication and transportation. *Katz v.*
7 *Brandon*, 156 Conn. 521, 245 A.2d. 579, 586.

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

10 Black's Law Dictionary also defines the word "tax" as follows:

11 "Tax: A charge by the government on the income of an individual, corporation, or trust, as well as the value
12 of an estate or gift. The objective in assessing the tax is to generate revenue to be used for the needs of the
13 public.

14 A pecuniary [relating to money] burden laid upon individuals or property to support the government, and is a
15 payment exacted by legislative authority. In *re Mytinger*, D.C.Tex. 31 F.Supp. 977,978,979. **Essential**
16 **characteristics of a tax are that it is NOT A VOLUNTARY**
17 **PAYMENT OR DONATION, BUT AN ENFORCED**
18 **CONTRIBUTION, EXACTED PURSUANT TO**
19 **LEGISLATIVE AUTHORITY.** *Michigan Employment Sec. Commission v. Patt*, 4
20 *Mich.App.* 228, 144 N.W.2d. 663, 665. ..."
21 [*Black's Law Dictionary, Sixth Edition, p. 1457*]

22 So in order to be legitimately called a "tax" or "taxation", the money we pay to the government must fit all of the following
23 criteria:

- 24 1. The money must be used ONLY for the support of government.
- 25 2. The subject of the tax must be "liable", and responsible to pay for the support of government under the force of law.
- 26 3. The money must go toward a "public purpose" rather than a "private purpose".
- 27 4. The monies paid cannot be described as wealth transfer between two people or classes of people within society
- 28 5. The monies paid cannot aid one group of private parties in society at the expense of another group, because this
29 violates the concept of equal protection of law for all citizens found in section 1 of the Fourteenth Amendment.

30 If the monies demanded by government do not fit all of the above requirements, then they are being used for a "private"
31 purpose and cannot be called "taxes" or "taxation", according to the U.S. Supreme Court. Actions by the government to
32 enforce the payment of any monies that do not meet all the above requirements can therefore only be described as:

- 33 1. Theft and robbery by the government in the guise of "taxation"
- 34 2. Government by decree rather than by law
- 35 3. Extortion under the color of law in violation [18 U.S.C. §872](#).
- 36 4. Tyranny
- 37 5. Socialism
- 38 6. Mob rule and a tyranny by the "have-nots" against the "haves"
- 39 7. [18 U.S.C. §241](#): Conspiracy against rights. The IRS shares tax return information with states of the union, so that both
40 of them can conspire to deprive you of your property.
- 41 8. [18 U.S.C. §242](#): Deprivation of rights under the color of law. The Fifth Amendment says that people in states of the
42 Union cannot be deprived of their property without due process of law or a court hearing. Yet, the IRS tries to make it
43 appear like they have the authority to just STEAL these people's property for a fabricated tax debt that they aren't even
44 legally liable for.
- 45 9. [18 U.S.C. §247](#): Damage to religious property; obstruction of persons in the free exercise of religious beliefs
- 46 10. [18 U.S.C. §872](#): Extortion by officers or employees of the United States.
- 47 11. [18 U.S.C. §876](#): Mailing threatening communications. This includes all the threatening notices regarding levies, liens,
48 and idiotic IRS letters that refuse to justify why government thinks we are "liable".

- 1 12. [18 U.S.C. §880](#): Receiving the proceeds of extortion. Any money collected from Americans through illegal
2 enforcement actions and for which the contributors are not "liable" under the law is extorted money, and the IRS is in
3 receipt of the proceeds of illegal extortion.
- 4 13. [18 U.S.C. §1581](#): Peonage, obstructing enforcement. IRS is obstructing the proper administration of the Internal
5 Revenue Code and the Constitution, which require that they respect those who choose NOT to volunteer to participate
6 in the federal donation program identified under subtitle A of the I.R.C.
- 7 14. [18 U.S.C. §1583](#): Enticement into slavery. IRS tries to enlist "nontaxpayers" to rejoin the ranks of other peons who
8 pay taxes they aren't demonstrably liable for, which amount to slavery.
- 9 15. [18 U.S.C. §1589](#): Forced labor. Being forced to expend one's personal time responding to frivolous IRS notices and
10 pay taxes on my labor that I am not liable for.

11 We also cannot assume or suppose that our government has the authority to make "gifts" of monies collected through its
12 taxation powers, and especially not when paid to private individuals or foreign countries because:

- 13 1. The Constitution DOES NOT authorize the government to "gift" money to anyone within states of the Union or in
14 foreign countries, and therefore, this is not a Constitutional use of public funds, nor does unauthorized expenditure of
15 such funds produce a tangible public benefit, but rather an injury, by forcing those who do not approve of the gift to
16 subsidize it and yet not derive any personal benefit whatsoever for it.
- 17 2. The Supreme Court identifies such abuse of taxing powers as "robbery in the name of taxation" above.

18 Based on the foregoing analysis, we are then forced to divide the monies collected by the government through its taxing
19 powers into only two distinct classes. We also emphasize that every tax collected and every expenditure originating from
20 the tax paid MUST fit into one of the two categories below:

21

Table 10: Two methods for taxation

#	Characteristic	Public use/purpose	Private use/purpose
1	Authority for tax	U.S. Constitution	Legislative fiat, tyranny
2	Monies collected described by Supreme Court as	Legitimate taxation	“Robbery in the name of taxation” (see <i>Loan Assoc. v. Topeka</i> , above)
3	Money paid only to following parties	Federal “employees”, contractors, and agents	Private parties with no contractual relationship or agency with the government
4	Government that practices this form of taxation is	A righteous government	A THIEF
5	This type of expenditure of revenues collected is:	Constitutional	Unconstitutional
6	Lawful means of collection	Apportioned direct or indirect taxation	Voluntary donation (cannot be lawfully implemented as a “tax”)
7	Tax system based on this approach is	A lawful means of running a government	A charity and welfare state for private interests, thieves, and criminals
8	Government which identifies payment of such monies as mandatory and enforceable is	A righteous government	A lying, thieving government that is deceiving the people.
9	When enforced, this type of tax leads to	Limited government that sticks to its corporate charter, the Constitution	Socialism Communism Mafia protection racket Organized extortion
10	Lawful subjects of Constitutional, federal taxation	Taxes on imports into states of the Union coming from foreign countries. See Constitution, Article 1, Section 8, Clause 3 (external) taxation.	No subjects of lawful taxation. Whatever unconstitutional judicial fiat and a deceived electorate will tolerate is what will be imposed and enforced at the point of a gun
11	Tax system based on this approach based on	Private property	All property being owned by the state through eminent domain. Tax becomes a means of “renting” what amounts to state property to private individuals for temporary use.

If we give our government the benefit of the doubt by “assuming” or “presuming” that it is operating lawfully and consistent with the model on the left above, then we have no choice but to conclude that everyone who lawfully receives any kind of federal payment MUST be either a federal “employee” or “federal contractor” on official duty, and that the compensation received must be directly connected to the performance of a sovereign or Constitutionally authorized function of government. Any other conclusion or characterization of a lawful tax other than this is irrational, inconsistent with the rulings of the U.S. Supreme Court on this subject, and an attempt to deceive the public about the role of limited Constitutional government based on Republican principles. This means that you cannot participate in any of the following federal social insurance programs WITHOUT being a federal “employee”, and if you refuse to identify yourself as a federal employee, then you are admitting that your government is a thief and a robber that is abusing its taxing powers:

1. Subtitle A of the Internal Revenue Code. IRC sections 1, 32, and 162 all confer privileged financial benefits to the participant which constitute federal “employment” compensation.
2. Social Security.
3. Unemployment compensation.
4. Medicare.

An examination of the Privacy Act, [5 U.S.C. §552a\(a\)\(13\)](#), in fact, identifies all those who participate in the above programs as “federal personnel”, which means federal “employees”. To wit:

[TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552a](#)
[§ 552a. Records maintained on individuals](#)

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

2 (13) the term “Federal personnel” means officers and employees of the Government of the United States,
3 members of the uniformed services (including members of the Reserve Components), individuals entitled to
4 receive immediate or deferred retirement benefits under any retirement program of the Government of the
5 United States (including survivor benefits).

6 The “individual” they are talking about above is further defined in 5 U.S.C. §552a(a)(2) as follows:

7 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)
8 [§ 552a. Records maintained on individuals](#)

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

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

12 The “citizen of the United States” they are talking about above is based on the statutory rather than constitutional definition of the
13 “United States”, which means it refers to the federal zone and excludes states of the Union. Also, note that both of the two
14 preceding definitions are found within Title 5 of the U.S. Code, which is entitled “Government Organization and
15 Employees”. Therefore, it refers ONLY to government employees and excludes private employees. There is no definition
16 of the term “individual” anywhere in Title 26 (I.R.C.) of the U.S. Code or any other title that refers to private natural
17 persons, because Congress cannot legislate for them. Notice the use of the phrase “private business” in the U.S. Supreme
18 Court ruling below:

19 *“The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private*
20 *business in his own way [unregulated by the government]. His power to contract is unlimited. He owes no*
21 *duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as*
22 *it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond*
23 *the protection of his life and property. His rights are such as existed by the law of the land long antecedent*
24 *to the organization of the State, and can only be taken from him by due process of law, and in accordance with the*
25 *Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his*
26 *property from arrest or seizure except under a warrant of the law. He owes nothing to the public [including*
27 *so-called “taxes” under Subtitle A of the I.R.C.] so long as he does not trespass upon their rights.”*
28 *[Hale v. Henkel, [201 U.S. 43](#), 74 (1906)]*

29 The purpose of the Constitution and the Bill of Rights instead is to REMOVE authority of the Congress to legislate for
30 private persons and thereby protect their sovereignty and dignity. That is why the U.S. Supreme Court ruled the following:

31 *“The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They*
32 *recognized the significance of man’s spiritual nature, of his feelings and of his intellect. They knew that only a*
33 *part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect*
34 *Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the*
35 *Government, the right to be let alone - the most comprehensive of rights and the right most valued by*
36 *civilized men.”*
37 *[Olmstead v. United States, [277 U.S. 438, 478](#) (1928) (Brandeis, J., dissenting); see also *Washington v.**
38 **Harper*, [494 U.S. 210](#) (1990)]*

39 **QUESTIONS FOR DOUBTERS:** If you aren’t a federal “employee” as a person participating in Social Security and the
40 Internal Revenue Code, then why are all of the Social Security Regulations located in Title 20 of the Code of Federal
41 Regulations under parts 400-499, entitled “Employee Benefits”? See for yourself:

42 http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=f073dcf7b1b49c3d353eaf290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab_02.tpl

44 Another very important point to make here is that the purpose of nearly all federal law is to regulate “public conduct” rather
45 than “private conduct”. Congress must write laws to regulate and control every aspect of the behavior of its employees so
46 that they do not adversely affect the rights of private individuals like you, who they exist exclusively to serve and protect.
47 Most federal statutes, in fact, are exclusively for use by those working in government and simply do not apply to private
48 citizens in the conduct of their private lives. The U.S. Supreme Court confirmed this view, when it said:

1 "The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes
2 of redress" against offensive state action, was "repugnant" to the Constitution. *Id.*, at 15. See also *United States*
3 *v. Reese*, 92 U.S. 214, 218 (1876); *United States v. Harris*, 106 U.S. 629, 639 (1883); *James v. Bowman*, 190
4 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or
5 modified, see, e.g., *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964); *United States v. Guest*,
6 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not
7 been questioned."
8 [*City of Boerne v. Flores, Archbishop of San Antonio*, 521 U.S. 507 (1997)]

9 What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your *private*
10 *life*. This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control *every*
11 *aspect* of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call "social
12 engineering". Just by the deductions they offer, people are incentivized into all kinds of crazy behaviors in pursuit of
13 reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle
14 A of the Internal Revenue Code, which would "appear" to regulate the private conduct of *all* individuals in states of the
15 Union, in fact only applies to "public employees" in the official conduct of their duties while present in the District of
16 Columbia, which 4 U.S.C. §72 makes the "seat of government". The I.R.C. therefore essentially amounts to a part of the
17 job responsibility and the "employment contract" of "public employees". This was also confirmed by the House of
18 Representatives, who said that only those who take an oath of "public office" are subject to the requirements of the personal
19 income tax. See:

20 <http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

21 Within the Internal Revenue Code, those legal "persons" who work for the government are identified as engaging in a
22 "public office". A "public office" within the Internal Revenue Code is called a "trade or business", which is defined below.
23 We emphasize that engaging in a privileged "trade or business" is the main excise taxable activity that in fact and indeed is
24 what REALLY makes a person a "taxpayer" subject to the Internal Revenue Code, Subtitle A:

25 [26 U.S.C. §7701\(a\)\(26\)](#)

26 "The term 'trade or business' includes the performance of the functions of a public office."

27 Below is the definition of "public office":

28 Public office

29 "Essential characteristics of a 'public office' are:

- 30 (1) Authority conferred by law,
31 (2) Fixed tenure of office, and
32 (3) Power to exercise some of the sovereign functions of government.
33 (4) Key element of such test is that "officer is carrying out a sovereign function".
34 (5) Essential elements to establish public position as 'public office' are:
35 (a) Position must be created by Constitution, legislature, or through authority conferred by legislature.
36 (b) Portion of sovereign power of government must be delegated to position,
37 (c) Duties and powers must be defined, directly or implied, by legislature or through legislative authority.
38 (d) Duties must be performed independently without control of superior power other than law, and
39 (e) Position must have some permanency."

40 [Black's Law Dictionary, Sixth Edition]

41 Those who are fulfilling the "functions of a public office" are under a legal, fiduciary duty as "trustees" of the "public
42 trust", while working as "volunteers" for the "charitable trust" called the "United States Government Corporation", which
43 we affectionately call "U.S. Inc.":

44 "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be
45 exercised in behalf of the government or of all citizens who may need the intervention of the officer. 49
46 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level
47 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor
48 under every disability and prohibition imposed by law upon trustees relative to the making of personal

49 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.

1 financial gain from a discharge of their trusts. 50 That is, a public officer occupies a fiduciary relationship
2 to the political entity on whose behalf he or she serves. 51 and owes a fiduciary duty to the public. 52 It has
3 been said that the fiduciary responsibilities of a public officer cannot be less than those of a private
4 individual. 53 Furthermore, it has been stated that any enterprise undertaken by the public official which
5 tends to weaken public confidence and undermine the sense of security for individual rights is against public
6 policy.⁵⁴
7 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

8 “U.S. Inc.” is a federal corporation, as defined below:

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

23 TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
24 PART VI - PARTICULAR PROCEEDINGS
25 CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE
26 SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS

27 Sec. 3002. Definitions

28 (15) “United States” means -

29 (A) a Federal corporation;

30 (B) an agency, department, commission, board, or other entity of the United States; or

31 (C) an instrumentality of the United States.

32 Those who are acting as “public officials” for “U.S. Inc.” have essentially donated their formerly private property to a
33 “public use”. In effect, they have joined the SOCIALIST collective and become partakers of money STOLEN from people,
34 most of whom, do not wish to participate.

35 “My son, if sinners [socialists, in this case] entice you,
36 **Do not consent [do not abuse your power of choice]**
37 If they say, “Come with us,
38 Let us lie in wait to shed blood [of innocent “nontaxpayers”];
39 Let us lurk secretly for the innocent without cause;
40 Let us swallow them alive like Sheol,
41 And whole, like those who go down to the Pit:
42 **We shall fill our houses with spoil [plunder];**

⁵⁰ 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.

⁵¹ 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.

⁵² 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).

⁵³ 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.

⁵⁴ 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 *Cast in your lot among us,*
2 *Let us all have one purse [share the stolen LOOT]"--*

3 **My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government**
4 **FORCE you to associate with them either by forcing you to become a "["taxpayer"](#)/government whore or a**
5 **"U.S. citizen".**

6 *Keep your foot from their path;*
7 *For their feet run to evil,*
8 *And they make haste to shed blood.*
9 *Surely, in vain the net is spread*
10 *In the sight of any bird;*
11 ***But they lie in wait for their own blood.***
12 ***They lurk secretly for their own lives.***
13 ***So are the ways of everyone who is greedy for gain [or unearned government benefits];***
14 ***It takes away the life of its owners."***
15 ***[Proverbs 1:10-19, Bible, NKJV]***

16 Below is what the U.S. Supreme Court says about those who have donated their private property to a "public use". The
17 ability to volunteer your private property for "public use", by the way, also implies the ability to UNVOLUNTEER at any
18 time, which is the part no government employee we have ever found is willing to talk about. I wonder why...DUHHHH!:

19 *"Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;"*
20 *and to 'secure,' not grant or create, these rights, governments are instituted. **That property for income] which a***
21 ***man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use***
22 ***it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second,***
23 ***that if he devotes it to a public use, he gives to the public a right to***
24 ***control that use; and third, that whenever the public needs require, the public may take it upon***
25 ***payment of due compensation.***
26 ***[Budd v. People of State of New York, [143 U.S. 517](#) (1892)]***

27 Any legal person, whether it be a natural person, a corporation, or a trust, may become a "public office" if it volunteers to
28 do so. A subset of those engaging in such a "public office" are federal "employees", but the term "public office" or "trade
29 or business" encompass much more than just government "employees". In law, when a legal "person" volunteers to accept
30 the legal duties of a "public office", it therefore becomes a "trustee", an agent, and fiduciary (as defined in [26 U.S.C.](#)
31 [§6903](#)) acting on behalf of the federal government by the operation of private contract law. It becomes essentially a
32 "franchisee" of the federal government carrying out the provisions of the franchise agreement, which is found in:

- 33 1. Internal Revenue Code, Subtitle A, in the case of the federal income tax.
34 2. The Social Security Act, which is found in Title 42 of the U.S. Code.

35 If you would like to learn more about how this "trade or business" scam works, consult the authoritative article below:

[The "Trade or Business" Scam](#), Form #05.001
<http://sedm.org/Forms/FormIndex.htm>

36 The IRS Form 1042-S Instructions confirm that all those who use Social Security Numbers are engaged in a "trade or
37 business":

38 **Box 14, Recipient's U.S. Taxpayer Identification Number (TIN)**

39 *You must obtain and enter a U.S. taxpayer identification number (TIN) for:*

- 40 • *Any recipient whose income is effectively connected with the conduct of a [trade or business](#) in*
41 *the United States.*

42 ***[IRS Form 1042-S Instructions, p. 14]***

43 Engaging in a "trade or business" therefore implies a "public office", which makes the person using the number into a
44 "public official" who has donated his formerly private time and services to a "public use" and agreed to give the public the
45 right to control and regulate that use through the operation of the franchise agreement, which is the Internal Revenue Code,

1 Subtitle A and the Social Security Act found in Title 42 of the U.S. Code. The Social Security Number is therefore the
2 equivalent of a “license number” to act as a “public official” for the federal government, who is a fiduciary or trustee
3 subject to the plenary legislative jurisdiction of the federal government pursuant to [26 U.S.C. §7701\(a\)\(39\)](#), [26 U.S.C.
4 §7408\(d\)](#), and [Federal Rule of Civil Procedure Rule 17\(b\)](#), regardless of where he might be found geographically, including
5 within a state of the Union. The franchise agreement governs “choice of law” and where it’s terms may be litigated, which
6 is the District of Columbia, based on the agreement itself.

7 Now let’s apply what we have learned to your employment situation. God said you cannot work for two companies at
8 once. You can only serve one company, and that company is the federal government if you are receiving federal benefits:

9 *“No one can serve two masters [two god and government, or two employers, for instance]; for either he will
10 hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God
11 and mammon [government].”*
12 [[Luke 16:13](#), Bible, NKJV. Written by a tax collector]

13 Everything you make while working for your slave master, the federal government, is their property over which you are a
14 fiduciary and “public officer”.

15 *“THE” + “IRS” = “THEIRS”*

16 A federal “public officer” has no rights in relation to their master, the federal government:

17 *“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the
18 regulator of private conduct, are not the same as the restrictions that it places upon the government in its
19 capacity as employer. We have recognized this in many contexts, with respect to many different constitutional
20 guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v.
21 Johnson, [425 U.S. 238, 247](#) (1976). Private citizens cannot have their property searched without probable
22 cause, but in many circumstances government employees can. O’Connor v. Ortega, [480 U.S. 709, 723](#) (1987)
23 (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for
24 refusing to provide the government information that may incriminate them, but government employees can be
25 dismissed when the incriminating information that they refuse to provide relates to the performance of their job.
26 Gardner v. Broderick, [[497 U.S. 62, 95](#)] [392 U.S. 273, 277](#)-278 (1968). With regard to freedom of speech
27 in particular: Private citizens cannot be punished for speech of merely private concern, but government
28 employees can be fired for that reason. Connick v. Myers, [461 U.S. 138, 147](#) (1983). Private citizens cannot be
29 punished for partisan political activity, but federal and state employees can be dismissed and otherwise
30 punished for that reason. Public Workers v. Mitchell, [330 U.S. 75, 101](#) (1947); Civil Service Comm’n v. Letter
31 Carriers, [413 U.S. 548, 556](#) (1973); Broadrick v. Oklahoma, [413 U.S. 601, 616](#)-617 (1973).”*
32 [[Rutan v. Republican Party of Illinois, 497 U.S. 62](#) (1990)]

33 Your existence and your earnings as a federal “public official” and “trustee” and “fiduciary” are entirely subject to the
34 whim and pleasure of corrupted lawyers and politicians, and you must beg and grovel if you expect to retain anything:

35 *“In the general course of human nature, A POWER OVER A MAN’S SUBSISTENCE AMOUNTS TO A POWER
36 OVER HIS WILL.”*
37 [[Alexander Hamilton, Federalist Paper No. 79](#)]

38 You will need an “exemption” from your new slave master specifically spelled out in law to justify anything you want to
39 keep while working on the federal plantation. The 1040 return is a profit and loss statement for a federal business
40 corporation called the “United States”. You are in partnership with your slave master and they decide what scraps they
41 want to throw to you in your legal “cage” AFTER they figure out whatever is left in financing their favorite pork barrel
42 project and paying off interest on an ever-expanding and endless national debt. Do you really want to reward this type of
43 irresponsibility and surety?

44 The W-4 therefore essentially amounts to a federal employment application. It is your badge of dishonor and a tacit
45 admission that you can’t or won’t trust God and yourself to provide for yourself. Instead, you need a corrupted “protector”
46 to steal money from your neighbor or counterfeit (print) it to help you pay your bills and run your life. Furthermore, if your
47 private employer forced you to fill out the W-4 against your will or instituted any duress to get you to fill it out, such as
48 threatening to fire or not hire you unless you fill it out, then he/she is:

49 1. Acting as an employment recruiter for the federal government.

- 1 2. Recruiting you into federal slavery in violation of the Thirteenth Amendment, and [42 U.S.C. §1994](#).
- 2 3. Involved in a conspiracy to commit grand theft by stealing money from you to pay for services and protection you
- 3 don't want and don't need.
- 4 4. Involved in racketeering and extortion in violation of [18 U.S.C. §1951](#).
- 5 5. Involved in money laundering for the federal government, by sending in money stolen from you to them, in violation
- 6 of [18 U.S.C. §1956](#).

7 The higher ups at the IRS probably know the above, and they certainly aren't going to tell private employers or their
8 underlings the truth, because they aren't going to look a gift horse in the mouth and don't want to surrender their defense of
9 "plausible deniability". They will NEVER tell a thief who is stealing for them that they are stealing, especially if they
10 don't have to assume liability for the consequences of the theft. No one who practices this kind of slavery, deceit, and evil
11 can rightly claim that they are loving their neighbor and once they know they are involved in such deceit, they have a duty
12 to correct it or become an "accessory after the fact" in violation of [18 U.S.C. §3](#). This form of deceit is also the sin most
13 hated by God in the Bible. Below is a famous Bible commentary on [Prov. 11:1](#):

14 *"As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so*
15 ***righteousness towards men is a branch of true religion, for he is not a godly man that is not honest, nor can***
16 *he expect that his devotion should be accepted; for, 1. **Nothing is more offensive to God than deceit in***
17 ***commerce. A false balance is here put for all manner of unjust and fraudulent practices [of our public dis-***
18 ***servants] in dealing with any person [within the public], which are all an abomination to the Lord, and***
19 ***render those abominable [hated] to him that allow themselves in the use of such accursed arts of thriving. It***
20 ***is an affront to justice, which God is the patron of, as well as a wrong to our neighbour, whom God is the***
21 ***protector of. Men [in the IRS and the Congress] make light of such frauds, and think there is no sin in that***
22 ***which there is money to be got by, and, while it passes undiscovered, they cannot blame themselves for it; a***
23 ***blot is no blot till it is hit, Hos. 12:7, 8. But they are not the less an abomination to God, who will be the***
24 ***avenger of those that are defrauded by their brethren. 2. **Nothing is more pleasing to God than fair and*****
25 ***honest dealing, nor more necessary to make us and our devotions acceptable to him: A just weight is his***
26 ***delight.** He himself goes by a just weight, and holds the scale of judgment with an even hand, and therefore is*
27 *pleased with those that are herein followers of him. A balance cheats, under pretence of doing right most*
28 *exactly, and therefore is the greater abomination to God."*
29 *[Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1*

30 The Bible also says that those who participate in this kind of "commerce" with the government are practicing harlotry and
31 idolatry. The Bible book of Revelation describes a woman called "Babylon the Great Harlot".

32 *"And I saw a woman sitting on a scarlet beast which was full of names of blasphemy, having seven heads and*
33 *ten horns. The woman was arrayed in purple and scarlet, and adorned with gold and precious stones and*
34 *pearls, having in her hand a golden cup full of abominations and the filthiness of her fornication. And on her*
35 *forehead a name was written:*

36 *MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE*
37 *EARTH.*

38 *I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw*
39 *her, I marveled with great amazement."*
40 *[Rev. 17:3-6, Bible, NKJV]*

41 This despicable harlot is described below as the "woman who sits on many waters".

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

46 These waters are simply symbolic of a democracy controlled by mobs of atheistic people who are fornicating with the Beast
47 and who have made it their false, man-made god and idol:

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

50 The Beast is then defined in Rev. 19:19 as "the kings of the earth", which today would be our political rulers:

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

4 Babylon the Great Harlot is “fornicating” with the government by engaging in commerce with it. Black’s Law Dictionary
5 defines “commerce” as “intercourse”:

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

11 If you want your rights back people, you can’t pursue government employment in the context of your private job. If you
12 do, the Bible, not us, says you are a harlot and that you are CONDEMNED to hell!

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

21 If you would like to know more about why Subtitle A of the Internal Revenue Code only applies to “public” employees, we
22 refer you to the free memorandum of law below:

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

23 **11.10 Legislation circumventing state police powers: Making Federal Martial Law Easier**⁵⁵

24 As of 2007, a disturbing recent phenomenon in Washington is that laws that strike to the heart of American democracy
25 have been passed in the dead of night. This happened with the Federal Reserve Act in 1913, for instance, where the vote
26 occurred during Christmas vacation when all Congressmen were home on leave and only five Congressmen voted to enact
27 the bill, which still plagues us today. So it was with a provision quietly tucked into the enormous John Warner National
28 Defense Authorization Act For Fiscal Year 2007, Pub.Law. 109-364 at the Bush administration’s behest that makes it easier
29 for a president to override local control of law enforcement and declare martial law. This obscure provision appears in
30 section 1076 of the bill entitled “Use of the Armed Forces in Major Public Emergencies”.

31 The provision, signed into law in October 2006, weakens two obscure but important bulwarks of liberty. One is the
32 doctrine that bars military forces, including a federalized National Guard, from engaging in law enforcement. Called posse
33 comitatus, it was enshrined in law after the Civil War to preserve the line between civil government and the military. The
34 other is the Insurrection Act of 1807, which provides the major exemptions to posse comitatus. It essentially limits a
35 president’s use of the military in law enforcement to putting down lawlessness, insurrection and rebellion, where a state is
36 violating federal law or depriving people of constitutional rights.

37 The newly enacted provisions upset this careful balance. They shift the focus from making sure that federal laws are
38 enforced to restoring public order. Beyond cases of actual insurrection, the president may now use military troops as a
39 domestic police force in response to a natural disaster, a disease outbreak, terrorist attack or to any “other condition.”

40 Changes of this magnitude should be made only after a thorough public airing. But these new presidential powers were
41 slipped into the law without hearings or public debate. The president made no mention of the changes when he signed the
42 measure, and neither the White House nor Congress consulted in advance with the nation’s governors.

⁵⁵ Adapted from an article entitled: Making Martial Law Easier, The New York Times Editorial, Monday 19 February 2007. Available at
http://www.truthout.org/docs_2006/022107C.shtml.

1 There was a bipartisan bill, introduced by Senators Patrick Leahy, Democrat of Vermont, and Christopher Bond,
2 Republican of Missouri, and backed unanimously by the nation's governors, that would repeal the stealthy revisions.
3 Congress should pass it. If changes of this kind are proposed in the future, they must get a full and open debate.

4 **12 Executive Branch Destruction of the Separation of Powers**

5 Before we begin with a list of abuses by the court, we will summarize the restrictions imposed by the Separation of Powers
6 Doctrine upon the Executive Branch:

- 7 1. Public offices may NOT be exercised outside the District of Columbia without an express enactment of Congress that
8 authorizes it. This is the heart of the separation of powers doctrine that keeps the federal government inside their ten
9 mile square "box". It gives people in states of the Union the "right to be left alone" by the federal government.

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

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

14
15 *"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They*
16 *recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a*
17 *part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect*
18 *Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the*
19 *Government, the right to be let alone - the most comprehensive of rights and the right most valued by*
20 *civilized men."*
21 *[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v.*
22 *Harper, 494 U.S. 210 (1990)]*

- 23 2. The Executive Branch must provide a way administratively to challenge any classifications that it makes or it violates
24 due process of law.

25 *Because we conclude that due process demands some system for a citizen detainee to refute his classification,*
26 *the proposed "some evidence" standard is inadequate. Any process in which the Executive's factual*
27 *assertions go wholly unchallenged or are simply presumed correct without any opportunity for the alleged*
28 *combatant to demonstrate otherwise falls constitutionally short.* As the Government itself has recognized, we
29 have utilized the "some evidence" standard in the past as a standard of review, not as a standard of proof. Brief
30 for Respondents 35. That is, it primarily has been employed by courts in examining an administrative record
31 developed after an adversarial proceeding -- one with process at least of the sort that we today hold is
32 constitutionally mandated in the citizen enemy combatant setting. See, e.g., St. Cyr, supra; Hill, 472 U.S. at
33 455-457. *This standard therefore is ill suited to the situation in which a habeas petitioner has received no*
34 *prior proceedings before any tribunal and had no prior opportunity to rebut the Executive's factual*
35 *assertions before a neutral decisionmaker.*
36 *[Hamdi v. Rumsfeld, 542 U.S. 507 (2004)]*

- 37 3. The Executive Branch may not use a state of war as an excuse to trample on individual rights.

38 *In so holding, we necessarily reject the Government's assertion that separation of powers principles mandate a*
39 *heavily circumscribed role for the courts in such circumstances. Indeed, the position that the courts must forgo*
40 *any examination of the individual case and focus exclusively on the legality of the broader detention scheme*
41 *cannot be mandated by any reasonable view of separation of powers, as this approach serves only to condense*
42 *power into a single branch of government. We have long since made clear that a state of war is not a blank*
43 *check for the President when it comes to the rights of the Nation's citizens. Youngstown Sheet & Tube, 343*
44 *U.S. at 587. Whatever power the United States Constitution envisions for the Executive in its exchanges with*
45 *other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three*
46 *branches when individual liberties are at stake. Mistretta v. United States, 488 U.S. 361, 380 (1989) (it was*
47 *"the central judgment of the Framers of the Constitution that within our political scheme, the separation of*
48 *governmental powers into three coordinate Branches is essential to the preservation of liberty"); Home*
49 *Building & Loan Assn. v. Blaisdell, 290 U.S. 398, 426 (1934) (The war power "is a power to wage war*
50 *successfully, and thus it permits the harnessing of the entire energies of the people in a supreme cooperative*
51 *effort to preserve the nation. But even the war power does not remove constitutional limitations*
52 *safeguarding essential liberties").* Likewise we have made clear that unless Congress acts to suspend it, the
53 Great Writ of habeas corpus allows the Judicial Branch to play a necessary role in maintaining this delicate
54 balance of governance, serving as an important judicial check on the Executive's discretion in the realm of
55 detentions. See St. Cyr, 533 U.S. at 301 ("At its historical core, the writ of habeas corpus has served as a

1 means of reviewing the legality of Executive detention, and it is in that context that its protections have been
2 strongest"). Thus, while we do not question that our due process assessment must pay keen attention to the
3 particular burdens faced by the Executive in the context of military action, it would turn our system of checks
4 and balances on its head to suggest that a citizen could not make his way to court with a challenge to the
5 factual basis for his detention by his government simply because the Executive opposes making available such a
6 challenge. Absent suspension of the writ by Congress, a citizen detained as an enemy combatant is entitled to
7 this process.

8 [[Hamdi v. Rumsfeld, 542 U.S. 507 \(2004\)](#)]

9 **12.1 States of Declared Emergency**

10 States of emergency declared by the President of the United States have frequently been used as a justification to
11 circumvent the constitution. A manufactured crisis and a declaration of emergency, in fact, is the same FRAUD that Hitler
12 pulled in order to take over Germany. He passed the German Emergency Powers law and then FABRICATED an
13 emergency as a justification to become a totalitarian dictator:

14 "If the public safety and order in the German Reich are seriously disturbed or endangered, the President of the
15 Reich may...suspend in whole or in part the fundamental rights established [including] inviolability of person,
16 inviolability of domicile, freedom of opinion and expression, freedom of assembly and association, secrecy in
17 communication and inviolability of property."

18 [German Emergency Power Law, Article 48]

19 Of the ability to circumvent the Constitution using national emergencies, the American Jurisprudence Legal encyclopedia
20 says the following:

21 "**No emergency justifies the violation of any of the provisions of the United States Constitution.**⁵⁶ An
22 emergency, however, while it cannot create power, increase granted power, or remove or diminish the
23 restrictions imposed upon the power granted or reserved, may allow the exercise of power already in existence,
24 but not exercised except during an emergency.⁵⁷

25 The circumstances in which the executive branch may exercise extraordinary powers under the Constitution are
26 very narrow.⁵⁸ The danger must be immediate and impending, or the necessity urgent for the public service,
27 such as will not admit of delay, and where the action of the civil authority would be too late in providing the
28 means which the occasion calls for.⁵⁹ For example, there is no basis in the Constitution for the seizure of steel
29 mills during a wartime labor dispute, despite the President's claim that the war effort would be crippled if the
30 mills were shut down.⁶⁰

31 [16 American Jurisprudence 2d, Constitutional Law, §52 (1999)]

32 Examples of national emergencies that have been used as an excuse to circumvent the Constitution by the President include
33 wars, major economic crises such as depressions, natural disasters, etc. It may surprise you to learn, in fact, that even to
34 this day the United States is living under a declared emergency that is being used as an excuse to circumvent the
35 Constitutional requirements of our money system.

36 Redeemability of notes in silver ended officially in August 17, 1971 with Presidential Proclamation 4074. This was done
37 under the authority of 12 U.S.C. §95b, which granted legislative authority to the President. This statute unlawfully and
38 unconstitutionally delegated lawmaking powers to the President and violates the separation of powers doctrine. Article 2,

⁵⁶ As to the effect of emergencies on the operation of state constitutions, see § 59.

⁵⁷ *Veix v. Sixth Ward Building & Loan Ass'n of Newark*, 310 U.S. 32, 60 S.Ct. 792, 84 L.Ed. 1061 (1940); *Home Bldg. & Loan Ass'n v. Blaisdell*, 290 U.S. 398, 54 S.Ct. 231, 78 L.Ed. 413, 88 A.L.R. 1481 (1934).

The Constitution was adopted in a period of grave emergency and its grants of power to the Federal Government and its limitations of the power of the states were determined in the light of emergency, and are not altered by emergency. *First Trust Co. of Lincoln v. Smith*, 134 Neb. 84, 277 N.W. 762 (1938).

⁵⁸ *Halperin v. Kissinger*, 606 F.2d 1192 (D.C. Cir. 1979), cert. granted, 446 U.S. 951, 100 S.Ct. 2915, 64 L.Ed.2d 807 (1980) and aff'd in part, cert. dismissed in part, 452 U.S. 713, 101 S.Ct. 3132, 69 L.Ed.2d 367 (1981), reh'g denied, 453 U.S. 928, 102 S.Ct. 892, 69 L.Ed.2d 1024 (1981) and on remand to, 542 F. Supp. 829 (D.D.C. 1982) and on remand to, 578 F. Supp. 231 (D.D.C. 1984), aff'd in part, remanded in part, 807 F.2d 180 (D.C. Cir. 1986), on remand to, 723 F. Supp. 1535 (D.D.C. 1989), related reference, 1991 WL 120167 (D.D.C. 1991), remanded, 1992 WL 394503 (D.C. Cir. 1992).

⁵⁹ *Mitchell v. Harmony*, 54 U.S. 115, 13 How. 115, 14 L.Ed. 75 (1851).

⁶⁰ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 72 S.Ct. 863, 96 L.Ed. 1153, 47 Ohio Op. 430, 47 Ohio Op. 460, 62 Ohio L. Abs. 417, 62 Ohio L. Abs. 473, 26 A.L.R.2d 1378 (1952).

1 Section 2 of the United States Constitution establishes the Office of President of the United States of America, but 12
2 U.S.C. §95b refers to the “President of the United States”, who is NOT the same person. The Constitution, in fact, never
3 creates the office of “President of the United States”.

4 [TITLE 12 > CHAPTER 2 > SUBCHAPTER IV > § 95b](#)
5 [§ 95b. Ratification of acts of President and Secretary of the Treasury under section 95a](#)

6 *The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated,*
7 *made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933,*
8 *pursuant to the authority conferred by section 95a of this title, are approved and confirmed.*

9 Following release of Senate Document 93-549 in 1973, Congress repealed all declared states of emergency *except* for the
10 Emergency Banking Relief Act of 1933, 48 Stat. 1 and the powers under 12 U.S.C. §95b. If you would like to read Senate
11 Document 93-549, see:

Senate Document 93-549
<http://famguardian.org/Subjects/LawAndGovt/Articles/SenateReport93-549.htm>

12 The reason Congress didn't repeal 12 U.S.C. §95b is that this event would compel the government to FINALLY return to a
13 lawful money system and back all of our money with gold and silver after ending all emergencies and they don't ever want
14 to do that because:

- 15 1. They don't have enough gold and silver to redeem all the fraudulent currency in circulation at this time.
- 16 2. They would have to surrender their ability to STEAL from the average American when they print money out of thin air
17 and counterfeit.
- 18 3. They would have to admit that they have foisted a FRAUD upon Americans in relation to the money system since 1933
19 when FDR started this mess with the Emergency Banking Relief Act.

20 In that sense, a national emergency which began in 1933 continues to this day to justify an ongoing violation of the
21 Constitution in regards to the requirements of our money system. The internal taxation within the states that violates the
22 Constitution and stabilizes and sustains this national emergency were also never intended by the Founding Fathers:

23 *"Madison's Notes on the Constitutional Convention [see [Federalist Paper #45](#)] reveal clearly that the*
24 *framers of the Constitution believed for some time [and wrote this permanent requirement into the*
25 *Constitution] that the principal, if not sole, support of the new Federal Government would be derived from*
26 *customs duties and taxes connected with shipping and importations. **Internal taxation would not be resorted***
27 *to except infrequently, and for special [emergency] reasons. The first resort to internal taxation, the*
28 *enactment of internal revenue laws in 1791 and in the following 10 years, was occasioned by the exigencies of*
29 *the public credit. These first laws were repealed in 1802. Internal revenue laws were reenacted for the period*
30 *1813-17, when the effects of the war of 1812 caused Congress to resort to internal taxation. From 1818 to*
31 *1861, however, the United States had no internal revenue laws and the Federal Government was supported by*
32 *the revenue from import duties and the proceeds from the sale of public lands. In 1862 Congress once more*
33 *levied internal revenue taxes. This time the establishment of an internal revenue system, not exclusively*
34 *dependent upon the supplies of foreign commerce, was permanent."*
35 *[IRS publication of Regulations, Federal Register, Volume 37, page 20960 dated October 5, 1972]*

36 If you would like to know more details about why our present our money system is an UNCONSTITUTIONAL FRAUD
37 and is the product of a national emergency, see:

[The Money Scam](#), Form #05.041
<http://sedm.org/Forms/FormIndex.htm>

38 **12.2 Enforcement of Franchises against non-consenting persons or outside authorized** 39 **jurisdiction**

40 Franchises are the main method that the government uses to circumvent their constitutional duty to protect your rights and
41 replace all your rights with revocable privileges. This wouldn't necessarily be bad if only those who *explicitly consent in*
42 *writing* could participate in franchises, but in practice, Legislative Branch employees, however:

1. Enforce franchises against persons who either do not explicitly consent to participate or are not authorized to participate in order to coerce and intimidate them into joining or complying with franchise provisions that don't even apply to them.
2. Deceive people into believing that participation is MANDATORY by:
 - 2.1. Making the process of consenting to the franchise agreement "invisible".
 - 2.2. Refusing to recognize the requirement for consent.
 - 2.3. Refusing to acknowledge the existence of persons who do not participate. For instance, refusing to recognize the existence of "nontaxpayers" and calling EVERYONE "taxpayers".
3. "Assume" or "presume" that those who they are enforcing against consented. This sort of presumption is a violation of their rights and amounts to THEFT of their property.
4. Use invisible criteria that they refuse to disclose as a basis for determining that a person consented, such as:
 - 4.1. Use of the Social Security Number. See:

About SSNs and TINs on Government Forms and Correspondence, Form #05.012
<http://sedm.org/Forms/FormIndex.htm>
 - 4.2. Accepting particular "benefits". See:

The Government "Benefits" Scam, Form #05.040
<http://sedm.org/Forms/FormIndex.htm>
 - 4.3. Opening financial accounts using federally issued identifying numbers.
 - 4.4. Applying for participation in Social Security. See:

Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>
5. Interfere with the ability of persons to terminate participation. For instance, they prevent people from quitting the Social Security insurance franchise by removing the form to withdraw off the SSA website, by not publishing procedures to quit, and by LYING to people who figure out the procedures and quit properly. They do this to keep people as "prisoners" within the franchise.

All of these usurpations are designed to unlawfully expand the power, influence, jurisdiction, and revenues of public DISservants in the Legislative Branch. All of them amount to the equivalent of organized crime and racketeering for which public servants should be individually prosecuted pursuant to 18 U.S.C. §1956. These unlawful activities by Legislative Branch employee to destroy the separation of powers and all the details about franchises are exhaustively documented in the following memorandum of law:

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

12.3 Bills of Attainder Against Unauthorized Persons

A Bill of Attainder is defined a penalty instituted without a court hearing by an agency or employee of the government within the Legislative or Executive Branches:

Bill of attainder. *Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial. United States v. Brown, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492; United States v. Lovett, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252. An act is a "bill of attainder" when the punishment is death and a "bill of pains and penalties" when the punishment is less severe; both kinds of punishment fall within the scope of the constitutional prohibition. U.S.Const. Art. I, Sect 9, Cl. 3 (as to Congress); Art. I, Sec. 10 (as to state legislatures). [Black's Law Dictionary, Sixth Edition, p. 165]*

A penalty instituted without a judicial trial also violates the Fifth Amendment, which specifically forbids the taking of life, liberty, or property without due process of law:

*Constitution
Fifth Amendment*

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be***

deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

“Due process of law” as used above implies the administration of law in courts of justice and NOT by the Legislative Branch:

Due process of law. Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. **A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights.** To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of the creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, **he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance.** *Pennoy v. Neff*, 96 U.S. 733, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. **If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law.**

An orderly proceeding wherein a person with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having the power to hear and determine the case. *Kazubowski v. Kazubowski*, 45 Ill.2d 405, 259 N.E.2d 282, 290. Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a hearing. *Pettit v. Penn*, LaApp., 180 So.2d. 66, 69. The concept of “due process of law” as it is embodied in the Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious and that the means selected shall have a reasonable and substantial relation to the object being sought. *U.S. v. Smith*, D.C.Iowa, 249 F.Supp. 515, 516. Fundamental requisite of “due process of law” is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons for such choice. *Trinity Episcopal Corp. v. Romney*, D.C.N.Y., 387 F.Supp. 1044, 1084. Aside from all else, “due process” means fundamental fairness and substantial justice. *Vaughn v. State*, 3 Tenn.Crim.App. 54, 456 S.W.2d. 879, 883.

Embodied in the due process concept are the basic rights of a defendant in criminal proceedings and the requisites for a fair trial. These rights and requirements have been expanded by Supreme Court decisions and include, timely notice of a hearing or trial which informs the accused of the charges against him or her; the opportunity to confront accusers and to present evidence on one’s own behalf before an impartial jury or judge; the presumption of innocence under which **guilt must be proven by legally obtained evidence** and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal process; and the guarantee that an individual will not be tried more than once for the same offence (double jeopardy). [Black’s Law Dictionary, Sixth Edition, p. 500]

Bills of Attainder are specifically forbidden in the United States Constitution. The Annotated Constitution of the United States says the following on the subject:

U.S. Constitution
Article 1, Section 9, Clause 3

“No State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts.”

If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution, bills of attainder include bills of pains and penalties. In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of judge; it assumes, in the language of the text-books, judicial magistracy; it pronounces upon the guilt of the party, without any of the forms or safeguards of trial; it determines the sufficiency of the proofs produced, whether conformable to the rules of evidence or otherwise; and it fixes the degree of punishment in accordance with its own notions of the enormity of the offence.
[SOURCE: <http://caselaw.lp.findlaw.com/data/constitution/article01/47.html#2>]

The United States government and the state governments both chronically and habitually violate the above provisions of law in the case of persons domiciled in states of the Union. For instance, the IRS and state revenue agencies frequently assess penalties without judicial trials, which implies that they are acting in a judicial capacity and thereby violating the separation of powers. Other state and federal administrative agencies similarly assess non-judicial penalties, usually in

1 connection with some license or franchise, such as professional licenses, attorney licenses (see Federal Rule of Civil
2 Procedure 11), realtor licenses, marriage licenses, Federal Communications Commission Licenses, etc.

3 How do the state and federal governments legally get away with penalizing this and is it legal? The answer is, surprisingly
4 YES in most cases. The reason you may be surprised is because they have never and will never tell the truth about where
5 there authority to institute penalties comes from. Here are the reasons why the penalties are lawful in most cases:

6 1. The Constitution authorizes the government to regulate the exercise of *privileges*, but not *rights*.

7 *“The power to tax [or penalize] the exercise of a privilege is the power to control or suppress its enjoyment.*
8 *Magnano Co. v. Hamilton, 292 U.S. 40, 44, 45 S., 54 S.Ct. 599, 601, and cases cited.”*

9 [. . .]

10 *“A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution.”*
11 *[Murdock v. Commonwealth of Pennsylvania, 319 U.S. 105, 63 S.Ct. 870 (1943)]*

12 2. The people who are the subject of the penalties are invariably engaged in the exercise of some form of privileges.
13 Anything that is licensed is a privilege. This includes professional licenses, driver’s licenses, attorney licenses,
14 marriage licenses, FCC licenses, etc. All of these licenses have common characteristics:

15 2.1. They are voluntarily obtained through an application process.

16 2.2. The penalties are associated only with those involved in the privileged activities. Oftentimes, the statutes will be
17 deliberately vague about the definition of “person” within the meaning of the penalty provisions in order to
18 deceive the readers into believing that everyone, including those not engaged in the exercise of the privilege, are
19 the subject of penalties, even though it would be unconstitutional to do so.

20 3. In the case of tax collection, the privilege is a “trade or business”, which is statutorily defined in 26 U.S.C.
21 §7701(a)(26) as “the functions of a public office”. A “public office” is a privileged position within the government.
22 The government has always had the authority to penalize its own employees in the conduct of their official duties.

23 *“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the*
24 *regulator of private conduct, are not the same as the restrictions that it places upon the government in its*
25 *capacity as employer. We have recognized this in many contexts, with respect to many different constitutional*
26 *guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v.*
27 *Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable*
28 *cause, but in many circumstances government employees can. O’Connor v. Ortega, 480 U.S. 709, 723 (1987)*
29 *(plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for*
30 *refusing to provide the government information that may incriminate them, but government employees can be*
31 *dismissed when the incriminating information that they refuse to provide relates to the performance of their job.*
32 *Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277-278 (1968). With regard to freedom of speech in*
33 *particular: Private citizens cannot be punished for speech of merely private concern, but government employees*
34 *can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished*
35 *for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that*
36 *reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm’n v. Letter Carriers, 413 U.S.*
37 *548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616-617 (1973).”*
38 *[Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]*

39 4. Most penalty statutes presume that the person who is the subject of the penalty is an agent, contractor, public official,
40 or employee of the government. This is easily confirmed by the definition of “person” in the context of the penalties.
41 For instance, 26 U.S.C. §6671(b) identifies the definition of “person” for the purposes of penalties:

42 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)
43 [§ 6671. Rules for application of assessable penalties](#)

44 (b) Person defined

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

48 The above definition implies federal contracts, employment, or agency in some form. The reason is that the “duty to
49 perform” or liability described above is nowhere identified in the Internal Revenue Code. Therefore, the duty occurs

1 by virtue of the oaths of office of those subject to the code as “public officials”. That “duty” or “liability” is the
2 fiduciary duty of public officers, which is described below:

3 “As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be
4 exercised in behalf of the government or of all citizens who may need the intervention of the officer. ⁶¹
5 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level
6 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor
7 under every disability and prohibition imposed by law upon trustees relative to the making of personal
8 financial gain from a discharge of their trusts. ⁶² That is, a public officer occupies a fiduciary relationship
9 to the political entity on whose behalf he or she serves, ⁶³ and owes a fiduciary duty to the public. ⁶⁴ It has
10 been said that the fiduciary responsibilities of a public officer cannot be less than those of a private
11 individual. ⁶⁵ Furthermore, it has been stated that any enterprise undertaken by the public official which tends
12 to weaken public confidence and undermine the sense of security for individual rights is against public
13 policy. ⁶⁶”
14 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

15 It is easy to verify that statutory penalties without a judicial proceeding are lawful by examining the Federal Register Act
16 which says on the subject the following:

17 [TITLE 44 > CHAPTER 15 > § 1505](#)
18 [§ 1505. Documents to be published in Federal Register](#)

19 (a) Proclamations and Executive Orders; Documents Having General Applicability and Legal Effect;
20 Documents Required To Be Published by Congress. There shall be published in the Federal Register—

21 (1) Presidential proclamations and Executive orders, except those not having general applicability and legal
22 effect or effective only against Federal agencies or persons in their capacity as officers, agents, or employees
23 thereof;

24 (2) documents or classes of documents that the President may determine from time to time have general
25 applicability and legal effect; and

26 (3) documents or classes of documents that may be required so to be published by Act of Congress.

27 For the purposes of this chapter every document or order which prescribes a penalty has general applicability
28 and legal effect.

29 The Administrative Procedures Act also says that no statute may impose a penalty on anyone domiciled in states of the
30 Union without first having implementing regulations published in the Federal Register:

31 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552](#)
32 [§ 552. Public information; agency rules, opinions, orders, records, and proceedings](#)

33 (a) Each agency shall make available to the public information as follows:

34 (1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the
35 public—

⁶¹ 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.

⁶² 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.

⁶³ 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.

⁶⁴ 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).

⁶⁵ 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.

⁶⁶ 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 (A) descriptions of its central and field organization and the established places at which, the employees (and in
2 the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain
3 information, make submittals or requests, or obtain decisions;

4 (B) statements of the general course and method by which its functions are channeled and determined,
5 including the nature and requirements of all formal and informal procedures available;

6 (C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and
7 instructions as to the scope and contents of all papers, reports, or examinations;

8 (D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or
9 interpretations of general applicability formulated and adopted by the agency; and

10 (E) each amendment, revision, or repeal of the foregoing.

11 **Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any**
12 **manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal**
13 **Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of**
14 **persons affected thereby is deemed published in the Federal Register when incorporated by reference therein**
15 **with the approval of the Director of the Federal Register.**

16 Therefore:

- 17 1. Any statute, regulation, or Executive order which might prescribe a penalty against persons domiciled in states of the
18 Union who are not federal contractors, federal agents, federal employees, federal public officials, or federal benefit
19 recipients MUST be published in the Federal Register before it can be enforced.
- 20 2. If the government is attempting to administratively penalize you without a court hearing, they are making an
21 assumption or presumption that you are a federal contractor, federal agent, federal employee, federal public official, or
22 federal benefit recipient. These are the groups specifically exempted by 44 U.S.C. §1505(a) and 5 U.S.C. §553(a) from
23 the requirement for publication in the federal register of all laws that prescribe a penalty.
- 24 3. When the government attempts to institute administrative, non-judicial penalties, you should firmly challenge their
25 presumption that you are a federal agent, employee, contractor, or benefit recipient. They as the moving party,
26 pursuant to 5 U.S.C. §556(d), have the burden of proving with court-admissible evidence that you are in fact a member
27 of one of the specifically exempted groups. They cannot lawfully proceed exclusively upon presumption, because
28 presumption is NOT and may not act as a substitute for legally admissible evidence:

29 *A presumption is not evidence. A presumption is either conclusive or rebuttable. Every rebuttable presumption*
30 *is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden*
31 *of proof. Calif.Evid.Code, §600.*
32 *[Black's Law Dictionary, Sixth Edition, p. 1185, presumption]*

- 33 4. All presumptions which prejudice constitutionally protected rights are impermissible.

34 *(1) [8:4993] **Conclusive presumptions affecting protected interests:** A conclusive presumption may be*
35 *defeated where its application would impair a party's constitutionally-protected liberty or property interests. In*
36 *such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights.*
37 *[Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414*
38 *U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates*
39 *process]*
40 *[Federal Civil Trials and Evidence, Rutter Group, paragraph 8:4993, p. 8K-34]*

- 41 5. A party who makes a presumption that injures your Constitutionally protected rights can only lawfully be doing so by
42 making one of the following additional presumptions:
 - 43 5.1. That you reside or maintain a domicile in an area not protected by the Constitution, such as in the federal zone,
44 which includes the territories and possessions of the United States and the District of Columbia and excludes land
45 under exclusive state jurisdiction.
 - 46 5.2. You contracted away your Constitutional rights in the process of procuring some type of privilege.

47 If you then examine all the penalty statutes contained in the Internal Revenue Code, all of them depend on the definition of
48 "person" found in 26 U.S.C. §6671(b). The implementing regulation for this statute is found in 26 C.F.R. §301.6671-1(b),
49 which is published in the Federal Register. However, the person who it describes does not include private persons
50 domiciled in states of the Union. The reason for this was clearly described by the U.S. Supreme Court, when it said

1 "The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes
2 of redress" against offensive state action, was "repugnant" to the Constitution. *Id.*, at 15. See also *United States*
3 *v. Reese*, 92 U.S. 214, 218 (1876); *United States v. Harris*, 106 U.S. 629, 639 (1883); *James v. Bowman*, 190
4 *U.S. 127, 139* (1903). Although the specific holdings of these early cases might have been superseded or
5 modified, see, e.g., *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964); *United States v. Guest*,
6 *383 U.S. 745* (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not
7 been questioned."
8 [*City of Boerne v. Flores, Archbishop of San Antonio*, 521 U.S. 507 (1997)]

9 Therefore, an unlawful violation of the separation of powers occurs when an administrative agency within the legislative
10 branch of the government attempts to impose any kind of penalty absent a judicial trial against a person domiciled in a state
11 and protected by the Constitution who is not availing themselves of some type of privilege and in the process the
12 government agent:

- 13 1. Operates upon presumption absent court-admissible evidence.
- 14 2. Assumes or presumes that:
 - 15 2.1. You are part of any one of the exempted groups and refuses its duty to prove with court admissible evidence that
 - 16 you are in fact within these groups.
 - 17 2.2. You are in receipt of privileges, without proving your consent or constructive consent to engage in such a
 - 18 privilege.
- 19 3. Tries to compel presumption by using the word "includes" as a justification for expanding the definition of the
- 20 "person" to whom the penalty applies to include any group they want to "include":

21 "When we consider the nature and the theory of our institutions of government, the principles on which they
22 are supposed to rest, and review the history of their development, we are constrained to conclude that they do
23 not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is,
24 of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers
25 are delegated to the agencies of government, sovereignty itself remains with the
26 people, by whom and for whom all government exists and
27 acts. And the law is the definition and limitation of power. It is,
28 indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of
29 final decision; and in many cases of mere administration, the responsibility is purely political, no appeal lying
30 except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means
31 of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual
32 possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious
33 progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so
34 that, in the famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a
35 government of laws and not of men.' For the very idea that one man may be compelled to hold his life, or the
36 means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be
37 intolerable in any country where freedom prevails, as being the essence of slavery itself."
38 [*Yick Wo v. Hopkins*, 118 U.S. 356 (1886)]

39 For additional information on how they try to do this, see:

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

- 40 4. Relies on evidence that is not substantiated with a perjury oath. Such evidence includes information returns, including
41 IRS Forms W-2, 1042-S, 1098, 1099, and K-1. See:

[Income Tax Withholding and Reporting Course](http://sedm.org/Forms/FormIndex.htm), Form #12.004
<http://sedm.org/Forms/FormIndex.htm>

- 42 5. Refuses to recognize the limitations imposed upon their authority by the law. The U.S. Congress indicated in 50
43 U.S.C. §841 that this kind of disregard of the law amounts to "communism".

44 [TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.](#)

45 [Sec. 841. - Findings and declarations of fact](#)

46 *The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a*
47 *corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to*
48 *overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by a the*
49 *judiciary]. It constitutes an **authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion]***
50 *within a [constitutional] republic, demanding for itself the rights and privileges [including immunity from*
51 *prosecution for their wrongdoing in violation of Article I, Section 9, Clause 8 of the Constitution] accorded to*
52 *political parties, but **denying to all others the liberties [Bill of Rights] guaranteed by the Constitution.** Unlike*
53 *political parties, which evolve their policies and programs through public means, by the reconciliation of a wide*

1 variety of individual views, and submit those policies and programs to the electorate at large for approval or
2 disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in
3 complete disregard of the tax laws] prescribed for it by the foreign leaders of the world Communist movement [the
4 IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding recently by the
5 framing of Congressman Trafficant] have no part in determining its goals, and are not permitted to voice dissent to
6 party objectives. Unlike members of political parties, members of the Communist Party are recruited for
7 indoctrination [in the public schools by homosexuals, liberals, and socialists] with respect to its objectives and
8 methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action
9 slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party
10 [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct
11 or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of
12 capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its
13 numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to
14 the proposition that the present constitutional Government of the United States ultimately must be brought to ruin
15 by any available means, including resort to force and violence [or using income taxes]. Holding that doctrine, its
16 role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)]
17 renders its existence a clear present and continuing danger to the security of the United States. It is the means
18 whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and
19 directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist
20 Party should be outlawed

- 21 6. Refuses to cite the law or operates exclusively upon agency policy, procedure as a substitute for law. The U.S.
22 Supreme Court said we are “a society of law and not men”. Law and not agency policy can be the only source of
23 jurisdiction for any government agent or employee to act. Every citizen, including especially government employees,
24 is supposed to know the law

25 “The government of the United States has been emphatically termed a government of laws, and not of men.
26 It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested
27 legal right.”
28 [Marbury v. Madison, 5 U.S. 137; 1 Cranch 137, 2 L.Ed. 60 (1803)]

29
30 “Every man is supposed to know the law. A party who makes a contract with an officer [of the government]
31 without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids
32 in the violation of the law.”
33 [Clark v. United States, 95 U.S. 539 (1877)]

34 The U.S. Supreme Court aptly described how this breakdown of the separation of powers occurs in the above
35 circumstances, when it held in United States v. Brown, 381 U.S. 437 (1965):

36 While history thus provides some guidelines, the wide variation in form, purpose and effect of ante-Constitution
37 bills of attainder indicates that the proper scope of the Bill of Attainder Clause, and its relevance to
38 contemporary problems, must ultimately be sought by attempting to discern the reasons for its inclusion in the
39 Constitution, and the evils it was designed to eliminate. The best available evidence, the writings of the
40 architects of our constitutional system, indicates that the Bill of Attainder Clause was intended not as a narrow,
41 technical (and therefore soon to be outmoded) prohibition, but rather as an implementation of the separation of
42 powers, a general safeguard against legislative exercise of the judicial function, or more simply - trial by
43 legislature.

44 The Constitution divides the National Government into three branches - Legislative, Executive and Judicial.
45 [381 U.S. 437, 443] This "separation of powers" was obviously not instituted with the idea that it would
46 promote governmental efficiency. It was, on the contrary, looked to as a bulwark against tyranny. For if
47 governmental power is fractionalized, if a given policy can be implemented only by a combination of legislative
48 enactment, judicial application, and executive implementation, no man or group of men will be able to impose
49 its unchecked will. James Madison wrote:

50 “The accumulation of all powers, legislative, executive, and judiciary, in the same hands,
51 whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may
52 justly be pronounced the very definition of tyranny.” [16](#)

53 The doctrine of separated powers is implemented by a number of constitutional provisions, some of which
54 entrust certain jobs exclusively to certain branches, while others say that a given task is not to be performed by
55 a given branch. For example, Article III's grant of "the judicial Power of the United States" to federal courts
56 has been interpreted both as a grant of exclusive authority over certain areas, Marbury v. Madison, 1 Cranch
57 137, and as a limitation upon the judiciary, a declaration that certain tasks are not to be performed by courts, e.
58 g., Muskrat v. United States, [219 U.S. 346](#). Compare Youngstown Sheet & Tube Co. v. Sawyer, [343 U.S. 579](#).

59 The authors of the Federalist Papers took the position that although under some systems of government (most
60 notably the one from which the United States had just broken), the Executive Department is the branch most

1 likely to forget the bounds of its authority, "in a representative republic . . . where the legislative power is
2 exercised by an assembly . . . which is sufficiently numerous to feel all the passions which actuate a multitude;
3 yet [381 U.S. 437, 444] not so numerous as to be incapable of pursuing the objects of its passions . . .,"
4 barriers had to be erected to ensure that the legislature would not overstep the bounds of its authority and
5 perform the functions of the other departments. 17 The Bill of Attainder Clause was regarded as such a barrier.
6 Alexander Hamilton wrote:

7 "Nothing is more common than for a free people, in times of heat and violence, to gratify
8 momentary passions, by letting into the government principles and precedents which
9 afterwards prove fatal to themselves. Of this kind is the doctrine of disqualification,
10 disfranchisement, and banishment by acts of the legislature. The dangerous consequences
11 of this power are manifest. If the legislature can disfranchise any number of citizens at
12 pleasure by general descriptions, it may soon confine all the votes to a small number of
13 partisans, and establish an aristocracy or an oligarchy; if it may banish at discretion all
14 those whom particular circumstances render obnoxious, without hearing or trial, no man
15 can be safe, nor know when he may be the innocent victim of a prevailing faction. The
16 name of liberty applied to such a government, would be a mockery of common sense." 18
17 [381 U.S. 437, 445]

18 Thus the Bill of Attainder Clause not only was intended as one implementation of the general principle of
19 fractionalized power, but also reflected the Framers' belief that the Legislative Branch is not so well suited as
20 politically independent judges and juries to the task of ruling upon the blameworthiness of, and levying
21 appropriate punishment upon, specific persons.

22 "Every one must concede that a legislative body, from its numbers and organization, and
23 from the very intimate dependence of its members upon the people, which renders them
24 liable to be peculiarly susceptible to popular clamor, is not properly constituted to try
25 with coolness, caution, and impartiality a criminal charge, especially in those cases in
26 which the popular feeling is strongly excited, - the very class of cases most likely to be
27 prosecuted by this mode." 19 [381 U.S. 437, 446]

28 By banning bills of attainder, the Framers of the Constitution sought to guard against such dangers by limiting
29 legislatures to the task of rule-making. "It is the peculiar province of the legislature to prescribe general rules
30 for the government of society; the application of those rules to individuals in society would seem to be the duty
31 of other departments." *Fletcher v. Peck*, 6 Cranch 87, 136. 20 [381 U.S. 437, 447]

32 II.

33 It is in this spirit that the Bill of Attainder Clause was consistently interpreted by this Court - until the decision
34 in *American Communications Assn. v. Douds*, 339 U.S. 382, which we shall consider hereafter. In 1810, Chief
35 Justice Marshall, speaking for the Court in *Fletcher v. Peck*, 6 Cranch 87, 138, stated that "[a] bill of attainder
36 may affect the life of an individual, or may confiscate his property, or may do both." This means, of course, that
37 what were known at common law as bills of pains and penalties are outlawed by the Bill of Attainder Clause.
38 The Court's pronouncement therefore served notice that the Bill of Attainder Clause was not to be given a
39 narrow historical reading (which would exclude bills of pains and penalties), but was instead to be read in light
40 of the evil the Framers had sought to bar: legislative punishment, of any form or severity, of specifically
41 designated persons or groups. See also *Ogden v. Saunders*, 12 Wheat. 213, 286.

42 The approach which Chief Justice Marshall had suggested was followed in the twin post-Civil War cases of
43 *Cummings v. Missouri*, 4 Wall. 277, and *Ex parte Garland*, 4 Wall. 333. *Cummings* involved the
44 constitutionality of amendments to the Missouri Constitution of 1865 which provided that no one could engage
45 in a number of specified professions (*Cummings* was a priest) unless he first swore that he had taken no part in
46 the rebellion against the Union. At issue in *Garland* was a federal statute which required attorneys to take a
47 similar oath before they could practice in federal courts. This Court struck down both provisions as bills of
48 attainder on the ground that they were legislative acts inflicting punishment on a specific group: clergymen and
49 lawyers who had taken part in the rebellion and therefore could not truthfully take the oath. In reaching its
50 result, the Court emphatically rejected the argument that the constitutional [381 U.S. 437, 448] prohibition
51 outlawed only a certain class of legislatively imposed penalties:

52 "The deprivation of any rights, civil or political, previously enjoyed, may be punishment,
53 the circumstances attending and the causes of the deprivation determining this fact.
54 Disqualification from office may be punishment, as in cases of conviction upon
55 impeachment. Disqualification from the pursuits of a lawful avocation, or from positions
56 of trust, or from the privilege of appearing in the courts, or acting as an executor,
57 administrator, or guardian, may also, and often has been, imposed as punishment." 4
58 Wall., at 320.

1 The next extended discussion of the Bill of Attainder Clause [21](#) came in 1946, in *United States v. Lovett*, [328](#)
2 [U.S. 303](#), where the Court invalidated 304 of the Urgent Deficiency Appropriation Act, 1943, 57 Stat. 431, 450,
3 which prohibited payment of further salary to three named federal employees, [22](#) as a bill of attainder.

4 *"[L]egislative acts, no matter what their form, that apply either to named individuals or*
5 *to easily ascertainable [381 U.S. 437, 449] members of a group in such a way as to*
6 *inflict punishment on them without a judicial trial are bills of attainder prohibited by the*
7 *Constitution. . . . This permanent proscription from any opportunity to serve the*
8 *Government is punishment, and of a most severe type. . . . No one would think that*
9 *Congress could have passed a valid law, stating that after investigation it had found*
10 *Lovett, Dodd, and Watson 'guilty' of the crime of engaging in 'subversive activities,'*
11 *defined that term for the first time, and sentenced them to perpetual exclusion from any*
12 *government employment. Section 304, while it does not use that language, accomplishes*
13 *that result." Id., at 315-316. [23](#)*

14 [*United States v. Brown*, 381 U.S. 437 (1965)]

15 One last very important point needs to be mentioned here. Section 6 mentions that we have no Judicial Branch within the
16 federal government and that all the federal courts we have today are part of the Legislative, and not Judicial Branch because
17 they are legislative Article IV territorial courts rather than Constitutional Article III Courts. As a result of this deficiency:

- 18 1. All federal courts are incapable of exercising "judicial powers" conferred by the Constitution in the case of persons
19 domiciled in a state of the Union.
- 20 2. It is impossible to render "due process" to a person domiciled in a state of the Union. You cannot administer "due
21 process" without true judicial power "ordained and established" pursuant to Article III of the United States
22 Constitution.
- 23 3. All of the rulings of the federal courts, at least as far as persons domiciled in states of the Union, essentially constitute
24 "political" and not "judicial" rulings that pertain only to persons who are engaged in a federal franchise on territory not
25 protected by the Constitution of the United States.
- 26 4. Since all the federal Courts are part of the Legislative Branch, every penalty they administer against a person domiciled
27 in a state of the Union amounts to a Bill of Attainder, because these courts are non-judicial and are part of the
28 Legislative and not Judicial Branch.

29 **12.4 Presidential Signing Statements**

30 A Presidential Signing statement is a statement attached to a bill that the President is signing into law which specifically
31 identifies things within the law enacted by Congress that the President wishes to indicate that he will NOT enforce or
32 implement as part of the Chief Executive. The use of these Signing Statements first began with President Bush. No other
33 President has ever attempted to implement this approach to basically rebel against the authority of Congress.

34 The American Bar Association (ABA), starting in August 2006, began a public service campaign to protest the use of the
35 statements, by appearing first on C-SPAN TV and then providing a Task Force Recommendation suggesting that this
36 practice be immediately stopped because it essentially allows the President to destroy the separation of powers between the
37 Legislative Branch and the Executive Branch. You can read their recommendations at the link below:

38 ABA Task Force Recommendation on Presidential Signing Statements and the Separation of Powers Doctrine
39 http://famguardian.org/Subjects/LawAndGovt/News/aba_final_signing_statements_recommendation-report_7-24-06.pdf

38 The above Task Force Recommendation states:

39 *RESOLVED, That the American Bar Association opposes, as contrary to the rule of law and our constitutional*
40 *system of separation of powers, the issuance of presidential signing statements that claim the authority or state*
41 *the intention to disregard or decline to enforce all or part of a law the President has signed, or to interpret such*
42 *a law in a manner inconsistent with the clear intent of Congress;*

43 *FURTHER RESOLVED, That the American Bar Association urges the President, if he believes that any*
44 *provision of a bill pending before Congress would be unconstitutional if enacted, to communicate such*
45 *concerns to Congress prior to passage;*

46 *FURTHER RESOLVED, That the American Bar Association urges the President to confine any signing*
47 *statements to his views regarding the meaning, purpose and significance of bills presented by Congress, and if*

1 he believes that all or part of a bill is unconstitutional, to veto the bill in accordance with Article I, § 7 of the
2 Constitution of the United States, which directs him to approve or disapprove each bill in its entirety;

3 *FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation requiring the*
4 *President promptly to submit to Congress an official copy of all signing statements he issues, and in any*
5 *instance in which he claims the authority, or states the intention, to disregard or decline to enforce all or part of*
6 *a law he has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress, to*
7 *submit to Congress a report setting forth in full the reasons and legal basis for the statement; and further*
8 *requiring that all such submissions be available in a publicly accessible database; and*

9 *FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation enabling the*
10 *President, Congress, or other entities or individuals, to seek judicial review, to the extent constitutionally*
11 *permissible, in any instance in which the President claims the authority, or states the intention, to disregard or*
12 *decline to enforce all or part of a law he has signed, or interprets such a law in a manner inconsistent with the*
13 *clear intent of Congress, and urges Congress and the President to support a judicial resolution of the*
14 *President's claim or interpretation.*

15 **12.5 Executive Orders**

16 The use of Executive Orders began with President Lincoln during the Civil War. Executive Orders allow the President to
17 sign into law anything he wishes, so long as it only affects the Executive Branch of the government. Executive Orders are
18 dangerous because they in effect bestow upon the President the authority to enact law, which is supposed to be reserved
19 only for the Legislative Branch. This destroys the separation of powers. You can find a listing of Executive Orders on the
20 web at the address below:

<http://www.archives.gov/federal-register/executive-orders/>

21 **12.6 Classifying documents to cover-up illegal activities**

22 A very common method of covering up illegal activities that destroy the separation of powers is by means of classifying
23 documents that describe them. An example is the classification of all the activities at Area 51 in Roswell New Mexico.
24 The government classified everything in the facility. According to a History Channel documentary, after the area was
25 classified, the government illegally turned it into a toxic chemical waste dump. When employees who were working there
26 suffered ill health effects and brought suit, the judge hearing wouldn't even acknowledge the existence of the facility and
27 dismissed the lawsuit.

28 Another example of this phenomenon is the IRS. The IRS Internal Revenue Manual contains procedures for the
29 classification of documents and there are persons within the bureau who must have security clearances. This is described
30 below:

Internal Revenue Manual (I.R.M.), Section 11.3.12 (7-25-2005)
<http://www.irs.gov/irm/part11/ch03s12.html>

31 Below is what the above says on the subject of the "intent" of such classification:

32 *Internal Revenue Manual (I.R.M.), Section 11.3.12.3 (07-25-2005)*
33 *The Intent of Classification*

- 34 1. *The primary intention of classifying a document "Official Use Only" is to prevent the automatic*
35 *distribution to the public of printed materials which should not be subject to such distribution.*
- 36 2. *The classification system promotes uniformity by precluding the possibility that a document could be*
37 *withheld from the public by one office while being released by another.*
- 38 3. *The identification of a small proportion of IRS printed materials as "Official Use Only" facilitates*
39 *the ready release to the public of the majority of printed materials which are not classified.*
- 40 4. *The legends "Limited Official Use " and "Official Use Only" should act to alert employees that the*
41 *release of the document is prohibited, except by an authorized official acting in accordance with the*
42 *provisions of this section or other authorization.*

- 1 5. The legends "Limited Official Use " and "Official Use Only" are internal instructions which have no
2 effect with regard to any member of the public who may have received such documents.
- 3 6. This section also includes restrictions to prevent the abuse of over classification and provisions for
4 the declassification of records containing information which no longer requires protection.

5 [SOURCE: <http://www.irs.gov/irm/part11/ch03s12.html>]

6 If you read through the remainder of the above IRM, you will find that there is no law and no regulatory authority
7 authorizing the IRS to classify any of the documents described as "classified". The main reason appears to be that they are
8 trying to cover up illegal activity. The collection of taxes is a public function authorized by the Constitution and enacted.
9 Law. There is absolutely no reason why those who perform this function should not be subject to extensive public scrutiny
10 to ensure that they strictly comply with all the requirements of law. The only exception to this rule is national security
11 issues and those criminally enforcing the law, so that the criminals who are being "surveiled" don't have a method to gather
12 intelligence to avoid prosecution. Every other type of information should be publicly disclosable under the Privacy Act, 5
13 U.S.C. §552a and the Freedom of Information Act (FOIA), 5 U.S.C. §552 because:

- 14 1. Subtitle A of the I.R.C. describes a tax primarily upon a "trade or business".
15 2. A "trade or business" is statutorily defined as "the functions of a public office" in 26 U.S.C. §7701(a)(26).
16 3. All those involved in a "public office" are required by law to take an oath of office and should be subject to close
17 public scrutiny to ensure that they fulfill their oath and their fiduciary duties as trustees of the public trust.
18 4. Failure to observe the above requirements constitutes a tacit admission that those engaged in a "trade or business" are
19 REALLY involved in a private business partnership under private/contract law with a private corporation called the
20 IRS that is not an agency of the government and is NOT authorized to even exist by law.

21 **13 Federal Court Destruction of the Separation of Powers and Your** 22 **Constitutional Rights**

23 You may be wondering why the above heading doesn't say "Judicial Branch" instead of "Federal Courts", like previous
24 sections did in the case of the Executive and Legislative Branches. The fact of the matter is that we haven't had a true
25 Article III Judicial Branch since the federal judiciary was first established in 1789. This is exhaustively proven with
26 evidence in the book below if you would like to investigate further:

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

27 Before we begin with a list of abuses by the court, we will summarize the restrictions imposed by the Separation of Powers
28 Doctrine upon the federal courts:

- 29 1. Courts may not encroach upon the powers delegated exclusively to other branches of the government.

30 *To the contrary, the Constitution divides authority between federal and state governments for the protection*
31 *of individuals. State sovereignty is not just an end in itself: "Rather, federalism secures to citizens the*
32 *liberties that derive from the diffusion of sovereign power." Coleman v. Thompson, 501 U.S. 722, 759 (1991)*
33 *(BLACKMUN, J., dissenting). "Just as the separation and independence of the coordinate branches of the*
34 *Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy*
35 *balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse*
36 *from either front." Gregory v. [505 U.S. 144, 182] Ashcroft, 501 U.S., at 458 . See The Federalist No.*
37 *51, p. 323. (C. Rossiter ed. 1961).*

38 *Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional*
39 *plan cannot be ratified by the "consent" of state officials. An analogy to the separation of powers among the*
40 *branches of the Federal Government clarifies this point. The Constitution's division of power among the*
41 *three branches is violated where one branch invades the territory of another, whether or not the encroached-*
42 *upon branch approves the encroachment.* In *Buckley v. Valeo*, [424 U.S. 1, 118-137](#) (1976), for instance, the
43 Court held that Congress had infringed the President's appointment power, despite the fact that the President
44 himself had manifested his consent to the statute that caused the infringement by signing it into law. See
45 *National League of Cities v. Usery*, [426 U.S., at 842](#), n. 12. In *INS v. Chadha*, [462 U.S. 919, 944-959](#) (1983),
46 we held that the legislative veto violated the constitutional requirement that legislation be presented to the
47 President, despite Presidents' approval of hundreds of statutes containing a legislative veto provision. See *id.*,

1 at 944-945. The constitutional authority of Congress cannot be expanded by the "consent" of the governmental
2 unit whose domain is thereby narrowed, whether that unit is the Executive Branch or the States.
3 [*New York v. United States*, 505 U.S. 144, 112 S.Ct. 2408, 120 L.Ed.2d. 120 (1992)]

4 2. Courts may not render "advisory opinions".

5 When the federal judicial power is invoked to pass upon the validity of actions by the Legislative and Executive
6 Branches of the Government, the rule against advisory opinions implements the separation of powers
7 prescribed by the Constitution and confines federal courts to the role assigned them by Article III. See
8 *Muskrat v. United States*, 219 U.S. 346 (1911); 3 H. Johnston, *Correspondence and Public Papers of John Jay*
9 486-489 (1891) (correspondence between Secretary of State Jefferson and Chief Justice Jay). However, the rule
10 against advisory opinions also recognizes that such suits often

11 are not pressed before the Court with that clear concreteness provided when a question emerges precisely [392
12 U.S. 97] framed and necessary for decision from a clash of adversary argument exploring every aspect of a
13 multi-faced situation embracing conflicting and demanding interests.

14 *United States v. Fruehauf*, 365 U.S. 146, 157 (1961). Consequently, the Article III prohibition against advisory
15 opinions reflects the complementary constitutional considerations expressed by the justiciability doctrine:
16 federal judicial power is limited to those disputes which confine federal courts to a role consistent with a system
17 of separated powers and which are traditionally thought to be capable of resolution through the judicial
18 process.
19 [*Flast v. Cohen*, 392 U.S. 83 (1968)]

20 3. Courts may not "legislate".

21 "In the light of their experience, the Framers of the Constitution chose to keep the judiciary dissociated from
22 direct participation in the legislative process. In asserting the power to pass on the constitutionality of
23 legislation, Marshall and his Court expressed the purposes of the Founders. See Charles A. Beard, *The*
24 *Supreme Court and the Constitution*. But the extent to which the exercise of this power would interpenetrate
25 matters of policy could hardly have been foreseen by the most prescient. The distinction which the Founders
26 drew between the Court's duty to pass on the power of Congress and its complementary duty not to enter
27 directly the domain of policy is fundamental. But, in its actual operation, it is rather subtle, certainly to the
28 common understanding. Our duty to abstain from confounding policy with constitutionality demands perceptive
29 humility as well as self-restraint in not declaring unconstitutional what in a judge's private judgment is deemed
30 unwise and even dangerous."
31 [*Dennis v. United States*, 341 U.S. 494 (1951)]
32

33 "This court has no authority to interpolate a limitation that is neither expressed nor implied. Our duty is to
34 execute the law, not to make it."
35 [*U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898)]

36 4. Courts may not involve themselves in "political questions". One's choice of citizenship, domicile, political affiliations
37 are included in the "political questions" category, because they all represent the exercise of one's First Amendment
38 choice of association and disassociation.

39 "Political questions. Questions of which courts will refuse to take cognizance, or to decide, on account of their
40 purely political character, or because their determination would involve an encroachment upon the executive or
41 legislative powers.

42 "Political questions doctrine" holds that certain issues should not be decided by courts because their resolution
43 is committed to another branch of government and/or because those issues are not capable, for one reason or
44 another, of judicial resolution. *Islamic Republic of Iran v. Pahlavi*, 116 Misc.2d. 590, 455 N.Y.S.2d. 987, 990.

45 A matter of dispute which can be handled more appropriately by another branch of the government is not a
46 "justiciable" matter for the courts. However, a state apportionment statute is not such a political question as to
47 render it nonjusticiable. *Baker v. Carr*, 369 U.S. 186, 208-210, 82 S.Ct. 691, 705-706, 7 L.Ed.2d. 663.
48 [*Black's Law Dictionary*, Sixth Edition, pp. 1158-1159]
49

50 The Court has refused to exercise its jurisdiction to pass on "abstract questions of political power, of
51 sovereignty, of government." *Massachusetts v. Mellon*, 262 U.S. 447, 485. See *Texas v. Interstate Commerce*
52 *Commission*, 258 U.S. 158, 162; *New Jersey v. Sargent*, 269 U.S. 328, 337. The "political question" doctrine,
53 in this aspect, reflects the policies underlying the requirement of "standing": that the litigant who would
54 challenge official [369 U.S. 186, 287] action must claim infringement of an interest particular and personal to
55 himself, as distinguished from a cause of dissatisfaction with the general frame and functioning of government -

1 a complaint that the political institutions are awry. See *Stearns v. Wood*, 236 U.S. 75; *Fairchild v. Hughes*, 258
2 U.S. 126; *United Public Workers v. Mitchell*, 330 U.S. 75, 89-91. What renders cases of this kind non-
3 justiciable is not necessarily the nature of the parties to them, for the Court has resolved other issues between
4 similar parties; 17 nor is it the nature of the legal question involved, for the same type of question has been
5 adjudicated when presented in other forms of controversy. 18 **The crux of the matter is that courts are not fit**
6 **instruments of decision where what is essentially at stake is the composition of those large contests of policy**
7 **traditionally fought out in non-judicial forums, by which governments and the actions of governments are**
8 **made and unmade.** See *Texas v. White*, 7 Wall. 700; *White v. Hart*, 13 Wall. 646; *Phillips v. Payne*, 92 U.S. 130
9 ; *Marsh v. Burroughs*, 1 Woods 463, 471-472 (Bradley, Circuit Justice); cf. *Wilson v. Shaw*, 204 U.S. 24; but
10 see *Coyle v. Smith*, 221 U.S. 559. Thus, where the Cherokee Nation sought by an original motion to restrain the
11 State of Georgia from the enforcement of laws which assimilated Cherokee territory to the State's counties,
12 abrogated Cherokee law, and abolished Cherokee government, the Court held that such a claim was not
13 judicially cognizable. *Cherokee Nation v. Georgia*, 5 Pet. 1. 19 And in *Georgia [369 U.S. 186, 288] v.*
14 *Stanton*, 6 Wall. 50, the Court dismissed for want of jurisdiction a bill by the State of Georgia seeking to enjoin
15 enforcement of the Reconstruction Acts on the ground that the command by military districts which they
16 established extinguished existing state government and replaced it with a form of government unauthorized by
17 the Constitution: 20
18 [*Baker v. Carr*, 369 U.S. 186 (1962)]

19 If you would like additional examples of judicial tyranny, we refer you to sections 2.8.13 through 2.8.13.8.11 and 6.9
20 through 6.9.12 of the following free book:

Great IRS Hoax, Form #11.302
<http://sedm.org/Forms/FormIndex.htm>

21 **13.1 Violating choice of law rules to STEAL from Litigants**

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

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

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

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

- 32 1. Abuse “words of art” to deceive and undermine the sovereignty of the non-governmental opponent. See section 13.5
33 later on how to combat this. This includes:
 - 34 1.1. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their
35 definitions, in violation of the rules of statutory construction. See:
 - 36 1.2. Violate the rules of statutory construction by abusing the word “includes” to add things or classes of things to
37 definitions of terms that do not expressly appear in the statutes and therefore MUST be presumed to be
38 purposefully excluded.
 - 39 1.3. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with
40 the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes
41 PUBLIC POLICY for the written law.
 - 42 1.4. Publish deceptive government publications that are in deliberate conflict with what the statutes define terms to
43 mean and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their](#)
44 [publications](#) and it is FRAUD. See:

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

- 45 1.5. PRESUME that ALL of the four contexts for "United States" are equivalent.
46 For details on this SCAM, see:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

- 1 2. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They
2 are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY
3 "national and citizen of the United States** at birth" per 8 U.S.C. §1401. See section 14.2 and the document below:

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

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

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

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

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

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

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

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

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

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

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

- 13 7. Confuse "federal" with "national" or use these words interchangeably. They are NOT equivalent and this lack of
14 equivalence is a product of the separation of powers doctrine that is the foundation of the U.S.A. Constitution.

15 *"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to
16 its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District
17 of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these
18 authorities was the law in question passed?"*

19 [[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 \(1821\)](#)]

20
21 **"NATIONAL GOVERNMENT.** *The government of a whole nation, as distinguished from that of a local or
22 territorial division of the nation, and also as distinguished from that of a league or confederation.*

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

29
30 **"FEDERAL GOVERNMENT.** *The system of government administered in a state formed by the union or
31 confederation of several independent or quasi independent states; also the composite state so formed.*

32 *In strict usage, there is a distinction between a confederation and a federal government. The former term
33 denotes a league or permanent alliance between several states, each of which is fully sovereign and
34 independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the
35 central authority a controlling power for a few limited purposes, such as external and diplomatic relations.
36 In this case, the component states are the units, with respect to the confederation, and the central
37 government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the
38 allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive
39 them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the
40 central power is erected into a true state or nation, possessing sovereignty both external and internal,-while
41 the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as
42 units, but by the people of all, in their collective capacity, as citizens of the nation. The distinction is
43 expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaat;" the former
44 denoting a league or confederation of states, and the latter a federal government, or state formed by means of a
45 league or confederation."*

Here is a table comparing the two:

Table 11: "National" v. "Federal"

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

For further details on this SCAM, see:

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

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

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

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

1 9.4.2. About SSNs and TINs on Government Forms and Correspondence, Form #05.012

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

3 9.4.3. Resignation of Compelled Social Security Trustee, Form #06.002

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

5 9.5. Using forms signed by the government opponent in which they claimed a status under a government franchise,
6 such as statutory “taxpayer”, “individual”, “U.S. person”, “U.S. citizen”, etc. This is combatted by attaching the
7 following to all tax forms one fills out:

Tax Form Attachment, Form #04.201

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

8 If you would like to know more about the subject of this section, see:

Flawed Tax Arguments to Avoid, Form #08.004, Section 3

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

9 **13.2 Abusing Presumption to Turn Courts into Federal Churches and Prejudice the Rights of** 10 **Nongovernmental Litigants**

11 The First Amendment to the Constitution requires “separation of church and state”. All religions are based on “belief”,
12 which is simply something you think but cannot prove. In the legal realm, “beliefs” that cannot be supported with evidence
13 are called “presumption”.

14 **presumption.** *An inference in favor of a particular fact. A presumption is a rule of law, statutory or judicial,*
15 *by which finding of a basic fact gives rise to existence of presumed fact, until presumption is rebutted. Van*
16 *Wart v. Cook, Okl.App., 557 P.2d. 1161, 1163. A legal device which operates in the absence of other proof to*
17 *require that certain inferences be drawn from the available evidence. Port Terminal & Warehousing Co. v.*
18 *John S. James Co., D.C.Ga., 92 F.R.D. 100, 106.*

19 *A presumption is an assumption of fact that the law requires to be made from another fact or group of facts*
20 *found or otherwise established in the action. A presumption is not evidence. A presumption is either conclusive*
21 *or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing*
22 *evidence or (b) a presumption affecting the burden of proof. Calif.Evid.Code, §600.*

23 *In all civil actions and proceedings not otherwise provided for by Act of Congress or by the Federal Rules of*
24 *Evidence, a presumption imposes on the party against whom it is directed the burden of going forward with*
25 *evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of*
26 *the risk of nonpersuasion, which remains throughout the trial upon the party on whom it was originally cast.*
27 *Federal Evidence Rule 301.*

28 *See also Disputable presumption; inference; Juris et de jure; Presumptive evidence; Prima facie; Raise a*
29 *presumption.*

30 *[Black’s Law Dictionary, Sixth Edition, p. 1185]*

31 The main purpose of “due process” is to remove all “presumption” from every legal proceeding. However, when
32 “presumption” is allowed by the judge to run unrestrained within the legal system so as to prejudice the citizen and favor
33 the government, then not only is the separation of church and state eliminated, but the courts and the government devolve
34 essentially into a state-sponsored church or “political religion”. “Presumption”, when it is left to operate unchecked in a
35 federal court proceeding:

- 36 1. Has all the attributes of religious “faith”. Religious faith is simply a belief in anything that can’t be demonstrated with
37 physical evidence absent presumption.
- 38 2. Turns the courtroom into a federal “church”, and the judge into a “priest”.
- 39 3. Produces a “political religion” when exercised in the courtroom.
- 40 4. Corrupts the court and makes it essentially into a political, and not a legal tribunal.
- 41 5. Violates the separation of powers doctrine, which was put in place to protect our rights from such encroachments.

42 If you would like to investigate the fascinating matter further of how the abuse of presumption in federal courtrooms has
43 the effect of creating a state-sponsored religion in violation of the First Amendment Establishment Clause, please consult:

1 1. Our free memorandum of law entitled:
2 [Socialism: The New American Civil Religion](http://sedm.org/Forms/FormIndex.htm), Form #05.016
3 <http://sedm.org/Forms/FormIndex.htm>

4 2. The following:
5 [Great IRS Hoax](http://sedm.org/Forms/FormIndex.htm), Form #11.302, Sections 5.4 through 5.4.3.6 below:
6 <http://sedm.org/Forms/FormIndex.htm>

7 We strongly encourage you to rebut the evidence contained in the above references and send us the rebuttal along with
8 court-admissible evidence upon which it is based.

9 Judges also abuse presumption in the courtroom against non-governmental litigants in order to:

- 10 1. Advantage the government
- 11 2. Prejudice the rights of the criminally accused.
- 12 3. Bias the jury against them.

13 This breaks down the separation of powers between the government and the private citizen. The most prevalent
14 presumption made by federal judges, in fact, is that the litigant is engaged in a federal franchise such as a “trade or
15 business” and is therefore effectively part of the government through the operation of contract or private law. See:

16 [The “Trade or Business” Scam](http://sedm.org/Forms/FormIndex.htm), Form #05.001
17 <http://sedm.org/Forms/FormIndex.htm>

18 Federal judges and government counsel will also make sure that all the jurors are “taxpayers” as well, so the entire
19 courtroom is filled with nothing but federal “employees”, agents, and fiduciaries, including the attorneys. This criminally
20 biases the case against the person who is not a “taxpayer”, because jurists who are receiving federal benefits based on the
21 tax at issue in the litigation are going to vote in favor of the flow of this plunder, in violation of [18 U.S.C. §208](#). You will
22 note that [18 U.S.C. §201](#)(a)(1) describes “jurors” as “public officials”. A public official is a part of the government. Any
23 jurist who receives any federal benefit is unqualified to serve in a case involving taxation, because they are receiving bribes
24 through the benefit.

25 [TITLE 18 > PART 1 > CHAPTER 11 > § 201](#)
26 [§ 201. Bribery of public officials and witnesses](#)

27 (a) For the purpose of this section—

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

32 The bedrock of our system of jurisprudence is the fundamental presumption of “innocent until proven guilty beyond a
33 reasonable doubt”.

34 *The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial
35 under our system of criminal justice. Long ago this Court stated:*

36 *The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic
37 and elementary, and its enforcement lies at the foundation of the administration of our criminal law.*
38 *[Coffin v. United States, 156 U.S. 432, 453 (1895).]*

39 The Fifth Amendment to the U.S. Constitution then guarantees us a right of due process of law. Fundamental to the notion
40 of due process of law is the absence of presumption of fact or law. Absolutely everything that is offered as proof or
evidence of guilt must be demonstrated and revealed with evidence, and nothing can or should be based on presumption, or
especially false presumption. The extent to which presumption is used to establish guilt absent evidence or as a
substitute for evidence is therefore the extent to which our due process rights have been violated. Black’s Law
Dictionary, Sixth Edition, on page 500 under the term “due process” confirms these conclusions:

1 "If any question of fact or liability be conclusively **be presumed** [rather than proven] against him, this is **not**
2 **due process of law.**"
3 [Black's Law Dictionary, Sixth Edition, p. 500 under "due process"]

4 In our legal system, our courts and judges go out of their way to create and perpetuate **false presumptions** to bias the legal
5 system in their favor, and in so doing, based on the above, they commit a grave sin and violation of God's laws and stare
6 decisis on the matter. The only reason they get away with this tyranny in most cases is because of our own legal ignorance
7 along with corrupted government judges and lawyers who allow and encourage and facilitate this kind of abuse of our due
8 process rights. Below are some examples of how they do this:

- 9 1. **False presumptions that the Internal Revenue Code is law.** The Internal Revenue Code has not been enacted into
10 positive law. It says that at the beginning of the Title. Any title not enacted into "positive law" is described as "prima
11 facie evidence" of law. That means it is "presumptive" evidence that is rebuttable:

12 "**Prima facie.** Lat. At first sight on the first appearance; on the face of it; so far as can be judged from the first
13 disclosure; **presumably; a fact presumed to be true unless disproved by some evidence to the contrary.** State
14 ex rel. Herbert v. Whims, 68 Ohio App. 39, 38 N.E.2d 596, 499, 22 O.O. 110. See also Presumption."
15 [Black's Law Dictionary, Sixth Edition, p. 1189]

16 Since Christians are not allowed to presume anything, then they can't be allowed to presume that the Internal Revenue
17 Code is "law" or that it even applies to them. Technically, the Internal Revenue Code can only be described as a
18 "statute" or "code", but not as "law". Here is the way the Supreme Court describes it:

19 "*To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow*
20 *it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery*
21 *because it is done under the forms of law and is called taxation. **This is not legislation. It is a decree under***
22 **legislative forms.**

23 **Nor is it taxation. 'A tax,' says Webster's Dictionary, 'is a rate or sum of money assessed on the person or**
24 **property of a citizen by government for the use of the nation or State.'** 'Taxes are burdens or charges
25 **imposed by the Legislature upon persons or property to raise money for public purposes.'** Cooley, Const.
26 **Lim., 479.**"
27 [[Loan Association v. Topeka, 20 Wall. 655 \(1874\)](#)]

28 Law is evidence of explicit consent by the people. For a statute to be enacted into positive law, a majority of the
29 people or their representatives must consent to it by voting in favor of it. When a statute is not enacted into positive
30 law, this simply means that the people never collectively and explicitly consented to the enforcement of it.
31 Consequently, they cannot be expected to accept any adverse impact on their rights that such legislation but not "law"
32 might have on them. In a system of government based only on consent of the governed such as we have, such
33 "legislation" and "presumptive evidence of law" is unenforceable and becomes mainly a political statement of public
34 policy but *not* law. This is a polite way of saying that the Internal Revenue Code is simply an unenforceable, state-
35 sponsored federal voluntary religion that has no force on the average American. Like the Bible itself, the Internal
36 Revenue Code therefore only applies to people who volunteer or choose to "believe" in or accept its terms. To treat the
37 I.R.C. any other way is essentially to hurt your neighbor and disrespect his sovereignty and his rights. Christians don't
38 force things upon others who never consented. People in the legal profession and the tax profession will readily and
39 frequently sin all the time by making false presumptions about the liability of people under Internal Revenue Code and
40 they will falsely assume that the I.R.C. is "law". Indirectly, they are falsely "presuming" that the target of the IRS
41 enforcement action "consented", which is a complete lie in most cases. This type of presumptuous behavior is
42 forbidden to Christians under God's law because it violates the second great commandment to love our neighbor and
43 not hurt him (see Bible, Gal. 5:14). Consequently, the Internal Revenue Code cannot be treated as "law" by Christians
44 and shouldn't be treated as "law" by the courts either. To do so would constitute sin and idolatry toward any judge that
45 might try to coerce either jurists or the accused to make such "presumptions". Since the I.R.C. is "presumptive
46 evidence" of law, the easy way to disprove that it is law is to demand evidence that the people consented to it. The
47 Supreme Court said the Sixteenth Amendment didn't constitute evidence of consent. The Congress cannot enact a law
48 that applies in states of the Union without explicit evidence of consent found in the Constitution, and there is none
49 according to the Supreme Court. If you would like to know more about the subject of the Internal Revenue Code not
50 being "law", see sections 5.4.1 through 5.4.1.4 later.

1 2. Court jurisdiction presumptions. If you appear in front of a federal court that has no jurisdiction over you and you
2 make a “general appearance” and do not challenge jurisdiction, you are “presumed” to voluntarily consent to the
3 jurisdiction of the court, even though that court in most cases doesn’t have any jurisdiction whatsoever over you,
4 including in personam or subject matter jurisdiction.

5 appearance. A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or
6 defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The
7 voluntary submission to a court’s jurisdiction.

8 In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who
9 enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many
10 stages of criminal proceedings, particularly involving minor offenses, the defendant’s attorney appears on his
11 behalf. See e.g., Fed.R.Crim.P. 43.

12 An appearance may be either general or special; the former is a simple and unqualified or unrestricted
13 submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific
14 purpose only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting
15 to the sufficiency of service or the jurisdiction of the court over defendant without submitting to such
16 jurisdiction; a general appearance is made where the defendant waives defects of service and submits to the
17 jurisdiction of court. Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d. 372, 375, 376.
18 [Black’s Law Dictionary, Sixth Edition, p. 97]

19 Your ignorant and/or greedy attorney won’t even tell you that you have the option to make a *special* appearance
20 instead of a general appearance or to challenge jurisdiction because it would threaten his profits and maybe even his
21 license to practice law. You have to know this, and what you don’t know will definitely hurt you! However, even
22 some federal courts admit the real truth of this matter:

23 “There is a presumption against existence of federal jurisdiction; thus, party invoking federal court’s
24 jurisdiction bears the burden of proof. 28 U.S.C.A. §§ 1332, 1332(c); Fed.Rules.Civ.Proc. rule 12(h)(3), 28
25 U.S.C.A.”

26 “If parties do not raise question of lack of jurisdiction, it is the duty of the federal court to determine the matter
27 sua sponte. 28 U.S.C.A. §1332.”

28 “Lack of jurisdiction cannot be waived and jurisdiction cannot be conferred upon a federal court by consent,
29 inaction, or stipulation. 28 U.S.C.A. §1332.”

30 “Although defendant did not present evidence to support dismissal for lack of jurisdiction, burden rested with
31 plaintiffs to prove affirmatively that jurisdiction did exist. 28 U.S.C.A. §1332.”
32 [Basso v. Utah Power and Light Company, 495 F.2d. 906 (1974)]

33 3. Presumption of correctness of IRS assessments. The federal courts assume that the IRS’ assessments are correct, but
34 the IRS must provide facts to support the assessment and it must appear on a 23C assessment form that is signed and
35 certified by an assessment officer.

36 “The tax collector’s presumption of correctness has a Herculean masculinity of Goliathlike reach, but
37 we strike an Achilles’ heel when we find no muscles, no tendons, no ligaments of fact.”
38 [Portillo v. C.I.R., 932 F.2d. 1128 (5th Cir. 1991)]

39 “Presumption of correctness which attends determination of Commissioner of Internal Revenue may be
40 rebutted by showing that such determination is arbitrary or erroneous.”
41 [United States v. Hover, 268 F.2d. 657 (1959)]

42 However, the presumption of correctness is easily overcome by looking at the government’s own audits of the IRS.
43 There are several documents on the Family Guardian website from the General Accounting Office (GAO) showing
44 that the IRS is unable to properly account for its revenues or protect the security of its taxpayer records. Presenting
45 these reports in court is a sure way to derail the presumption of correctness of any alleged assessment the IRS may say
46 they have on you. You can examine these reports for yourself on the website at:

47 <http://famguardian.org/PublishedAuthors/Govt/GAO/GAO.htm>

1 4. U.S. Supreme Court “cert denied” presumptions. When a case is lost at the federal district or circuit court level,
2 frequently it is appealed to the U.S. Supreme Court on what is called a “writ of certiorari”. When the Supreme Court
3 doesn’t want to hear the case, they will “deny the cert”, which is often abbreviated “cert denied”. A famous and evil
4 and unethical tactic by the IRS and DOJ is to cite as an authority a “cert denied” and then “presume” or “assume” that
5 because the U.S. Supreme Court wouldn’t hear the appeal, then they agree with the findings of the lower court. An
6 example of that tactic is found in the IRS’ famous document on their website entitled *The Truth About Frivolous Tax*
7 *Arguments*, for instance, which is rebutted on the website at:
8 http://famguardian.org/PublishedAuthors/Govt/IRS/friv_tax_rebuts.pdf. However, this fallacious logic simply is *not* a
9 valid presumption or inference to make absent a detailed explanation from the Supreme Court *itself* of why they denied
10 the cert, and frequently they won’t explain why they denied the appeal because it would be a public embarrassment for
11 the government to do so! For instance, if a person declares themselves to be a “nontaxpayer” and a “nonresident
12 alien”, does not file a return, and challenges the authority of the IRS and litigates his case all the way up to the
13 Supreme Court to prove that the IRS has no assessment authority on him, do you think the U.S. Supreme Court is
14 going to want most Americans to hear the truth by ruling in his favor and causing our income tax system to self-
15 destruct? Rule 10 of the U.S. Supreme Court reveals *some*, but not *all* of the reasons why they might deny a cert., but
16 there are a lot more reasons they don’t list, and the rule even admits that the reasons listed are incomplete. The bold-
17 faced type emphasizes the point we are trying to make here:

18 *United States Supreme Court*
19 *Rule 10. Considerations Governing Review on Writ of Certiorari*

20 *Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of*
21 *certiorari will be granted only for compelling reasons. The following, **although neither controlling nor fully***
22 *measuring the Court’s discretion, indicate the character of the reasons the Court considers:*

23 *(a) a United States court of appeals has entered a decision in conflict with the decision of another*
24 *United States court of appeals on the same important matter; has decided an important federal*
25 *question in a way that conflicts with a decision by a state court of last resort; or has so far departed*
26 *from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a*
27 *lower court, as to call for an exercise of this Court’s supervisory power;*

28 *(b) a state court of last resort has decided an important federal question in a way that conflicts with*
29 *the decision of another state court of last resort or of a United States court of appeals;*

30 *(c) a state court or a United States court of appeals has decided an important question of federal law*
31 *that has not been, but should be, settled by this Court, or has decided an important federal question*
32 *in a way that conflicts with relevant decisions of this Court.*

33 *A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual*
34 *findings or the misapplication of a properly stated rule of law.*

35 In the above, DISCRETION=REASON. The above list of reasons, by the court’s own admission, is *incomplete*.
36 Furthermore, there is no Supreme Court rule that says they have to list ALL their reasons for not granting a writ. This
37 very defect, in fact, is how the government has transformed us into a society of men and no laws, in conflict with the
38 intent of the founding fathers expressed in *Marbury v. Madison*, 5 U.S. 137 (1803):

39 *“The Government of the United States has been emphatically termed a government of laws, and not of men.*
40 *It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested*
41 *legal right.”*
42 *[Marbury v. Madison, 5 U.S. 137 (1803)]*

43 So don’t let the IRS trick you into “assuming” that the supreme court agreed with them if an appeal was denied to it
44 from a lower court that was ruled in the IRS’ favor. The lower courts are obligated to follow the precedents
45 established by the Supreme Court but frequently they don’t. Rulings against gun ownership and the pledge of
46 allegiance in 2002 coming from the radical and socialist Ninth Circuit Court of Appeals are good examples that
47 contradict such a conclusion.

48 5. “U.S. citizen” presumptions. There is a very common misconception that we are all “U.S. citizens”. In most cases,
49 judges will insist that the only way that you cannot be one is if you meet the burden of proving that you aren’t. This

1 presumption is completely false and is undertaken to illegally pull you inside the corrupt jurisdiction of the federal
2 courts in order to rape and pillage your liberty and your property.

3 *"Unless the defendant can prove he is not a citizen of the United States, the IRS has the right to inquire and*
4 *determine a tax liability."*
5 *[U.S. v. Slater, 545 Fed. Supp. 179,182 (1982)]*

6 6. Burden of proof presumptions. Internal Revenue Code section 7491 places the burden of proving nonliability on the
7 "taxpayer". Note that this section of the code never requires the government to first prove that a natural person is a
8 "taxpayer" BEFORE the burden of proof is shifted to the taxpayer. Here is the content of that section:

9 *"If, in any court proceeding, a taxpayer introduces credible evidence with respect to any factual issue relevant*
10 *to ascertaining the liability of the taxpayer for any tax imposed by subtitle A or B, the Secretary shall have the*
11 *burden of proof with respect to such issue."*
12 *[26 U.S.C. §7491]*

13 There are many other similar "presumptions" like those above that we haven't documented. We include these here only as
14 examples so you can see how the scandal and violation of your rights and liberties is perpetrated by evil tyrants in our
15 government who have transformed it into a socialist beast. Whatever the case, the Bible is very explicit about what we
16 should do with those who act presumptuously: Rebuke and banish them from society. What does this mean in the case of
17 juries and during court trials? It means that during the voir dire process of interviewing the jurors and the judges, they must
18 both be asked about their presumptions and biases, and those who have such biases and presumptions should be banished
19 from the jury and the case. If the judge has a bias or presumption in favor of the government's position, such as those listed
20 above, then he too should be removed for conflict of interest under 28 U.S.C. §455 and bias and prejudice under 28 U.S.C.
21 §144. Likewise, if you ever hear a government prosecutor use the phrase "everyone knows", then a BIG red flag should go
22 up in your mind's eye because you are dealing with a presumption. When this happens in a courtroom, you ought to stand
23 up and object to such nonsense immediately because your WICKED opponent is trying to frame you with presumptions and
24 thereby violate your due process rights under the Fifth Amendment!

25 The reason this memorandum of law is so large and extensive in its research and authorities is because we have made a
26 disciplined effort to avoid presumptions. We have, in fact, used evidence derived from the government's own laws,
27 spokespersons, and courts to prove nearly every point we make in this book. This ensures that you don't have to "assume"
28 anything and can examine the facts and evidence for yourself and reach your own independent conclusions about the truth
29 of what we are saying. In effect, we have pretended that we are the prosecuting attorney and you are the jury and the
30 "court" is the "court of public opinion". This provides excellent practice and preparation for a real trial, because we assume
31 these materials will also be used in a real court to prosecute specific government servants for wrongdoing.

32 If you would like to investigate the abuses of presumption described in this section further, and do so in the context of all
33 three branches of government, see the following free memorandum of law:

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

34 **13.3 Abusing Sovereign Immunity to Protect and Expand Private Business Interests and** 35 **Unlawfully Expand Federal Jurisdiction**

36 A popular unconstitutional technique used by the federal courts to break down the separation of powers and protect and
37 expand a government corporate monopoly over certain private business market segments such as insurance is to assert the
38 doctrine of "sovereign immunity" whenever litigants challenge the constitutionality of enforced payment to the government
39 for these services. This section will show how and why most invocations of this judicial doctrine are unwarranted and will
40 give you a factual basis to circumvent the abuse of sovereign immunity in repelling challenges to the private business
41 pursuits of the United States Federal Government Corporation.

42 The concept of sovereign immunity means that no one can sue a government without its consent. This concept is
43 "judicially constructed", meaning that the courts and not legislation created it. To wit:

1 Sovereign immunity. A judicial doctrine which precludes bringing suit against the government without its
2 consent. **Founded on the ancient principle that “the King can do no wrong,”** it bars holding the government
3 or its political subdivisions liable for the torts of its officers or agents unless such immunity is expressly waived
4 by statute or by necessary inference from legislative enactment. *Maryland Port Admin. v. I.T.O. Corp. of*
5 *Baltimore*, 40 Md.App. 697, 395 A.2d. 145, 149. The federal government has generally waived its non-tort
6 action immunity in the Tucker Act, 28 U.S.C.A. §1346(a)(2), 1491, and its tort immunity in the Federal Tort
7 Claims Act, 28 U.S.C.A. §1346(b), 2674. Most states have also waived immunity in various degrees at both the
8 state and local government levels.

9 The immunity from certain suits in federal court granted to states by the Eleventh Amendment to the United
10 States Constitution.

11 See also Foreign immunity; Federal Tort Claims Act; Suits in Admiralty Act; Tucker Act.
12 [Black’s Law Dictionary, Sixth Edition, p. 1396]

13 The above doctrine is entirely at odds with the design of our system of government, as described by the U.S. Supreme
14 Court, which said the doctrine “that the King can do no wrong” upon which sovereign immunity is based has NO PLACE
15 in our system of government:

16 **“... the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in**
17 **respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not**
18 **to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which**
19 **therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the**
20 **word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread**
21 **and act in its name.”**

22 “This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the
23 line of demarcation that separates constitutional government from absolutism, free self- government based on
24 the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of
25 the state to declare and decree that he is the state; to say ‘L’Etat, c’est moi.’ Of what avail are written
26 constitutions, whose bills of right, for the security of individual liberty, have been written too often with the
27 blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may
28 be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce them;
29 and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect? And how
30 else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals
31 are forbidden to visit penalties upon individual offenders, who are the instruments of wrong, whenever they
32 interpose the shield of the state? *The doctrine is not to be tolerated.* The whole frame
33 and scheme of the political institutions of this country, state and federal, protest against it. Their continued
34 existence is not compatible with it. It is the doctrine of absolutism, pure, simple, and naked, and of communism
35 which is its twin, the double progeny of the same evil birth.”
36 [[Poindexter v. Greenhow](#), 114 U.S. 270, 5 S.Ct. 903 (1885)]

37 If the Supreme Court were applying the principle of sovereign immunity properly and consistent with past rulings, they
38 could only apply it to the citizens and not their servants in government.

39 “It will be sufficient to observe briefly, that the sovereignties in Europe, and particularly in England, exist on
40 feudal principles. That system considers the Prince as the sovereign, and the people as his subjects; it regards
41 his person as the object of allegiance, and excludes the idea of his being on an equal footing with a subject,
42 either in a Court of Justice or elsewhere. That system contemplates him as being the fountain of honor and
43 authority; and from his grace and grant derives all franchises, immunities and privileges; it is easy to perceive
44 that such a sovereign could not be amenable to a Court of Justice, or subjected to judicial controul and actual
45 constraint. It was of necessity, therefore, that suability became incompatible with such sovereignty. Besides, the
46 Prince having all the Executive powers, the judgment of the Courts would, in fact, be only monitory, not
47 mandatory to him, and a capacity to be advised, is a distinct thing from a capacity to be sued. The same feudal
48 ideas run through all their jurisprudence, and constantly remind us of the distinction between the Prince and
49 the subject. No such ideas obtain here; at the Revolution, the sovereignty devolved on the people; and they are
50 truly the sovereigns of the country, but they are sovereigns without subjects (unless the African [2 U.S. 419,
51 472] slaves among us may be so called) and have none to govern but themselves; the citizens of America are
52 equal as fellow citizens, and as joint tenants in the sovereignty.

53 “From the differences existing between feudal sovereignties and Governments founded on compacts, it
54 necessarily follows that their respective prerogatives must differ. Sovereignty is the right to govern; a nation or
55 State-sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally ascribed
56 to the Prince; here it rests with the people; there, the sovereign actually administers the Government; here,
57 never in a single instance; our Governors are the agents of the people, and at most stand in the same relation to
58 their sovereign, in which regents in Europe stand to their sovereigns. Their Princes have personal powers,

1 dignities, and pre-eminences, our rulers have none but official; nor do they partake in the sovereignty
2 otherwise, or in any other capacity, than as private citizens."
3 [*Chisholm v. Georgia*, 2 Dall (U.S.) 419 (1793)]

4 Consistent with the foregoing, sovereign immunity may only therefore lawfully be asserted when the government is acting
5 in complete consistency with its de jure function as described in both the Constitution and the laws enacted by Congress
6 pursuant to it, and it may only be asserted to protect citizens and not government servants. Consequently:

- 7 1. The minute the government steps outside of the bounds of the Constitution to undertake "private enterprises" not
8 expressly and specifically authorized by the Constitution, it must surrender all of its sovereign immunity and devolves
9 to the same level as every other private corporation or individual.

10 "... when the United States enters into commercial business it abandons its sovereign capacity and is to be
11 treated like any other corporation ..."
12 [*91 Corpus Juris Secundum (C.J.S.), United States, §4 (2003)*]

13 "When a state enters into business relations, and makes contracts with private persons, it waives its
14 sovereignty, and is to be treated as a private person, and subjected to the principles of law applicable as
15 between individuals, save only in respect to its immunity from suit."
16 [*Ellis v. United States*, 206 U.S. 246; 27 S.Ct. 600 (1907)]

- 17 2. When an agent of the government exercises authority not specifically granted to him or her by law and appearing in his
18 delegation of authority order, then he becomes personally liable for a tort under the Federal Tort Claims Act, as
19 described above.

20 The next big question becomes: How can we recognize areas where the United States is engaging in "private business" not
21 expressly authorized by the Constitution so that we can know when it can lawfully assert sovereign immunity? Below is a
22 list of subject matters we compiled for our own use which you can use as a starting point:

- 23 1. The Constitution does NOT authorize the federal government to offer any kind of insurance to any private person in
24 any state of the Union. This includes Social Security, Medicare, FICA, etc. Therefore, all offerings to private persons
25 in states of the Union of any kind of insurance constitutes private business activity for which the United States
26 surrenders sovereign immunity. Calling the "premiums" paid for these insurance services a "tax" does NOT transform
27 their character from private business to a "public purpose".
28 2. The Constitution does not authorize the collection of an excise tax upon the private employment of persons domiciled
29 in a state of the Union, which is exactly the type of tax described in Subtitle A of the Internal Revenue Code. The tax
30 is primarily a privilege tax upon "the functions of a public office", which is defined as a "trade or business" in 26
31 U.S.C. §7701(a)(26). To wit:

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

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

48 Consequently, Subtitle A of the Internal Revenue Code can only describe private business activity implemented
49 through contractual (private) law and the voluntary consent of those persons in states of the Union who choose to
50 participate in it.

- 51 3. The Constitution does not authorize state or federal government to setup any kind of universities or post-secondary
52 higher education systems. Consequently, the states have decided to enter this area of private business and to charge for

1 their “services”. Persons who wish to avail themselves of these “privileges” and “benefits” must declare a “domicile”
2 within the “State”, which under most state laws means that they occupy the federal areas or enclaves within the exterior
3 limits of the state. Those who do not declare such a domicile are charged significantly higher “nonresident tuition” so
4 that they pay the full costs of sustaining the program and do not have to pay the costs indirectly through the state
5 income tax.

6 4. The Constitution does not authorize the state or federal governments to regulate the exercise of the right to marry. This
7 is a common law right.

8 *A statute may declare that no marriages shall be valid unless they are solemnized in a prescribed manner, but*
9 *such an enactment is a very different thing from a law requiring all marriages to be entered into in the presence*
10 *of a magistrate or a clergyman or that it be preceded by a license, or publication of banns, or be attested by*
11 *witnesses. Such formal provisions may be construed as merely directory, instead of being treated as*
12 *destructive of a common law right to form the marriage relation by words of present assent. And such, we*
13 *think, has been the rule generally adopted in construing statutes regulating marriage. Whatever directions they*
14 *may give respecting its formation or solemnization, courts have usually held a marriage good at common law to*
15 *be good notwithstanding the statutes unless they contain express words of nullity. This is the conclusion*
16 *reached by Mr. Bishop, after an examination of the authorities. Bishop, Mar. and Div., sec. 283 and notes.*

17 [. . .]

18 *As before remarked, the statutes are held merely directory, because marriage is a thing of common right,*
19 *because it is the policy of the state to encourage it, and because, as has sometimes been said, any other*
20 *construction would compel holding illegitimate the offspring of many parents conscious of no violation of law.*
21 *[Meister v. Moore, 96 U.S. 76 (1873)]*

22 Over the years, states, in order to obtain the lawful authority to regulate marriage, have instituted marriage licenses,
23 which require that the parties contractually consent to the state’s authority to regulate the marriage by requesting a
24 marriage license. Before states were doing marriage licenses, people would get married and receive a “Certificate of
25 Marriage” instead of a marriage license and which conferred no jurisdiction upon the state to regulate the marriage.
26 All statutes which regulate marriages of those who do not obtain state marriage licenses are “merely directory”, which
27 the legal dictionary defines as follows:

28 *“Directory. A provision in a statute, rule of procedure, or the like, which is a mere direction or instruction of*
29 *no obligatory force, and involving no invalidating consequence for its disregard, as opposed to an imperative*
30 *or mandatory provision, which must be followed. The general rule is that the prescriptions of a statute relating*
31 *to the performance of a public duty are so far directory that, though neglect of them may be punishable, yet it*
32 *does not affect the validity of the acts done under them, as in the case of a statute requiring an officer to*
33 *prepare and deliver a document to another officer on or before a certain day.*

34 *A “directory” provision in a statute is one, the observance of which is not necessary to the validity of the*
35 *proceeding to which it relates; one which leaves it optional with the department or officer to which it is*
36 *addressed to obey or not as he may see fit. Generally, statutory provisions which do not relate to essence of*
37 *thing to be done, and as to which compliance is matter of convenience rather than substance are “directory”,*
38 *while provisions which relate to essence of thing to be done, that is, matter of substance, are “mandatory.”*
39 *Rodgers v. Meredith, 274 Ala. 179, 146 So.2d. 308, 310.*

40 *Under a general classification, statutes are either “mandatory” or “directory,” and if mandatory, they*
41 *prescribe, in addition to requiring the doing of the things specified, the result that will follow if they are not*
42 *done, whereas, if directory, their terms are limited to what is required to be done. A statute is mandatory when*
43 *the provision of the statute is the essence of the thing required to be done; otherwise, when it relates to form*
44 *and manner, and where an act is incident, or after jurisdiction acquired, it is directory merely.*
45 *[Black’s Law Dictionary, Sixth Edition, pp. 460-461]*

46 Consequently, when states engage in the regulation of marriage, such as family courts, the family code in your state,
47 they are acting in the capacity as a private business and doing so through the operation of private/contract law. The
48 contract is the marriage license, which confers jurisdiction to the state to control how you exercise that right. A license
49 is “permission from the state to do that which is illegal” and it has always been illegal for the state to run your family
50 or your marriage, so you need to sign a contract called a marriage license to give them permission to do that. Did they
51 teach you this in the “public” (government) school system? I wonder why not?

52 There are many other examples of the above that we don’t have the space to mention here. We only mention the above as
53 an example of how states are duplicitly doing private business while:

- 1 1. Falsely portraying that private business as a legitimate public purpose.
- 2 2. Falsely portraying the laws that regulate the private business as “public law”, rather than merely private/contract law
- 3 that is of no obligatory force against those who never consented.
- 4 3. Calling the “fees” needed to execute these services “taxes”. The U.S. Supreme Court said this is unconstitutional.
- 5 Notice in the case below the example they gave was a private bank setup by the national government, which the United
- 6 States set up as a “public office” in order to protect it from state lawsuits using sovereign immunity.

7 *“The power to tax is, therefore, the strongest, the most pervading of all powers of government, reaching*
8 *directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of*
9 *McCulloch v. Md., 4 Wheat. 431, that the power to tax is the power to destroy. A striking instance of the truth*
10 *of the proposition is seen in the fact that the existing tax of ten per cent, imposed by the United States on the*
11 *circulation of all other banks than the National Banks, drove out of existence every *state bank of circulation*
12 *within a year or two after its passage. This power can be readily employed against one class of individuals and*
13 *in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is*
14 *no implied limitation of the uses for which the power may be exercised.*

15 *To lay, with one hand, the power of the government on the property of the citizen, and with the other to*
16 *bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a*
17 *robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree*
18 *under legislative forms.*

19 *Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or*
20 *property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges*
21 *imposed by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const.*
22 *Lim., 479.*

23 *Coulter, J., in Northern Liberties v. St. John’s Church, 13 Pa.St., 104 says, very forcibly, ‘I think the common*
24 *mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the*
25 *government for the purposes of carrying on the government in all its machinery and operations—that they*
26 *are imposed for a public purpose.’ See, also Pray v. Northern Liberties, 31 Pa.St., 69; Matter of Mayor of*
27 *N.Y., 11 Johns. 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47;*
28 *Whiting v. Fond du Lac, supra.”*
29 *[Loan Association v. Topeka, 20 Wall. 655 (1874)]*

30 The above quote from *Loan Association* about the Bank of the United States is very interesting. You can read more about it
31 in *Osborn v. Bank of U.S., 22 U.S. 738 (1824)*. In that instance, the Constitution did not specifically authorize the United
32 States to establish its own bank in any state of the Union. They did it anyway, and one of the states, Ohio, tried to levy a
33 tax upon the bank and to completely outlaw the bank. They thought the bank was competing with private state banks and
34 wanted to put a stop to it so the U.S. would stay inside its ten mile square box inside the District of Columbia. The U.S.
35 Supreme Court in *Osborn* decided to come to the rescue of the federal government’s private business enterprise by falsely
36 calling the bank a “public office”, by asserting sovereign immunity to protect the bank from state lawsuits even though the
37 bank was essentially a private business not authorized by the Constitution, and by asserting the authority of the federal
38 judiciary to protect the bank without any legislative authority or territorial jurisdiction to do so.

39 *“All the powers of the government must be carried into operation by individual agency, either through the*
40 *medium of public officers, or contracts made with individuals. Can any public office be created, or does one*
41 *exist, the performance of which may, with propriety, be assigned to this association [or trust], when*
42 *incorporated? If such office exist, or can be created, then the company may be incorporated, that they may*
43 *be appointed to execute such office. Is there any portion of the public business performed by individuals*
44 *upon contracts, that this association could be employed to perform, with greater advantage and more safety*
45 *to the public, than an individual contractor? If there be an employment of this nature, then may this*
46 *company be incorporated to undertake it.*

47 *There is an employment of this nature. Nothing can be more essential to the fiscal concerns of the nation, than*
48 *an agent of undoubted integrity and established credit, with whom the public moneys can, at all times, be safely*
49 *deposited. Nothing can be of more importance to a government, than that there should be some capitalist in the*
50 *country, who possesses the means of making advances of money to the government upon any exigency, and who*
51 *is under a legal obligation to make such advances. For these purposes the association would be an agent*
52 *peculiarly suitable and appropriate. [. . .]*
53 *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

54 The U.S. Supreme Court exceeded their authority above, because the government cannot lawfully create a “public office”
55 that is not specifically authorized by the Constitution, and they never justified exactly where in the Constitution the federal
56 government was specifically authorized to enter the private banking business within states of the Union. Therefore, the

1 only place they could lawfully do it was on federal territory not within a state of the Union. The U.S. Supreme Court didn't
2 explain how they can create a public office without the authority of the Constitution because they knew the feds had no
3 authority to engage in private business within the states of the Union, and by doing so they knew they were engaging in
4 TREASON. Below is how the Supreme Court justified this unconstitutional exercise of power outside of federal territory:

5 *The constitutional power of Congress to create a Bank, is derived altogether [22 U.S. 738, 810] from the*
6 *necessity of such an institution, for the fiscal purposes of the Union. It is established, not for the benefit of*
7 *the stockholders, but for the benefit of the nation. It is part of the fiscal means of the nation. Indeed, 'the*
8 *power of creating a corporation, is never used for its own sake, but for the purpose of effecting something*
9 *else.'* 19 *The Bank is created for the purpose of facilitating all the fiscal operations of the national*
10 *government. All its powers and faculties are conferred for this purpose, and for this alone; and it is to be*
11 *supposed, that no other or greater powers are conferred than are necessary to this end. The collection and*
12 *administration of the public revenue is, of all others, the most important branch of the public service. It is*
13 *that which least admits of hindrance or obstruction. The Bank is, in effect, an instrument of the government,*
14 *and its instrumental character is its principal character. That is the end; all the rest are means. It is as much*
15 *a servant of the government as the treasury department. The two faculties of the Bank, which are essential to*
16 *its existence and utility, are, its capacity to hold property, and that of suing and being sued. The latter is the*
17 *necessary sanction and security of the former, and of all the rest. The former must be inviolable, and the*
18 *latter must be sufficient to secure its inviolability. But it is not so, if Congress cannot erect a forum, to which*
19 *the Bank may resort for justice. A needful operation of the government becomes dependent upon foreign*
20 *support, [22 U.S. 738, 811] which may be given, but which may also be withheld. There is no unreasonable*
21 *jealousy of State judicatures; but the constitution itself supposes that they may not always be worthy of*
22 *confidence, where the rights and interests of the national government are drawn in question. It is*
23 *indispensable, that the interpretation and application of the laws and treaties of the Union should be*
24 *uniform. The danger of leaving the administration of the national justice to the local tribunals, is not merely*
25 *speculative. In Ohio, the Bank has been outlawed; and if it cannot seek redress in the federal tribunals, it*
26 *can find it nowhere. Where is the power of coercion in the national government? What is to become of the*
27 *public revenue while it is going on? Congress might not only have given original, but it might have given*
28 *exclusive jurisdiction, in the cases mentioned in the 25th section of the Judiciary Act of 1789, c. 20; instead*
29 *of which, it has contended itself with giving an appellate jurisdiction, to correct the errors of the State*
30 *Courts, where a question incidentally arises under the laws and treaties of the Union. But here the question*
31 *is, whether the government of the United States can execute one of its own laws, through the process of its*
32 *own Courts. The right of the Bank to sue in the national Courts, is one of its essential faculties. If that can be*
33 *taken away, it is deprived of a part of its being, as much as if it were stripped of its power of discounting*
34 *notes, receiving deposits, or dealing in bills of exchange.*
35 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

36 The Court then went on to admit that the entire authority of the bank derived from private/contract law which was governed
37 by local and state law rather than federal law. They also recognized that if federal law did prevail, the only place the case
38 could be tried was in the U.S. Supreme Court, because the Constitution requires that all cases or controversies to which a
39 state of the Union is party must be heard by the U.S. Supreme Court and not any lower court:

40 *"But the jurisdiction [22 U.S. 738, 815] of the federal Courts, if it attach at all, must attach either to the party*
41 *or to the case. The party and his rights cannot be so mixed together, as that the legal origin of the first shall*
42 *give character to the latter. A controversy regarding a promissory note or bill of exchange cannot be said to*
43 *arise under an act of Congress, because the Bank, which is created by an act of Congress, has purchased the*
44 *note or bill. Neither the rules of evidence, nor the law of contract, can be regulated by the National*
45 *Legislature. But, in the case supposed, no question can arise, except under the law of contract and the rules*
46 *of evidence. No law of Congress is drawn into question, and its correct decision cannot possibly depend upon*
47 *the construction of such law. The Bank cannot come into the federal Courts as a party suing for a breach of*
48 *contract or a trespass upon its property; for, neither its character as a party, nor the nature of a controversy,*
49 *can give the Court jurisdiction. The case does not arise under its charter. It arises under the general or local*
50 *law a contract, and may be determined without opening the statute book of the United States. **The privilege***
51 ***conferred upon the Bank in its charter, to sue in the Circuit Courts, must be limited, not only by the criterion***
52 ***indicated; it must also be limited by the general provisions of the Judiciary Act, regulating the exercise of***
53 ***jurisdiction in the Circuit Courts. It cannot sue upon a chose in action assigned to it, unless the jurisdiction***
54 ***would have attached between the original parties; it cannot sue a party in the Circuit Court, [22 U.S. 738,***
55 ***816] over whom the existing laws give the Supreme Court exclusive jurisdiction."***
56 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

57 The Court also admitted that Congress up to that time was never supposed to even have the authority to engage in private
58 business when it said:

59 *The foundation of the argument in favour of the right of a State to tax the Bank, is laid in the supposed*
60 *character of that institution. The argument supposes the corporation to have been originated for the*
61 *management of an individual concern, to be founded upon contract between individuals, having private trade*
62 *and private profit for its great end and principal object.*

1 If these premises were true, the conclusion drawn from them would be inevitable. This mere private
2 corporation, engaged in its own business, with its own views, would certainly be subject to the taxing power of
3 the State, as any individual would be; and the casual circumstance of its being [22 U.S. 738, 860] employed by
4 the government in the transaction of its fiscal affairs, would no more exempt its private business from the
5 operation of that power, than it would exempt the private business of any individual employed in the same
6 manner. But the premises are not true. **The Bank is not considered as a private corporation, whose principal
7 object is individual trade and individual profit; but as a public corporation, created for public and national
8 purposes.** That the mere business of banking is, in its own nature, a private business, and may be carried on by
9 individuals or companies having no political connexion with the government, is admitted; but the Bank is not
10 such an individual or company. **It was not created for its own sake, or for private purposes. It has never been
11 supposed that Congress could create such a corporation.”**
12 [[Osborn v. Bank of U.S., 22 U.S. 738 \(1824\)](#)]

13 The Court also explained its basis for granting sovereign immunity from the state tax to be collected on the bank by stating
14 the following:

15 *It is contended, that, admitting Congress to possess the power, this exemption ought to have been expressly
16 asserted in the act of incorporation; and, not being expressed, ought not to be implied by the Court.*

17 *It is not unusual, for a legislative act to involve consequences which are not expressed. An officer, for example,
18 is ordered to arrest an individual. It is not necessary, nor is it usual, to say that he shall not be punished for
19 obeying this order. His security is implied in the order itself. It is no unusual thing for an act of Congress to
20 imply, without expressing, this very exemption from State control, which is said to be so objectionable in this
21 instance. The collectors of the revenue, the carriers of the mail, the mint establishment, and all those
22 institutions which are public in their nature are examples in point. **It has never been doubted, that all who are
23 employed in them, are protected, while in the line of duty; and yet this protection is not expressed in any act
24 of Congress. It is incidental [22 U.S. 738, 866] to, and is implied in the several acts by which these
25 institutions are created, and is secured to the individuals employed in them, by the judicial power alone; that
26 is, the judicial power is the instrument employed by the government in administering this security.***

27 **That department has no will, in any case.** *If the sound construction of the act be, that it exempts the trade of
28 the Bank, as being essential to the character of a machine necessary to the fiscal operations of the government,
29 from the control of the States, Courts are as much bound to give it that construction, as if the exemption had
30 been established in express terms. **Judicial power, as contradistinguished from the power of the laws, has no
31 existence. Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a
32 discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by
33 law; and, when that is discerned, it is the duty of the Court to follow it. Judicial power is never exercised for
34 the purpose of giving effect to the will of the Judge; always for the purpose of giving effect to the will of the
35 Legislature; or, in other words, to the will of the law.***

36 *The appellants rely greatly on the distinction between the Bank and the public institutions, such as the mint or
37 the post office. The agents in those offices are, it is said, officers of government, and are excluded from a seat in
38 Congress. Not so the directors of the Bank. The connexion of the government with the Bank, is likened to that
39 with contractors.*

40 *It will not be contended, that the directors, or [22 U.S. 738, 867] other officers of the Bank, are officers of
41 government. But it is contended, that, were their resemblance to contractors more perfect than it is, the right of
42 the State to control its operations, if those operations be necessary to its character, as a machine employed by
43 the government, cannot be maintained. Can a contractor for supplying a military post with provisions, be
44 restrained from making purchases within any State, or from transporting the provisions to the place at which
45 the troops were stationed? or could he be fined or taxed for doing so? We have not yet heard these questions
46 answered in the affirmative. It is true, that the property of the contractor may be taxed, as the property of other
47 citizens; and so may the local property of the Bank. But we do not admit that the act of purchasing, or of
48 conveying the articles purchased, can be under State control.
49 [[Osborn v. Bank of U.S., 22 U.S. 738 \(1824\)](#)]*

50 The foregoing analysis therefore underscores and proves our earlier points, which are that:

- 51 1. Congress may not lawfully engage in private business within states of the Union.
- 52 2. When Congress engages in “public business” within states of the Union, the activities of that business are protected by
53 the federal courts and not by federal legislation, because federal legislation has no applicability in states of the Union.
- 54 3. When Congress engages in private business, federal courts have no authority to assert sovereign immunity or to protect
55 the activities of that business.
- 56 4. Courts have no authority to legislate or to make law, and therefore they cannot invent delegated authority that does not
57 exist in asserting sovereign immunity.

1 *“Judicial power, as contradistinguished from the power of the laws, has no existence. Courts are the mere*
2 *instruments of the law, and can will nothing. When they are said to exercise a discretion, it is a mere legal*
3 *discretion, a discretion to be exercised in discerning the course prescribed by law; and, when that is*
4 *discerned, it is the duty of the Court to follow it. Judicial power is never exercised for the purpose of giving*
5 *effect to the will of the Judge; always for the purpose of giving effect to the will of the Legislature; or, in*
6 *other words, to the will of the law.”*
7 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

8 5. Each intrusion into the states of the Union by a federal private business concern not authorized by the Constitution
9 needs to be carefully examined and characterized by the federal courts BEFORE they can invoke sovereign immunity.

10 Congressman Ron Paul of Texas recognizes these critical distinctions between a “public purpose” and a “private purpose”.
11 He thinks the federal government has exceeded its corporate charter, the Constitution of the United States, and needs to be
12 put back inside the ten mile square box (cage) the founder created for it. The reasons for him wanting to do this are aptly
13 described below:

People of the Lie: The United States, Patrick H. Bellringer
<http://famguardian.org/Subjects/Freedom/Articles/PeopleOfTheLie.htm>

14 To put the federal government back inside the box, Paul has proposed what he calls the “Liberty Amendment” to the United
15 States Constitution. This amendment would forbid the federal government from engaging in private business within the
16 states of the Union and would command it to shut down all such operations. Here is the text of that amendment:

17 *The Liberty Amendment*

18 *Section 1. The Government of the United States shall not engage in any business, professional, commercial,*
19 *financial or industrial enterprise except as specified in the Constitution.*

20 *Section 2. The constitution or laws of any State, or the laws of the United States shall not be subject to the terms*
21 *of any foreign or domestic agreement which would abrogate this amendment.*

22 *Section 3. The activities of the United States Government which violate the intent and purpose of this*
23 *amendment shall, within a period of three years from the date of the ratification of this amendment, be*
24 *liquidated and the properties and facilities affected shall be sold.*

25 *Section 4. Three years after the ratification of this amendment the sixteenth article of amendments to the*
26 *Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal*
27 *incomes, estates, and/or gifts.*

28 [Source: <http://libertyamendment.org>]

29 The above amendment to the Constitution we believe would, by implication, eliminate all federal business encroachments
30 into states of the Union, including Social Security, Medicare, FICA, and Subtitle A of the Internal Revenue Code, all of
31 which are a product of private/contract law rather than “public law”. We have crafted the article below which proves these
32 assertions with evidence if you would like to investigate further:

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

33 What have the federal courts done to protect and hide the nature of the Social Security, FICA, Medicare, and Internal
34 Revenue Code, Subtitle A as private/contract law and thereby unlawfully expand federal business operations and
35 jurisdiction into states of the Union? Here are some of the dastardly things they have done to deceive the public about their
36 true nature:

- 37 1. The courts refuse to admit that Internal Revenue Code, Subtitle A is “private law” rather than “public law”.
- 38 2. When Internal Revenue Code, Subtitle A taxes are challenged in federal court by persons claiming that they only apply
39 inside the federal zone, the federal courts have issued judicial doctrine that unconstitutionally extends federal
40 jurisdiction to places where it does not exist. This dicta is completely inconsistent with prevailing law on the subject.
41 See:

Non-Resident Non-Person Position, Form #05.020, Sections 27.5.4-27.5.5
<http://sedm.org/Forms/FormIndex.htm>

3. When judges are shown the constitutional limits on their authority as Article IV Courts, they have threatened litigants with contempt of court. See:

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

4. When people erect websites to expose this destruction of the separation of powers, they are summarily attacked on false pretenses in order to keep the public from hearing about it. See:

Federal Court Rules on Hansen Injunction, Family Guardian Fellowship
<http://famguardian.org/Subjects/Taxes/News/CHRuling-060615.htm>

The federal courts have turned from a protector of your rights to a predator. They instead have become vehicles to:

1. Protect the secrets of a private corporation that is masquerading as a legitimate government. The “United States” is defined as a federal corporation in [28 U.S.C. §3002\(15\)\(A\)](#).
2. Protect and expand the operation of the corporation and its monopoly over the services it provides by asserting sovereign immunity, which is a judicial construct.
3. Break down the separation of powers by connecting everyone in states of the Union to federal commerce, and thereby destroy the protections of the Foreign Sovereign Immunities Act, [28 U.S.C. §1605\(a\)\(2\)](#) and rendering everyone subject to federal exclusive jurisdiction.
4. To illegally enforce and implement the Anti-Injunction Act, [26 U.S.C. §7421](#) against “nontaxpayers” who are not subject to it, and thereby protect and expand the illegal enforcement of the Internal Revenue Code. The Anti-Injunction Act statute, as private/contract law, applies only to parties who individually consent to become “taxpayers” by availing themselves of a privilege and franchise called a “trade or business” in Subtitle A. Those not engaged in such a franchise or who have been compelled to engage in the franchise cannot have their Constitutional rights involuntarily destroyed by enforcing a law against them that they never consented to. The Anti-Injunction Act must be read in light of the restrictions imposed by the Constitution and the Bill of Rights. It may not be asserted as an excuse for violating the Constitutional rights of the party against whom it is invoked. This was alluded to by the U.S. Supreme Court, when they said:

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

The Declaration of Independence says that all just powers of government derive from the CONSENT of the governed.

*"The question of a waiver of a federally guaranteed constitutional right is, of course, a federal question controlled by federal law. There is a presumption against the waiver of constitutional rights, see, e.g. *Glasser v. United States*, 314 U.S. 60, 70-71, 86 L.Ed. 680, 699, 62 S.Ct. 457, and for a waiver to be effective it must be clearly established that there was an 'intentional relinquishment or abandonment of a known right or privilege.' *Johnson v. Zerbst*, 304 U.S. 458, 464, 82 L.Ed. 1461, 1466, 58 S.Ct. 1019, 146 A.L.R. 357." [Brookhart v. Janis, [384 U.S. 1](#); 86 S.Ct. 1245; 16 L.Ed.2d. 314 (1966)]*

"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)]

1 The foundation of all private/contract law, including Subtitle A of the Internal Revenue Code, is explicit, voluntary,
2 informed consent. The U.S. Supreme Court alluded to this when it called income taxes “quasi-contractual”:

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

6 8 S.Ct. 1370, compare *Fauntleroy v. Lum*, [210 U.S. 230](#), 28 S.Ct. 641, **still the obligation to**
7 **pay taxes is not penal. It is a statutory liability, quasi**
8 **contractual in nature, enforceable, if there is no exclusive**
9 **statutory remedy, in the civil courts by the common-law action**
10 **of debt or indebitatus assumpsit.** *United States v. Chamberlin*, [219 U.S. 250](#), 31 S.Ct.
11 [155](#); *Price v. United States*, [269 U.S. 492](#), 46 S.Ct. 180; *Dollar Savings Bank v. United States*, 19 Wall. 227;
12 **and see Stockwell v. United States**, 13 Wall. 531, 542; *Meredith v. United States*, 13 Pet. 486, 493. **This was**
13 **the rule established in the English courts before the Declaration of Independence.** *Attorney General v. Weeks*,
14 *Bunbury's Exch. Rep.* 223; *Attorney General v. Jewers and Batty*, *Bunbury's Exch. Rep.* 225; *Attorney General*
15 *v. Hatton*, *Bunbury's Exch. Rep.* [296 U.S. 268, 272] 262; *Attorney General v. —*, 2 Ans.Rep. 558; see
16 *Comyn's Digest* (Title 'Dett,' A, 9); *1 Chitty on Pleading*, 123; cf. *Attorney General v. Sewell*, 4 M.&W. 77. “
17 [*Milwaukee v. White*, [296 U.S. 268](#) (1935)]

18 Subtitle A income taxes are collected as a debt, and all debt originates from the consent of the lender to loan the money.
19 That lender is the “taxpayer”.

20 Lastly, the courts of the states of the Union have emulated the behavior of the federal courts described in this section, in the
21 context of private business areas that the states have also invaded. These abuses, both state and federal, lead to a
22 breakdown of the distinctions between “public” and “private”. A government that is actually a corporate monopoly that
23 also enforces the law and which abuses the courts to protect and expand its operations is the most dangerous threat to
24 liberty of all. Thomas Jefferson alluded to this threat when he said the following about banks. The reader should also note
25 that he was vehemently opposed to a central government bank.

26 “I sincerely believe ... that banking establishments are more dangerous than standing armies, and that the
27 principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a
28 large scale.”
29 [*Thomas Jefferson to John Taylor*, 1816]

30 **13.4 Removing the discussion of law from the courtroom**

31 Federal judges have developed some rather effective and prevalent techniques for encouraging and rewarding the use of
32 prejudicial presumption in federal courtrooms in the context of taxation so as to turn a legal proceeding essentially into a
33 political proceeding, whereby the jury does the illegal lynching for him. Below are a few of the more common techniques:

- 34 1. Refusing to allow “law” to be discussed in the courtroom in front of a jury.
- 35 2. Refusing to allow jurists serving on jury duty to read the law.
- 36 3. Sanctioning and penalizing counsel who discuss the law during trials, under Federal Rule of Civil Procedure 11.

37 If you would like to read a real-life trial transcript whereby a judge did exactly the above, see:

38 <http://famguardian.org/Subjects/Taxes/CaseStudies/PhilRoberts/PhilRoberts.htm>

39 After law is removed from tax trials, the only thing that remains is presumption and ignorance as the means of decision,
40 which will always produce injustice, prejudice, and unlawful decisions from jurists.

41 “One who turns his ear from hearing the law [[God's law](#) or man's law], even his prayer is an abomination.”
42 [[Prov. 28:9](#), Bible, NKJV]

43 By refusing to allow law to be discussed in the courtroom in the context of tax trials, these same federal judges have turned
44 their profession essentially into a “priesthood”. This prohibition against discussing the law in tax trials extends to the law
45 library in most federal courthouses as well. Nearly every federal courthouse has in place standing orders from the Chief

1 Justice of each court that jurists are not permitted while on break to go into the law library of the courthouse and read the
2 law, so they can supervise the judge and ensure that he follows it. Below is a link to one such order, in the Federal District
3 Court in San Diego:

<http://famguardian.org/Disks/IRSDVD/Evidence/JudicialCorruption/GenOrder228C-Library.pdf>

4 Of this despicable practice by the federal courts, the Bible says the following, and note the implication of removing law
5 from the courtroom makes everything that happens there “an abomination”:

6 *“One who turns his ear from hearing the law, even his prayer is an abomination.”*
7 *[Prov. 28:9, Bible, NKJV]*

8 *“But this crowd that does not know [and quote and follow and use] the law is accursed.”*
9 *[John 7:49, Bible, NKJV]*

10 *“Salvation is far from the wicked, For they do not seek Your statutes.”*
11 *[Psalm 119:155, Bible, NKJV]*

12 **13.5 Judicial Verbiage: Redefining words**

13 *“[J]udicial verbiage is calculated to convert the Constitution into a worthless scrap of paper and to replace*
14 *our government of laws with a judicial oligarchy.”*
15 *[Senator Sam Ervin, of Watergate hearing fame]*

16 A favorite tactic of judges who wish to usurp authority and violate their oath is to redefine words to have a different
17 meaning within the law. This tactic is accomplished using the following techniques, in descending order of frequency.

18 1. Violating the rules of statutory construction using the word “includes”. This is exhaustively covered in the following
19 pamphlet:

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

20 2. Refusing to address arguments of counsel surrounding the definitions of specific words. Instead, they remain silent
21 and ignore such arguments. This can be turned into a default judgment against the court if done properly. See the
22 following for details:

Silence as a Weapon and a Defense in Legal Discovery, Form #05.021
<http://sedm.org/Forms/FormIndex.htm>

23 3. Refusing to allow the code, statute, or law to be discussed in the courtroom. This is covered in section 6.8.1 of the
24 *Great IRS Hoax*, Form #11.302, where a judge threatened an attorney with disbarment for discussing the law in the
25 courtroom within hearing of a jury.

26 Former State Supreme Court Justice of Alabama Roy Moore, alluded to this destruction of the separation of powers as and
27 the rules of statutory construction in the following news article we downloaded from the internet:

28 **“THE PEOPLE’S IGNORANCE”**

29 *SPOKANE, Wash. -- At a press conference before an event sponsored by the Constitution Party of Washington*
30 *June 26, Judge Roy Moore stated in three words exactly why Americans are experiencing judicial anarchy.*

31 *Former Alabama Supreme Court Justice Moore, who has gained a lot of notoriety in recent years for his refusal*
32 *to remove the Ten Commandments from his courthouse, was at Shadle Park High School with Constitution*
33 *Party presidential candidate Mike Peroutka. Judge Moore had been explaining how judges' common practice of*
34 *changing the meaning of words in their courtrooms is legislating from the bench. He described how this*
35 *flagrant violation of the separation of powers clause in the Constitution has been institutionalized in the courts*
36 *of the nation and explains how judges are able to justify unjust rulings.*

37 *Idaho Observer editor Don Harkins asked, “What is the power behind all this?”*

38 *“The people's ignorance,” said Judge Moore.*
39 *[SOURCE: July 2004 Idaho Observer: <http://www.proliberty.com/observer/20040724.htm>]*

13.6 Making cases unpublished of those who are exposing or fighting government corruption

Nonpublication is the act of a judge of making a ruling without entering the written version of the ruling into the official, published government court record accessible to the general public. Nonpublication is very commonly used in our courts today, and especially in the federal courts on cases involving income tax issues. The reasons for this are clear: Federal judges work hand and hand with the IRS to criminally mistreat and abuse Americans by denying their constitutional rights to life, liberty and property and then cover up that fact in order to escape culpability and prevent successful techniques or information used against the government from being learned about or reused by other freedom fighters. You can obtain further information about this subject in the following:

1. Great IRS Hoax, Form #11.302, Sections 2.8.13.8 through 2.8.13.8.11, available at: <http://sedm.org/Forms/FormIndex.htm>
2. Family Guardian Website: <http://famguardian.org/Subjects/LegalGovRef/LegalEthics/Nonpublication/Arguments/index.htm>
3. Nonpublication.com: <http://nonpublication.com/>

13.7 Condoning unlawful federal enforcement actions by ignoring the requirement for implementing enforcement regulations

As we showed earlier in section 11.3, the Federal Register Act, [44 U.S.C. §1505](#)(a) and the Administrative Procedures Act, [5 U.S.C. §553](#)(a) both require that:

1. Any act of Congress which prescribes any kind of penalty may not be enforced without implementing regulations published in the Federal Register.
2. Those acts which have no implementing regulations may only be enforced against instrumentalities of the government specifically exempted from the requirement for implementing regulations. These exempted groups include:
 - 2.1. A military or foreign affairs function of the United States. [5 U.S.C. §553](#)(a)(1).
 - 2.2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. [5 U.S.C. §553](#)(a)(2).
 - 2.3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. [44 U.S.C. §1505](#)(a)(1).
3. When an agency of the government wishes to enforce a statute directly against a private individual who is not a member of the specifically exempted groups, it has the burden of proof, pursuant to [5 U.S.C. §556](#)(d) and [26 U.S.C. §7491](#), to provide evidence of one of the following:
 - 3.1. That the target of the enforcement action is a member of one of the groups specifically exempted from the requirement for implementing regulations, and therefore regulations are not required... .OR
 - 3.2. An implementing regulation that authorizes the specific action they are taking involving a penalty.

The Internal Revenue Code, in fact, has no implementing regulations authorizing enforcement and therefore cannot lawfully enforced against anyone other than government instrumentalities, employees, and public officers specifically exempted from the requirement for implementing regulations published in the Federal Register as indicated above. One federal court essentially admitted this by saying the following:

*"Federal income tax regulations governing filing of income tax returns do not require Office of Management and Budget control numbers because **requirement to file tax return is mandated by statute, not by regulation.**"*
[U.S. v. Bartrug, E.D.Va.1991, 777 F.Supp. 1290, affirmed 976 F.2d. 727, certiorari denied 113 S.Ct. 1659, 507 U.S. 1010, 123 L.Ed.2d. 278]

In practice, the Internal Revenue Service and the federal courts very commonly violate the requirement for implementing enforcement regulations in the case of persons not members of the specifically exempted groups above, such as private citizens domiciled in states of the Union and not within the "United States" (District of Columbia, as defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10)). They do this to expand the pool of "taxpayers" and to expand the unlawful and unconstitutional flow of illegally collected and enforced income taxes into the Treasury of the United States.

*"Getting treasures by a lying [or deceitful or rebellious] tongue
Is the fleeting fantasy of those who seek death.[a]
[Proverbs 21:6, Bible, NKJV]*

1 The unlawful efforts by the IRS and the federal courts to ignore the requirement for implementing regulations in the case of
2 private citizens who are not federal instrumentalities or officers is specifically prohibited based on the authorities below:

3 [26 C.F.R. §601.702](#) *Publication and public inspection*

4 (a)(2)(ii) *Effect of failure to publish. Except to the extent that a person has actual and timely notice of the terms*
5 *of any matter referred to in subparagraph (1) of this paragraph which is required to be published in the*
6 *Federal Register, **such person is not required in any manner to resort to, or be adversely affected by, such***
7 ***matter if it is not so published or is not incorporated by reference therein pursuant to subdivision (i) of this***
8 ***subparagraph.** Thus, for example, any such matter which imposes an obligation and which is not so*
9 *published or incorporated by reference will not adversely change or affect a person's rights.*

10
11 [TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552](#)
12 [§ 552. Public information; agency rules, opinions, orders, records, and proceedings](#)

13 (a) *Each agency shall make available to the public information as follows:*

14 (1) *Each agency shall separately state and currently publish in the Federal Register for the guidance of the*
15 *public—*

16 (A) *descriptions of its central and field organization and the established places at which, the employees (and in*
17 *the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain*
18 *information, make submittals or requests, or obtain decisions;*

19 (B) *statements of the general course and method by which its functions are channeled and determined,*
20 *including the nature and requirements of all formal and informal procedures available;*

21 (C) *rules of procedure, descriptions of forms available or the places at which forms may be obtained, and*
22 *instructions as to the scope and contents of all papers, reports, or examinations;*

23 (D) *substantive rules of general applicability adopted as authorized by law, and statements of general policy or*
24 *interpretations of general applicability formulated and adopted by the agency; and*

25 (E) *each amendment, revision, or repeal of the foregoing.*

26 **Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any**
27 **manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal**
28 **Register and not so published.** *For the purpose of this paragraph, matter reasonably available to the class of*
29 *persons affected thereby is deemed published in the Federal Register when incorporated by reference therein*
30 *with the approval of the Director of the Federal Register.*

31 We alleged that this chronic disrespect for the requirements of the law by the IRS and the federal courts is not simply an
32 innocent case of neglect, but instead is a willful, malicious assault on the liberties of the public at large. We have seen this
33 issue repeatedly raised in federal courts and with the IRS, and have been met only with silence, which constitutes an
34 admission of guilt pursuant to Federal Rule of Civil Procedure 8(b)(6). See also:

[Silence as a Weapon and a Defense in Legal Discovery](#), Form #05.021
<http://sedm.org/Forms/FormIndex.htm>

35 The consequence of this malicious neglect for the requirement for implementing regulations in the case of private citizens
36 in the states who are not federal instrumentalities exempted from the requirement for implementing regulations:

- 37 1. Contributes to a destruction of the separation of powers between “public employment” and “private employment”.
38 2. Produces the practical effect of allowing the government to effect the legal equivalent of “eminent domain” over the
39 private lives, liberty, and property of private citizens in states of the Union. Eminent domain is the essence of
40 socialism. See:

[Socialism: The New American Civil Religion](#), Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

- 41 3. A widespread destruction of the public health, safety, and morals that our government was supposed to be instituted to
42 protect.

1 4. An imitation of the lawless behavior of the government by private citizens, resulting in widespread and growing
2 injustice within society:

3 *"Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its*
4 *example. Crime is contagious. If the government becomes a lawbreaker [or a hypocrite with double*
5 *standards], it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy.*
6 *To declare that in the administration of the criminal law the end justifies the means...would bring terrible*
7 *retribution. Against that pernicious doctrine this Court should resolutely set its face."*
8 *[Justice Brandeis, Olmstead v. United States, 277 U.S. 438, 485. (1928)]*

9 If you would like to know more about this subject, we have written a separate memorandum of law on this singular subject
10 which you can obtain below:

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

11 **13.8 Politicization of the Courts by Judges**

12 Courts intent on unlawfully expanding their jurisdiction and breaking down the separation between the state and federal
13 venues will politicize the proceeding, which means removing the discussion of law from the courtroom and thereby appeal
14 to the ignorance, presumption, bias, and prejudice of jurors. This happens quite frequently in tax cases, where the judge
15 turns the jurors into an angry lynch mob to destroy those who don't pay their "fair share", not as defined by law, but as
16 defined by majority vote. Black's Law Dictionary describes the involvement of courts in "political questions" as a
17 breakdown of the separation of powers doctrine, because it causes courts to become involved in matters reserved for the
18 Executive and Legislative branches of the government:

19 *"Political questions. Questions of which courts will refuse to take cognizance, or to decide, on account of their*
20 *purely political character, or because their determination would involve an encroachment upon the executive or*
21 *legislative powers.*

22 *"Political questions doctrine" holds that certain issues should not be decided by courts because their resolution*
23 *is committed to another branch of government and/or because those issues are not capable, for one reason or*
24 *another, of judicial resolution. Islamic Republic of Iran v. Pahlavi, 116 Misc.2d. 590, 455 N.Y.S.2d. 987, 990.*

25 *A matter of dispute which can be handled more appropriately by another branch of the government is not a*
26 *"justiciable" matter for the courts. However, a state apportionment statute is not such a political question as to*
27 *render it nonjusticiable. Baker v. Carr, 369 U.S. 186, 208-210, 82 S.Ct. 691, 705-706, 7 L.Ed.2d. 663.*
28 *[Black's Law Dictionary, Sixth Edition, pp. 1158-1159]*

29 This section will build upon sections 4.3.12 and 5.4.5.1 of the Great IRS Hoax, Form #11.302, in which it was shown that
30 our government has become idolatry, a false religion, and false god and that its "Bible" has become the Infernal and Satanic
31 Revenue Code. In it, we will prove that so-called "income tax" trials are not in fact legal proceedings at all, but essentially
32 amount to religious inquisitions against those who do not consent to participate in the official state-sponsored federal
33 religion called the Internal Revenue Code. We will start off by defining what a valid legal proceeding is, and then show
34 you why today's tax trials do not even come close to meeting these requirements, and are conducted more like religious
35 inquisitions than valid legal proceedings. We will even compare modern tax trials to the early "witch trials" to show quite
36 graphically just how similar that they are to religious inquisitions. We will then close the section by giving you a tabular
37 comparison showing all the similarities between how federal tax trials of today are conducted and the way the inquisitions
38 were conducted in the 1600's so that the facts are crystal clear in your mind. This will form the basis to describe modern
39 tax trials not only as religious inquisitions, but also as a "malicious abuse of legal process" that is the responsibility of
40 mainly federal judges and which is a crime and a form of slavery in violation of the Thirteenth Amendment and 18 U.S.C.
41 §1589(3).

42 At the heart of the notion of religious liberty and the First Amendment is the freedom from "compelled association". We
43 can only be "holy" in God's eyes, if we separate ourselves from pagan people and governments around us. Here are a few
44 authorities from the Bible on this subject of separation of "church", which is us as believers, from "state", which is all the
45 pagan nonbelievers living under our system of government:

1 "Come out from among them [the unbelievers]
2 And be separate, says the Lord.
3 Do not touch what is unclean.
4 And I will receive you.
5 I will be a Father to you,
6 And you shall be my sons and daughters,
7 Says the Lord Almighty."
8 [[2 Corinthians 6:17-18](#), Bible, NKJV]

9 "Do not love the world or the things in the world. If anyone loves [is a citizen of] the world, the love of the
10 Father is not in Him. For all that is in the world--the lust of the flesh, the lust of the eyes, and the pride of life--
11 is not of the Father but is of the world. And the world is passing away, and the lust of it; but he who does the
12 will of God abides forever."
13 [[1 John 2:15-17](#), Bible, NKJV]

14 "Adulterers and adulteresses! Do you now know that friendship [and "citizenship"] with the world is enmity
15 with God? Whoever therefore wants to be a friend [citizen or "taxpayer"] of the world makes himself an
16 enemy of God."
17 [[James 4:4](#), Bible, NKJV]

18 "Pure and undefiled religion before God and the Father is this: to visit orphans and widows in their trouble,
19 and to keep oneself unspotted from the world [and the corrupted governments and laws of the world]."
20 [[James 1:27](#), Bible, NKJV]

21 "And you shall be holy to Me, for I the Lord am holy, and have separated you from the peoples, that you
22 should be Mine."
23 [[Leviticus 20:26](#), Bible, NKJV]

24 "I am a stranger in the earth;
25 Do not hide Your commandments from me."
26 [[Psalm 119:19](#), Bible, NKJV]

27 "I have become a stranger to my brothers,
28 And an alien to my mother's children;
29 Because zeal for Your house has eaten me up,
30 And the reproaches of those who reproach You have fallen on me."
31 [[Psalm 69:8-9](#), Bible, NKJV]

32 A graphical example of the need for this separation of "church" and "state" is illustrated in the Bible book of Nehemiah, in
33 which the Jews tried to rebuild the wall that separated them, who were believers, from the pagan people, governments, and
34 rulers around them who were enslaving them with taxes, persecuting, and ridiculing them. Does this scenario sound
35 familiar? It should because that is exactly the scenario Christians in America are beginning to be exposed to. Those who
36 want to be holy and sanctified therefore cannot associate themselves with a pagan or socialist state without violating God's
37 laws, sinning, and alienating themselves from God. The First Amendment says the right to refuse to associate, which in
38 this case is a "religious practice", is protected. Below is what a prominent First Amendment reference book says on this
39 subject:

40 *Just as there is freedom to speak, to associate, and to believe, so also there is freedom not to speak, associate,*
41 *or believe. "The right to speak and the right to refrain from speaking [on a government tax return, and in*
42 *violation of the [Fifth Amendment](#) when coerced, for instance] are complementary components of the broader*
43 *concept of 'individual freedom of mind.' [Wooley v. Maynard](#) [430 U.S. 703] (1977). Freedom of conscience*
44 *dictates that no individual may be forced to espouse ideological causes with which he disagrees:*

45 *"[A]t the heart of the [First Amendment](#) is the notion that the individual should be free to believe*
46 *as he will, and that in a free society one's beliefs should be shaped by his mind and by his*
47 *conscience rather than coerced by the State [through illegal enforcement of the revenue laws]."*
48 *[Aboud v. Detroit Board of Education](#) [431 U.S. 209] (1977)*

49 Freedom from compelled association is a vital component of freedom of expression. Indeed, freedom from
50 compelled association illustrates the significance of the liberty or personal autonomy model of the [First](#)
51 [Amendment](#). As a general constitutional principle, it is for the individual and not for the state to choose
52 one's associations and to define the persona which he holds out to the world
53 [[First Amendment Law](#), Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]

1 All of the harassment, financial terrorism, and evil instituted by the IRS and the legal skirmishes happening in courtrooms
2 across the country relating to income taxes is all designed with one very specific, singular purpose in mind: to force and
3 terrorize people into associating with, subsidizing, and having allegiance to a pagan, socialist, EVIL government, and to
4 thereby commit idolatry in making government one's new false god and using that false god as a substitute for the Living
5 God. We are being forced to choose between one of two competing sovereigns: the true, living God, or a pagan and evil
6 government, and we can only choose ONE:

7 *"No one can serve two masters; for either he will hate the one and love the other, or else he will be loyal to the
8 one and despise the other. You cannot serve God and mammon [unrighteous gain or any other false god]."⁶⁷
9 [Jesus in Matt. 6:24, Bible, NKJV]*

10 *"Bravery or slavery, take your pick, because your covetous government is going to force you to choose one!"
11 [Family Guardian Fellowship]*

12 We must remember what the Bible says about this choice we have:

13 *"You shall not follow a [socialist or democratic] crowd[or "mob"] to do evil; nor shall you testify in a dispute
14 so as to turn aside after many to pervert justice."
15 [Exodus 23:2, Bible, NKJV]*

16 *"Away with you, Satan! For it is written, You shall worship the Lord your God, and Him ONLY [NOT the
17 government!] you shall serve [with your labor or your earnings from labor]."
18 [Jesus in [Matt. 4:10](#), Bible, NKJV]*

19 Therefore, there is only one righteous choice of who our "Master" can be as believers, and it isn't man, or anything
20 including governments, that is made by man. If it isn't God, then you have violated your contract and covenant with God
21 in the Bible. When you choose government as your Master, the tithes you used to pay to God then are diverted to subsidize
22 your new pagan god, the government, in the form of "income taxes". Once you understand this important concept
23 completely, the picture becomes quite clear and the purposes behind the abuse of legal process relating to illegal income tax
24 enforcement and collection will be clear in your mind. What we are dealing with in the court system then, is essentially not
25 a legal, but a political and ideological war. The Apostle Paul warned us about this inevitable ideological war, when he said:

26 *"For we do not wrestle against flesh and blood, but against principalities, against powers, against the rulers
27 of the darkness of this age, against spiritual hosts of wickedness in the heavenly [and government] places."
28 [Eph. 6:12, Bible, NKJV]*

29 In the context of individual taxation, we now know from the preceding sections that there are no "positive laws" at the
30 federal level, other than perhaps the Constitution itself. The Internal Revenue Code is therefore a religion, and not a law.
31 The disciples of that religion are all those who benefit financially from it by receiving socialist government benefits, which
32 are really just bribes paid from stolen money generated by this false religion. Among the victims of this socialist bribery
33 effected with loot stolen from our fellow Americans are judges, lawyers, and jurors. To validate our analysis here, we will
34 therefore prove to you scientifically in the remainder of this section that modern tax trials are more "political campaigns"
35 and "religious inquisitions" rather than valid legal processes. In a society without tax laws where "voluntary compliance"
36 must be maintained, some method of discipline must be used, and since it can't be "law", then the tools of discipline and
37 enforcement must then degenerate into political persecution and religious inquisition.

38 A valid legal proceeding in a federal court against a sovereign National who lives in a state of the Union and not on land
39 within federal territorial jurisdiction must meet all the following prerequisites to be a valid:

- 40 1. The statute which is being enforced must be a "positive law" which they are obligated to observe. Positive law means
41 that the people consented to the enforcement of the law and its adverse impact against their rights. If the statute being
42 enforced is not a "positive law", then the government must disclose on the record how and why the defendant comes
43 under the contractual or voluntary jurisdiction of the statute. They must prove, for instance, beyond a reasonable
44 doubt, why the person is a federal "employee" in order to enforce a "special law" statute such as the Internal Revenue
45 Code that only applies to federal employees.

⁶⁷The New King James Version. 1996, c1982 . Thomas Nelson: Nashville

- 1 2. Implementing regulations must be published in the federal register for the positive law statute that allow the statute to
2 be enforced. Without publishment in the federal register, no law may prescribe any kind of penalty, as we learned
3 earlier.
- 4 3. Jurisdictional boundaries and requirements must be strictly observed by the court:
 - 5 3.1. The violation of a “positive law” must occur within federal jurisdiction on land that the government can prove
6 belonged to the federal government at the time of the offense. Such records are in the possession of the
7 Department of Justice.
 - 8 3.2. Federal judges who hear federal tax trials must maintain a domicile on federal land within the district where they
9 serve, and are unqualified to serve if they do not.
 - 10 3.3. Since federal law only applies inside the federal zone, then the only people who can serve as jurors on a federal
11 trial are people born in and residing within the federal zone, and very few people meet this requirement.
- 12 4. The result of violating the positive law statute must harm a specific, flesh and blood individual. This is the foundation
13 of the notion of “common law”. Laws are there to protect the “sovereign”, which in this country is the People and not
14 the government.
- 15 5. A confession or a critical statement or act by the accused upon which a conviction depends must be made completely
16 voluntarily and the subject who made the confession or committed the act may *not* be under any kind of duress or
17 undue influence, especially by the government who is hearing the case. It is considered prejudicial and a violation of
18 due process to rely upon evidence that was obtained under duress and involuntarily.
- 19 6. No presumptions may be made about the status of the individual involved, because assumption and presumption
20 violate due process of law under the Fifth Amendment and are also a religious sin (see [Numbers 15:30](#), Bible). All
21 evidence admitted, even if it is signed under penalty of perjury by the National, must be verified to be true and correct
22 and the individual must agree that no duress was involved in the production of the evidence in order for it to be
23 admissible.
 - 24 6.1. “prima facie” evidence of law, such as the Internal Revenue Code, are not admissible. “prima facie” means
25 “presumed”. See the legislative notes under [1 U.S.C. §204](#).
 - 26 6.2. The accused cannot be “presumed” to be an [8 U.S.C. §1401](#) “U.S. citizen”, without a showing with credible
27 evidence that he was born within federal jurisdiction, on land under the exclusive jurisdiction of the federal
28 government.
 - 29 6.3. The jury may not make any presumptions. Jurists must be warned in advance that they should not make any
30 presumptions about what the tax code says, which means they must be:
 - 31 6.3.1. Shown that the code is not positive law but special law, and therefore may not be used generally, but only
32 against persons who effectively connected themselves to the code by working for the government.
 - 33 6.3.2. Shown the code themselves.
 - 34 6.3.3. Shown why the individual on trial is subject to the code by being shown the liability statute or by proving
35 that he is a federal “employee”
- 36 7. The voir dire jury selection and judge selection process must remove all persons from the legal process who have any
37 kind of conflict of interest:
 - 38 7.1. Judges who receive retirement benefits or pay from illegal collection activity must recuse themselves.
 - 39 7.2. Jurists who receive any kind of government benefit or who file tax returns and therefore are subject to influence
40 by the IRS must be removed from the trial. The only people who can serve on the jury are those not subject to
41 extortion or influence by the IRS. Consequently, the IRS must agree in writing not to institute any kind of
42 collection action or retaliation against any of the jurists for any adverse decisions they might make against the
43 IRS.
- 44 8. The judge:
 - 45 8.1. May not pay or receive benefits from Subtitle A federal income taxes, nor be subject to any kind of collection
46 action by the IRS. Even the possibility that such retaliation could happen by the IRS would severely prejudice the
47 rights of the accused if he is opposing the IRS.
 - 48 8.2. Must have an appointment affidavit making him an Article III judge, which is admitted into evidence prior to the
49 start of the trial for the jury and the accused to see.
 - 50 8.3. Must be a member of the Judicial Branch and not the Legislative Branch. Consequently, he cannot be an
51 “employee” of the Legislative branch and may not have a SF-61 form on file with the executive branch. Instead,
52 all of his records and pay must be handled by the Judicial branch and not any federal agency in the Executive
53 Branch.
- 54 9. If the judge is either a “taxpayer” or does not demonstrate a willingness to recuse himself as a person who receives
55 financial benefit from the operation of the I.R.C. against persons who do not consent or volunteer, then the jury must
56 be advised that because a clear conflict of interest is present and that they have the right to rule on both the facts *and*
57 the law. Ordinarily, the judge would rule on the law and the jury would rule only on the facts, but if the judge has a

1 clear conflict of interest, then Thomas Jefferson and John Jay, one of our first chief Justices of the Supreme Court, both
2 said that the jury can and should rule on BOTH the facts AND the law to prevent tyranny by the judge:

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

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

8 The judicial process we have today for hearing tax cases in federal district courts does not even remotely resemble most of
9 what is listed above. For instance:

- 10 1. Federal judges commonly treat the Internal Revenue Code as "law" and admit it into evidence at tax trials, which is
11 very prejudicial of the rights of the accused.
- 12 2. Federal judges seldom if ever recuse themselves even though they are "taxpayers" and even though them being
13 "taxpayers" and receiving benefits based on illegal enforcement of Subtitle A of the Internal Revenue Code creates a
14 conflict of interest in violation of [18 U.S.C. §208](#).
- 15 3. Jurors are seldom excused from tax trials because they are either "taxpayers" or are in receipt of benefits derived from
16 income taxes which might create a conflict of interest. This prejudices the rights of the accused in favor of the
17 government.
- 18 4. Few of the jurors or judges are domiciled or born on federal land that is within the judicial district or Internal Revenue
19 District in question. Consequently, the trial is moot and illegal from the beginning. Many of them said on their jury
20 summons that they are "U.S. citizens", but the government never defines anywhere exactly what it means to be a "U.S.
21 citizen" in any positive law statute. Consequently, the federal government uses vague laws and the false presumption
22 they generate to induct illegal jurors to serve on federal tax trials.
- 23 5. The criminal statutes that are being enforced, found in [26 U.S.C. §7201](#) through 7217 have no implementing
24 regulations published in either the Federal Register or the Code of Federal Regulations, and therefore are
25 unenforceable against anyone but federal "employees". Likewise, the judge prejudices the rights of the accused by not
26 requiring the government to prove that the accused is a federal employee who is the proper subject of the Internal
27 Revenue Code.
- 28 6. The federal judge not only doesn't prevent, but actually encourages false presumption and prejudice by the jury by:
29 6.1. DOJ prosecutors and the judge work as a team to encourage jealousy and contempt in the jurists against the
30 accused by telling them that they are "taxpayers" but "this bozo refuses to pay his fair share!".
31 6.2. Judges refuse to allow jurists to see the actual laws that the accused is being tried for, because there simply are
32 none in most cases.

33 The above abuses of the legal process are primarily the responsibility of the judge hearing the case. If you want to blame
34 anyone or prosecute anyone for the abuse, prosecute the judge himself as a private individual for exceeding his lawful
35 authority and thereby injuring your rights. All of the above abuses of the legal process are described in the legal dictionary
36 as follows:

37 "Malicious abuse of legal process. Willfully misapplying court process to obtain object not intended by law.
38 The wilful misuse or misapplication of process to accomplish a purpose not warranted or commanded by the
39 writ. The malicious perversion of a regularly issued process, whereby a result not lawfully or properly
40 obtained on a writ is secured; not including cases where the process was procured maliciously but not abused
41 or misused after its issuance. The employment of process where probable causes exists but where the intent is
42 to secure objects other than those intended by law. *Hughes v. Swinehart, D.C.Pa., 376 F.Supp. 650, 652. The*
43 *tort of "malicious abuse of process" requires a perversion of court process to accomplish some end which the*
44 *process was not designed to accomplish some end which the process was not designed to accomplish, and does*
45 *not arise from a regular use of process, even with ulterior motives. Capital Elec. Co. v. Cristaldi, D.C.Md., 157*
46 *F.Supp. 646, 648. See also Abuse (Process); Malicious prosecution. Compare Malicious use of process."*
47 [Black's Law Dictionary, Sixth Edition, p. 958]

48 The federal Injustice system we have is meant only as a counterfeit that is intended to deceive the people and give them a
49 false sense of security and confidence in our legal system:

50 "GOVERNMENT ANNOUNCEMENT April 15, 2004

51 [Washington, D.C.] The federal government announced today that it is changing its emblem from an eagle to a
52 condom, because that more clearly reflects its political stance.

1 A condom stands up to inflation, halts production, destroys the next generation, protects a bunch of pricks, and
2 gives you a sense of security while it's actually screwing you."

3 Consequently, we contend that most federal tax trials are not a judicial or even a lawful proceeding. This is further
4 described in the free Memorandum of law below:

Political Jurisdiction, Form #05.004
<http://sedm.org/Forms/FormIndex.htm>

5 In fact, based on several Freedom of Information Act Requests (FOIA) about the status of numerous federal district court
6 "judges" we have, who hear such tax cases, most of the judges do not have a valid appointment document, never took any
7 oath as required by positive law, and aren't even listed as "judges" in the records of the government! Don't believe us?
8 Send in a Freedom of Information Act (FOIA) request yourself and find out! Throughout the remainder of this section, we
9 will refer to these imposters simply as "pseudo judges". Therefore, our "United States District Courts" have simply
10 become the equivalent of administrative federal office buildings that are part of the Legislative, and not Judicial, branch of
11 the government. A truly sovereign and independent Article III Judicial Branch can't even be mentioned in any federal
12 statute, because of the separation of powers doctrine, and yet we have a whole Title of the U.S. Code, Title 28, which
13 defines and prescribes what pseudo judges in these bogus "courts" can and can't do. The U.S. Supreme Court says the
14 existence of such laws proves that such "courts" aren't really judicial tribunals. Notice the statement "the ONLY judicial
15 power vested in Congress" below:

16 *"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during*
17 *good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment*
18 *of judges for limited time, it must act independently of the Constitution upon territory which is not part of*
19 *the United States within the meaning of the Constitution."*
20 *[O'Donohue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]*

21 Title 28 not only "creates" all the district and circuit courts of the United States, but it in fact even defines what the
22 "judges" CANNOT rule on. See [28 U.S.C. §2201\(a\)](#), which plainly states that federal judges CANNOT rule on rights in
23 the context of income taxes. Excuse our language here, but what the HELL is a judge for if he can't defend or rule on our
24 rights(!)? We'll give you a hint: The only "rights" he is there to protect are the governments "right" to STEAL your money
25 and use it to subsidize socialism. The only type of court over which the Congress could have such absolute legislative
26 power over judges is in an Article IV (of the Constitution), territorial court, and this in fact exactly describes our present
27 District and Circuit federal court systems. Our present federal District and Circuit courts were created to rule ONLY over
28 issues relating to federal territory and property under Article 1, Section 8, Clause 17, and Article 4, Section 3, Clause 2 of
29 the Constitution. They are all "legislative" rather than "constitutional" or "judicial" courts. They are part of the Legislative
30 Branch of the government, and which have no authority to even address Constitutional rights. They are NOT part of the
31 "judicial branch", and this is a deception. The entire Judicial Branch, in fact, is composed exclusively of the seven justices
32 of the U.S. Supreme Court. A very exclusive club, we might add!

33 *"The United States District Court has only such jurisdiction as Congress confers [by legislation]."*
34 *[Eastern Metals Corp. v. Martin, 191 F.Supp. 245 (D.C.N.Y. 1960)]*

35 If the pseudo judges who hear tax trials aren't even part of the Judicial branch, were never appointed, and are simply
36 "employees" of the Legislative Branch, then what exactly are they? They are simply imposters who are there to create the
37 illusion that there is even a remote possibility of equity and justice in the courtroom relating to an income tax issue. To
38 preserve some semblance of civil order and prevent a massive civil revolt, the government has to maintain some kind of
39 façade so that the people don't lose faith in a government that in fact has already become totally corrupted in the area of
40 money and commerce. Keep in mind that deceit in commerce is the most offensive and abominable sin that God hates the
41 most. Below is an excerpt from Matthew Henry's commentary on the Bible demonstrating why this is:

42 *"As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so*
43 *righteousness towards men is a branch of true religion, for he is not a godly man that is not honest, nor can*
44 *he expect that his devotion should be accepted; for, 1. Nothing is more offensive to God than deceit in*
45 *commerce. A false balance is here put for all manner of unjust and fraudulent practices [of our public dis-*
46 *servants] in dealing with any person [within the public], which are all an abomination to the Lord, and*
47 *render those abominable [hated] to him that allow themselves in the use of such accursed arts of thriving. It*
48 *is an affront to justice, which God is the patron of, as well as a wrong to our neighbour, whom God is the*
49 *protector of. Men [in the IRS and the Congress] make light of such frauds, and think there is no sin in that*

1 *which there is money to be got by, and, while it passes undiscovered, they cannot blame themselves for it; a*
2 *blot is no blot till it is hit, Hos. 12:7, 8. But they are not the less an abomination to God, who will be the*
3 *avenger of those that are defrauded by their brethren. 2. Nothing is more pleasing to God than fair and*
4 *honest dealing, nor more necessary to make us and our devotions acceptable to him: A just weight is his*
5 *delight. He himself goes by a just weight, and holds the scale of judgment with an even hand, and therefore is*
6 *pleased with those that are herein followers of him. A balance cheats, under pretence of doing right most*
7 *exactly, and therefore is the greater abomination to God."*
8 *[Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1]*

9 Back in the 1600's in our country and elsewhere in Europe, there were several notable occasions where so-called "witches"
10 were tried and finally executed for practicing "witchcraft". The nature of the proceedings strongly resembled the religious
11 "inquisitions" that preceded them throughout Europe in the 1400's. In fact, witchcraft trials evolved out of these religious
12 inquisitions and first began to appear in the late 1400's. A History Channel special on witches aired on October 29, 2004,
13 identified the following common characteristics about how these "witch trials" were conducted:

14 1. Historical foundations of the public outcry against witchcraft:

- 15 1.1. The peak of the witch trials occurred in the late 1600's. The period from the late 1400's to the late 1600s were
16 known as the "Burning Times" because witch hunts and executions were so prevalent during this period. The
17 most common places for witch trials were in the rural villages of France and Germany, but they also occurred in
18 America in the late 1600's.
- 19 1.2. The basis for the persecution of witches had a primarily "religious" foundation. The Bible forbids witchcraft in
20 Deut. 19:10. Witches were believed to have a covenant with the devil and worship the devil and to be involved in
21 harmful activities that were a threat to society as a whole.
- 22 1.3. The practice of witchcraft was viewed as the worst type of religious heresy and was punishable by death by
23 execution. The reason it had this status was because the practice of witchcraft was made to appear as a threat not
24 just to the church, but to the whole society. Activities of accused "witches" were viewed as a competing
25 "religion" and the worship of the devil. Witchcraft was also viewed as a threat to the predominantly Christian
26 religion and evidence of possession by the "devil".

27 2. Social status of witches:

- 28 2.1. Hatred against and fear of witchcraft was most prevalent among uneducated or under-informed people, who are
29 most susceptible to false belief, presumption, government propaganda, and superstition.
- 30 2.2. Mobilizing the public against witchcraft was done by encouraging and exploiting intense fear and hatred towards
31 immoral or harmful activities and by associating witches with such immoral and harmful activities. This was
32 done by exploiting the ignorance, presumptions, and prejudices of the people by religious and political leaders.
- 33 2.3. The people who were accused of witchcraft, in fact, were most often those who were accomplishing most to help
34 their community. These people were often the most prominent political targets and opponents and accusing them
35 of witchcraft was a way to retaliate politically against them. Most were older, single, or widowed and therefore
36 didn't fit the mold that most other women did. They did deviant things like use herbs and folk remedies to heal
37 people magically. They had fewer friends and therefore were more vulnerable to false accusations and
38 persecution, because they did not have a social network of friends who could help defend them.

39 3. How criminal charges of witchcraft were initiated:

- 40 3.1. Search for the witch began when a person was observed to have psychological fits and delirium and the society
41 could not explain the cause of the fits. Observers then would assume it was a supernatural possession by the
42 devil (rather than simply a psychological illness) and would then begin searching for supernatural phenomenon
43 and "witches" to explain the possession.
- 44 3.2. Witch trials were often initiated at the request of an upstanding citizen or someone having deliriums who wanted
45 to politically retaliate against an opponent. Most of the accusations of witchcraft came from people who only
46 superficially knew the accused "witches" and therefore were suspicious and fearful of them. An even larger
47 number of accusations came from those accused of witchcraft themselves and who were under torture to make a
48 confession.
- 49 3.3. The government fomented and facilitated the witch trials. There was a lot of political propaganda that was
50 intended to smear and denigrate suspected "witches" by associating them with the following harmful activities:
- 51 3.3.1. Immoral activity.
- 52 3.3.2. The taking of hallucinogenic drugs.
- 53 3.3.3. Promiscuous sex, sometimes with the devil.
- 54 3.3.4. Murder and cannibalism of innocent infants.
- 55 3.3.5. Nocturnal worship of the devil as a deity. This worship was called either the "Witch's Sabbath" or the
56 "Black Sabbath".
- 57 3.3.6. Secret invisible societies that created fear, suspicion, and insecurity in the people.

- 1 4. How witches were identified, arrested, convicted and punished:
- 2 4.1. The basis for determining who was a witch was described in an early book called the *Malleus Maleficarum*,
- 3 which is translated to mean “The hammer against witches”. The book was published in 1486 by two Dominican
- 4 monks in Germany named Jacob Springer and Heinrich Kramer. The book described women as the most
- 5 vulnerable to becoming witches. It described the source of all witchcraft as the carnal lust of women, which it
- 6 said was insatiable. The book was second in popularity only to the Bible, and served as the equivalent of a bible
- 7 for witch hunters for over 200 years. Witches were described in the book as being:
- 8 4.1.1. Evil.
- 9 4.1.2. Lecherous
- 10 4.1.3. Vain
- 11 4.1.4. Lustful
- 12 4.2. The physical evidence required to prove that a person was a “witch” was very subjective and it was very difficult
- 13 to prove with physical evidence that a person was a witch. Witch trials were more a matter of personal opinion
- 14 and religious belief than a scientifically provable matter. Evidence that a person was a witch was often fabricated
- 15 or imagined, and not real.
- 16 4.3. When witches were arrested, they:
- 17 4.3.1. Were stripped and searched.
- 18 4.3.2. Prodded with needles to find the mark of the devil.
- 19 4.3.3. Any suspicious wart, mole, or birth mark could be enough to condemn someone to death.
- 20 4.3.4. Any questionable character reference from a political opponent could doom a person to death.
- 21 4.4. Prerequisite for confession. Civil law required that a “witch” could not be prosecuted without first making a
- 22 “voluntary” confession. Because few people would voluntarily confess to being “witches”, the government
- 23 sanctioned and condoned an elaborate system of painful physical torture against the accused “witches” to compel
- 24 them to give a “voluntary” confession. This was the very same type of persecution and torture that was instituted
- 25 against heretics during the inquisitions in Spain and elsewhere in Europe. The following hideous instruments of
- 26 torture were used to extract the “confession”:
- 27 4.4.1. Thumb screws
- 28 4.4.2. Leg screws
- 29 4.4.3. Head clamps
- 30 4.4.4. Iron maiden
- 31 4.5. During the torture:
- 32 4.5.1. The *Malleus Maleficarum* warned the torturer never to look a witch in the eye. This was a devious way to
- 33 ensure that empathy or sympathy or compassion would not be employed towards those accused of
- 34 witchcraft. This made the witch trials and those who could be accused of witchcraft very terrified and
- 35 prejudiced the rights of those accused. The torture used to extract the coerced confessions was also used to
- 36 implicate other innocent people, and this led to the uncontrollable spread of witch trials throughout France
- 37 and Germany.
- 38 4.5.2. Many people confessed to the crime of witchcraft who in fact were not witches, simply to avoid further
- 39 suffering and torture. When the pain of torture is severe enough, people will confess to almost anything.
- 40 4.6. The English devised a very prejudicial method for determining if someone was a witch called “swimming the
- 41 witch”. A person accused of witchcraft was thrown in deep water. If she swam and survived then she was
- 42 proven to be a witch. If she sank and drowned, then she was innocent. Either way, the suspect was doomed and
- 43 had no chance of survival.
- 44 4.7. Witnesses and political opponents were allowed to show up at the trials and act out being “possessed” by Satan in
- 45 front of everyone in the courtroom.
- 46 4.8. Once a person confessed to being a “witch”, then they were usually burned at the stake in a very public way in
- 47 order to terrorize the rest of the population into “compliance” with the wishes of whoever made the accusation of
- 48 witchcraft to begin with. The reason for burning, was that it was believed that the witches evil spirit could only
- 49 be destroyed if she was burned into ashes.
- 50 5. Political motivation for witch trials explains why they spread:
- 51 5.1. The government abused the laws against witchcraft, especially in Europe, as follows:
- 52 5.1.1. Church clergy in Christian churches were accused because they were political opponents of the government.
- 53 5.1.2. Witch hunters received a bounty for each witch they found and prosecuted.
- 54 5.1.3. The property and lands of executed witches were confiscated by the government and used to enrich public
- 55 servants. This is a big reason that explains the promotion and spread of the witch hunts and witch trials by
- 56 the government.

- 1 5.2. The largest witch trial ever occurred in the town of Wurzburg in Germany, in which an overzealous magistrate
 2 tried nearly the whole town on witchcraft charges! 600 people were condemned to death. 19 were priests and 41
 3 were children. In some towns in Germany, there were no women left after the inquisitors came through. Some
 4 scholars estimate that between 60,000 and 300,000 people were executed as witches during the “Burning Years”
 5 in Europe.
- 6 5.3. The largest witch trial in America occurred in 1692 in Salem, Massachusetts, in which 200 people were burned at
 7 the stake. Salem was a Puritan town torn by Indian and land wars and political controversy. The Salem witch
 8 trial investigations began in the home of a Puritan minister, Rev. Samuel Paris. His daughters became allegedly
 9 possessed after playing a household game with the family slave and they went into a frenzy, which spread
 10 throughout the town. The Puritan minister then launched an investigation to find out who had instigated the
 11 possession, leading to three women being tried on witchcraft based on the accusations of the possessed girls. All
 12 three of the accused witches were outsiders and deviants who were easy targets for suspicion and retaliation.
 13 Historians agree that the investigation into witches in this incident was used to conceal a political agenda. The
 14 agenda involved a private dispute, and the witch allegation was used as a means to gain political advantage. After
 15 this incident, the witch hysteria spread to 200 other accused witches in 24 other surrounding villages. 27 witches
 16 were found guilty and 19 were hanged. The witch trials ended in America when the accusers began accusing
 17 prominent people, such as the wife of the Governor of Massachusetts. At that point, political leaders abruptly
 18 stopped the trials because they were not only not benefiting from them, but began being hurt by them.
- 19 6. Why witch trials eventually ended and how these matters are handled today:
- 20 6.1. Two factors contributed to the end of the witch trials in America:
- 21 6.1.1. Scientific investigation and knowledge ultimately was what brought witch trials to an end. Science
 22 eliminated the role of superstition in attributing harmful events to supernatural and magical powers.
- 23 6.1.2. The wife of the Governor of Massachusetts was accused of witchcraft. Once government officials saw that
 24 they could no longer benefit, but would be harmed by spreading the witch trials, they put them to an abrupt
 25 end.
- 26 6.2. Today, people who would have been accused as witches in the 1600’s would now simply be identified by a
 27 mental health expert as mentally ill. Unlike the early witch trials, in which the accusers and inquisitors were
 28 often religious figures, today’s accusers usually work in the government and they use as their justification the
 29 testimony of a mental health professional who:
- 30 6.2.1. Would be undermining his livelihood and his income by giving a person a clean mental bill of health.
- 31 6.2.2. Has no moral or religious training.
- 32 6.2.3. Has a conflict of interest because he is licensed by the same government that is doing the false accusing.

33 As we examined the above list of characteristics that describe witchcraft, some striking similarities became obvious
 34 between the way the government treated “witches” back then and the way the same government treats “tax freedom
 35 advocates” of today. Below is a table summarizing the many similarities between the two, organized in the same sequence
 36 as the above list:

37 Table 12: Comparison of treatment of “witches” to that of “tax protesters”

#	Characteristic	Incidence in witches	Incidence in freedom advocates
1	Historical foundations of the public outcry against witchcraft	NA	NA
1.1	Context of trials	Peak occurred in late 1600’s in rural villages of Europe and America.	Period after World War II, when government no longer needed the income tax but still wanted to expand its power and control over the people in violation of the Constitution.
1.2	Basis for persecution	Main motivation was Biblical prohibitions and superstition by ignorant citizens and government covetousness of property of accused witches. Witch hunts allowed government to confiscate all the property of the witch and not return it to the witch’s family.	Government greed and lust for power and money.
1.3	Activities of accused witches	Were viewed as a “religion” and a threat the Christianity.	Are viewed as a threat to the state-sponsored “Civil religion of Socialism” and a challenge to the authority of the government as the new false “god” and sovereign within society.
2	Social Status	NA	NA

#	Characteristic	Incidence in witches	Incidence in freedom advocates
2.1	Hatred and fear of most prevalent in	Uninformed, superstitious, and presumptuous people	Ignorant, superstitious, and presumptuous jurists educated in government schools. This ignorance about law is deliberately created by our government by manipulating the public education system to dumb down the population. Ignorant people tend to be more fearful than highly educated people.
2.2	Public mobilized against accused by government through	Associating "witches" with immoral and harmful activities.	Associating tax protesters with extremist groups such as "Montana Free Men", terrorists, and criminals.
2.3	Profile of accused	Outcasts of society who don't have many friends, and can therefore easily be picked on. This included widows, midwives, divorcees, spinsters, non-religious, and outcasts at their local church.	Outcasts of society who are denigrated by propaganda from government-licensed 501(c) churches, government licensed attorneys, and the Illegal Robbery Squad (IRS). Wrongfully accused as "militia", "gun activists", "religious extremists", "unpatriotic", "irresponsible" (don't pay fair share), and harmful to "taxpayers" because they raise the taxes on them.
3	How criminal charges are initiated and encouraged	NA	NA
3.1	Cause for start of investigation	Psychological disorders and abnormal behavior of a "witch" or someone possessed or visited by witch	American refuses to either incriminate themselves on a tax return or to pay money to IRS that law does not require them to pay
3.2	Investigation initiated by	Upstanding citizen or possessed individual who wanted to politically retaliate against an opponent. Most accusations came from people who superficially knew the accused "witches" and therefore were suspicious and fearful of them. Additional referrals came from accused "witches" who confessed or snitched on other witches while under duress and physical torture.	IRS in retaliation against people for demanding due process of law, respect for the Constitution, and obedience to IRS procedures.
3.3	Government fomenting of trials	Judges facilitate violation of due process and loosen need for objective or physical evidence. Government also cooperated with and staged executions of the accused witches and condoned their torture in order to obtain coerced confessions.	Judges condone violation of due process of accused by allowing IRS to take their property without due process of law or a court hearing using "Notice of Levies", "Notice of liens", and other fraudulent securities. The result essentially is grand theft and "extortion under the color of law", which federal judges refuse to hold IRS agents accountable for.
4	How accused is identified, arrested and convicted	NA	NA
4.1	Basis for determining guilt	Malleus Maleficarum book published in 1486 provided procedures and processes useful for determining who are witches. The procedures were very prejudicial. Witches described in the book as: "evil, lecherous, vain, and lustful".	The Department of Justice Criminal Tax manual is used as the "Bible" for federal prosecutors. The book is deliberately deceptive because it does not reveal the most important aspects about the legal basis for federal taxation as documented in this book. "Tax protesters" described in the book as vain, contemptible, ignorant, and impulsive.
4.2	Physical evidence required to prove guilt	A confession by the accused, imagined events by persons who were haunted by accused witch, subjective personal opinions, warts and moles, testimony of clergy, very biased questioning techniques.	1099 and W-2 forms that are not signed by the reporters and are therefore "hearsay" evidence that is inadmissible. Writings of accused submitted under duress on a tax return that are also not admissible because coerced.
4.3	Method of arrest and confinement	Stripped, searched, prodded with needles. Physically tortured until confessed.	Stripped, searched, prodded with needles. Financially tortured by having all assets seized and being forced into financial slavery to a legal professional to represent them. While in federal prison, not able to do own legal research and defense because deprived of proper resources, computers, and legal references. High legal fees act as punishment, torture, and coercion against accused to settle quickly and falsely admit guilt to end the financial bleeding.

#	Characteristic	Incidence in witches	Incidence in freedom advocates
4.4	Prerequisite for conviction	A confession from the accused "witch", often extracted under severe physical torture. Even though testimony is coerced, judges still prejudicially admitted it anyway and thereby violated the due process rights of the accused.	Proving that tax crimes committed "willfully" by accused, meaning they were deliberate, defiant acts of disobedience to a known "lawful" duty. Willfulness is proven prejudicially and unfairly by using inadmissible evidence such as: 1. IRS publications which the IRS is not held responsible for the accuracy of; 2. Judicial opinions from courts outside the jurisdiction of the accused; 3. Correspondence and advice from the IRS which the government readily admits it cannot and should not be held accountable for the accuracy of; 4. Advice from government licensed "experts" with a severe conflict of interest such as attorneys, mental health professionals, etc.
4.5	Method and result of the torture	Physical torture conducted using hideous devices. Many accused died while imprisoned and before trial. Brutality and no compassion were shown during physical torture. Witches were dehumanized and torturers would not look witches in the eye. Many accused would make a false confession simply to end the torture. Prisoners could also not leave the prison until they reimbursed the state for the cost of holding them there, which is a double punishment.	Accused is financially tortured by being forced to hire an attorney and pay more than \$300 per hour for services that he would not need if the prison provided or allowed computers, internet research, and an extensive law library. Prisoners do not have and are not allowed same legal research tools as attorneys and so are compelled to hire attorney. Once attorney is hired, accused loses right to challenge jurisdiction and becomes "ward of the state", and this prejudices his case. While in prison, employer of accused usually terminates him, bills mount up, and result is that house is confiscated by banks and all equity is lost. Accused is slandered and has a hard time finding future work because of false charges of "willful failure to file" and "tax evasion" by government. Credit rating is destroyed, making it difficult to buy home or obtain credit in the future. Most torture is therefore financial, but it is still torture and done unjustly, because people who don't pay money that no law requires them to pay are not a threat to society and do not need to be imprisoned. In fact, federal jailhouses have become the equivalent of "debtors prisons" for fraudulently created tax debts. "Debtors prisons", including those for tax debts, were outlawed in 1868 by the passage of the Thirteenth Amendment, which outlawed not only slavery but all such involuntary servitude. Yet, the U.S. government STILL allows these debtor's prisons to continue.
4.6	Prejudicial methods for determining guilt	"Swimming the witch". Accused witches were thrown in deep water and if they survived, they were guilty, but if they drowned, they were innocent.	Judges refusing to admit any of the evidence of the accused during preliminary motions in limine before trial while admitting all the government's evidence. This leaves the accused essentially defenseless and a prejudiced attorney whose livelihood will be destroyed by having his license pulled if he objects to or exposes the tactics of the judge in front of the jury.

#	Characteristic	Incidence in witches	Incidence in freedom advocates
4.7	Violations of due process at trial	Witnesses and political opponents of the accused were allowed to show up at witch trial and act out being possessed in front of everyone, in order to prejudice the case.	Government parades its own prejudiced “experts” in front of the jury and builds its case not on what the law says, but primarily on the subjective opinions of “experts” who nothing but slanders cleverly disguised as credentialed scientists or specialists. Like the judge himself, all these experts have a conflict of interest because they are usually licensed by the government and will lose their license if they turn on the government, or they are “taxpayers” and they know the IRS will turn on them if they turn on the government. The trial then simply devolves more into a mud-slinging political campaign and the judge and the prosecutor work as a tag team to convict the accused because both of them benefit financially from doing so. If the judge doesn’t help the prosecutor get the conviction, then he will end up on the IRS’ hit list.
4.8	Political propaganda following the trial	Witches executed by burning or hanging in a very public way. This terrorizes all present to avoid being accused themselves.	IRS and DOJ have a “Press Releases” section where they slander those convicted. Newspapers are called up and results are published to make sure public is warned that they better not buck the Gestapo. The news stories are often deliberately vague so that they look like they apply to everyone instead of the very small subset of people who are actually affected. Sometimes, even the judges will participate in this grandstanding and political propaganda by the way they write their rulings, which are often nothing but rubber-stamped versions of the proposed orders written by the Department of Injustice prosecutor himself. They do this to increase their chances of a promotion or new political appointment to a higher court by winning the favor of the Legislative branch in “bringing home the stolen loot”. Public is therefore terrorized and coerced into compliance with laws that they are not even subject to, in order to spread the federal slavery and expand the power and control of politicians and judges over the general populace.
5	<i>Political motivation for trials</i>	<i>NA</i>	<i>NA</i>
5.1	Witch trials used to punish political targets and dissidents	Religious factions and rivalry within small rural villages lead to the witch hunts, and they were directed at political targets. Accusers were usually disadvantaged parties in a dispute who wanted upper hand. Government capitalized on these rivalries by plundering the estates of the accused witches. When specific government officials were accused as witches and they found out they could no longer remain neutral in the dispute and could no longer benefit or avoid being harmed, the trials abruptly ended.	Political factions and rivalries between “socialists” (Democrats) and “capitalists” (Republicans and independents) are exploited by the government during tax trials as a way to encourage convictions. Tax trials are turned into a type of class warfare between the “haves” (rich) and the “have nots” (poor). Jealousy, greed, ignorance, fear, and envy are the main tool the government uses to motivate juries into convictions. Since there is no risk for the government participants and judges protect and shield IRS employees from the consequences of their unlawful behavior, then the abuses continue. This is called the “judicial conspiracy to protect the income tax” and it is described in section 6.9 and following of the <i>Great IRS Hoax</i> , Form #11.302.

#	Characteristic	Incidence in witches	Incidence in freedom advocates
5.2	Largest trials	Occurred in rural areas where political factions and rivalries existed. Witch laws were used to settle political scores. Nepotism between the judges and the town marshal in the case of the Salem trials contributed to the spread of the witch hunts. The Salem marshal plundered the estates of the accused witches.	Largest tax trials occur around tax time on April 15 and are used as a means to propagandize and scare Americans into paying extortion and bribery money to the government that no law requires. Big cities are most prevalent places for the convictions, because this is where the following types of dysfunctional types of citizens and government sheep congregate: 1. Socialists and government dependents on Social Security and Medicare; 2. People educated in public schools by the government, who are dysfunctional citizens, and who trust government too much.
6	Why trials eventually ended	NA	NA
6.1	Cause of the end of trials	Scientific discoveries ended the role of superstition and the mass hysteria that the superstition caused. Also, when high officials in the government began to be implicated and risked conviction, the government quickly ended the trials.	Still ongoing, primarily because the same kind of ignorance and superstition about law and legal process exists as that which existed about supernatural events in the 1600's.
6.2	How witches are identified then and now	Back then, subjective opinions and superstition, strong religious beliefs, and political revenge motivated identification of "witches". Since the field of psychology had not yet evolved, psychological disorders could not be attributed as the cause of the abnormal behavior that initiated the investigations.	Today, atheistic and biased psychological "experts" are used as pawns by the government to slander the accused. Juries are deceived into believing that freedom advocates are irresponsible (won't pay their "fair share"), deviant, mentally unstable, anti-social, and disrespectful of all authority. They are also made to appear as though they are a threat to the prevailing social order and the personal financial benefits of the jurists. Who wouldn't vote against an accused that threatened the social security check of a jurist?

1 Isn't it fascinating just how many similarities there are between the trial of a modern-day freedom advocate and the witch
2 trials in the 1600's? The only thing new is the history that you do not know. There is nothing new under the sun. This
3 section, we believe, provides a compelling demonstration that in fact:

- 4 1. The Internal Revenue Code is a government-sponsored religion whose main purpose is to promote socialism,
5 humanism, and the theft of the sovereignty of the individual and the transfer of that sovereignty to the government and
6 the legal profession.
- 7 2. Modern day tax trials are nothing but "religious inquisitions".
- 8 3. The government wins in modern day tax trials by using the same prejudicial techniques as witch hunters used against
9 witches: Exploiting the ignorance, fear, and superstition of the general public about law and legal process.
- 10 4. Confessions are still obtained under duress the same way they were with the witch trials, but instead of the duress and
11 torture being physical, it is now primarily financial. The results, however, are the same: A confession or "compliance"
12 by the accused results primarily as a way to stop the torture, rather than because they actually committed any kind of
13 crime.
- 14 5. The motivation for the witch hunts, insofar as the government is concerned, was the same as the motivation for
15 modern day tax trials: Greed and covetousness. When the government executed a witch, they confiscated all their
16 property and enriched themselves. When the government wins a tax trial, they enrich themselves and rape and pillage
17 the assets of the accused and slander and destroy the credit rating of the accused.
- 18 6. Like the witch trials of the 1600's, the only thing that will end the injustice is:
 - 19 6.1. Public education about law in the schools, so that the scientific method and due process may return to the federal
20 courtroom and ignorance, superstition, and fear may no longer be exploited by the government to convict the
21 accused.
 - 22 6.2. The financial incentives and rewards for the government must be removed from the process, so that judges will
23 no longer act essentially as a partner to the prosecutors. Judges must be recused who are either "taxpayers" or
24 who will receive benefits from illegal enforcement of the Internal Revenue Code. Judges pay must derive
25 exclusively from lawful constitutional activities, which are exclusively taxes on imports, excises.

6.3. Due process must return to the courtroom, meaning that ambiguity of the Internal Revenue Code must be eliminated and they must be considerably simplified, so that “experts” are no longer required and so that the general public can easily discern what they mean. This will eliminate the role of ignorance, superstition, and fear in the courtroom that lead to the kind of hysteria present during the witch trials.

To help underscore and support assertions made in this section, consider the prosecution of Dr. Phil Roberts, which is covered in section 6.8.1 of the *Great IRS Hoax*, Form #11.302. That section provides excerpts from the transcript of his trial for tax evasion in that section. The federal judge kept telling the counsel of the defendant that he couldn’t talk about “the law” in the courtroom during the trial with the jury present. As a matter of fact, he threatened the counsel with disbarment if he continued to insist on quoting the law! By doing so, the judge was accomplishing the following:

1. Preventing the jury from learning that the Internal Revenue Code is not PUBLIC law, but rather PRIVATE law.
2. Encouraging superstition, bias, and prejudice on the part of the jury. Absent an objective standard such as enacted positive law, the judge is ensuring that the jury reaches a “political” rather than a “legal” verdict. This makes those convicted of tax crimes into “political prisoners” rather than “criminals”.
3. Preventing enforcement of the Constitution, which is law and a contract, by the jury and against the government, in reaching a verdict. Indirectly, this is a violation of the judge’s oath of office to support and defend the Constitution, and amounts to Treason. You can’t in good faith uphold that which you refuse to discuss.
4. Ensuring that the result of the trial would be evil and unjust. The bible says that when “law” is removed from public life, the result will be “abominable”:

“One who turns his ear from hearing the law, even his prayer is an abomination.”
[Prov. 28:9, Bible, NKJV]

This is only the tip of the iceberg of courtroom corruption, folks. In 2004, we also visited a Federal District Courthouse in San Diego and noted that it had an extensive law library. We walked into the law library as a private citizen to see if we could read the law for ourselves in the books there while serving as a jurist. Remember, this is a PUBLIC building that is PUBLIC, not private property, which any citizen should have access to provided he does not take it or misuse it or interfere with use by others. There was NO ONE in the law library except the clerk. We were intercepted at the door by an inquisitive and nervous clerk, who asked us why we were there. We said we were serving on jury duty and that we wanted to read what the law says for ourselves rather than trust the biased judge or the attorneys. Here is what she the clerk told us, and what she said completely stunned us:

1. Federal jurists are NOT allowed to read the law while serving as a jurist.
2. Federal jurists are NOT allowed to enter the courthouse law library while serving as jurists. The clerk running the law library is under strict orders from the chief justice NOT to allow jurists into the courthouse law library. When we asked her why that was, she could not explain the reasoning.
3. Jurists who read the law while serving can be impeached from serving on the jury.

The above statements by the clerk of the district court law library, friends, and the orders from the Chief Justice that lead her to say what she said to us, are not only Treason punishable by death under 18 U.S.C. §2381, but amount to jury tampering in violation [18 U.S.C. §§1503](#) and 1504. Law is the solemn expression of the will of the “sovereign” within any system of government.

*“Law. . . That which is laid down, ordained, or established. A rule or method according to which phenomenon or actions co-exist or follow each other. Law, in its generic sense, is a body of rules of action or conduct prescribed by controlling authority, and having binding legal force. United States Fidelity and Guaranty Co. v. Guenther, 281 U.S. 34, 50 S.Ct. 165, 74 L.Ed. 683. That which must be obeyed and followed by citizens subject to sanctions or legal consequences is a law. **Law is a solemn expression of the will of the supreme power of the State.** Calif.Civil Code, §22.”*
[Black’s Law Dictionary, Sixth Edition, p. 884]

The “State” above is “We the People”, and does not include our public servants at all. In our system of government, the “sovereign” is the People both individually and collectively, and is NOT anyone serving in government. Any federal judge who prevents law from being discussed in a courtroom is refusing to recognize the sovereignty of the People who ordained that law, and is interfering with the definition and protection of their sovereign will in courts of justice. All law is a “compact” or a “contract” between the sovereign People and their servants in government. Refusing to discuss tax laws in a court trial is every bit as ludicrous as trying to enforce a contract *without* the contract. In effect, federal judges who refuse

1 to discuss law in the courtroom are interfering with the right to contract of the sovereign "People", because law is a
2 "compact" or "contract" between us as Sovereigns and our public servants. Here is what the Supreme Court said about the
3 authority of the government to impair the obligation of such contracts, and in particular the main contract between the
4 sovereign People and their government servants called the Constitution:

5 "Independent of these views, there are many considerations which lead to the conclusion that the power to
6 impair contracts [either the Constitution or the Holy Bible], by direct action to that end, does not exist with
7 the general [federal] government. In the first place, one of the objects of the Constitution, expressed in its
8 preamble, was the establishment of justice, and what that meant in its relations to contracts is not left, as was
9 justly said by the late Chief Justice, in Hepburn v. Griswold, to inference or conjecture. As he observes, at the
10 time the Constitution was undergoing discussion in the convention, the Congress of the Confederation was
11 engaged in framing the ordinance for the government of the Northwestern Territory, in which certain articles of
12 compact were established between the people of the original States and the people of the Territory, for the
13 purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty,
14 upon which the States, their laws and constitutions, were erected. By that ordinance it was declared, that, in
15 the just preservation of rights and property, 'no law ought ever to be made, or have force in the said
16 Territory, that shall, in any manner, interfere with or affect private contracts or engagements bona fide and
17 without fraud previously formed.' The same provision, adds the Chief Justice, found more condensed
18 expression in the prohibition upon the States [in Article 1, Section 10 of the Constitution] against impairing the
19 obligation of contracts, which has ever been recognized as an efficient safeguard against injustice; and though
20 the prohibition is not applied in terms to the government of the United States, he expressed the opinion,
21 speaking for himself and the majority of the court at the time, that it was clear 'that those who framed and
22 those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body
23 of legislation, and that the justice which the Constitution was ordained to establish was not thought by them
24 to be compatible with legislation [or judicial precedent] of an opposite tendency.' 8 Wall. 623. [99 U.S. 700,
25 765] Similar views are found expressed in the opinions of other judges of this court."
26 [[Sinking Fund Cases, 99 U.S. 700 \(1878\)](#)]

27 Now some people might respond to these observations by saying that since the Internal Revenue Code is not "positive law",
28 then the judge is actually preventing a biased trial by keeping discussions of it out of the courtroom. This is partially true,
29 but if the judge either won't allow the following:

- 30 1. The Internal Revenue Code to be identified as not having the "force of law" in your specific case.
- 31 2. The Internal Revenue Code to be correctly lacking the status of legally admissible evidence under the rules of evidence
32 because it is a mere "presumption" that violates constitutional due process of law.
- 33 3. Other types of real, positive law, such as the Constitution, to be discussed in the courtroom,

34 . . .then he is impairing the right to contract of the sovereign "People" who delegated authority to their government using
35 that positive law. He is also criminally obstructing justice. The only basis for interfering with discussing the Constitution
36 as "law" in a federal courtroom is that:

- 37 1. Neither party to the suit inhabits areas in a state of the Union where the Constitution applies....AND
- 38 2. The crime occurred within exclusive federal jurisdiction within a territory or possession of the federal government.

39 In nearly all tax trials, the above false presumptions are invisibly made by both the U.S. Attorney prosecutor and the judge.
40 It is made either because of ignorance or because of deliberate malice on the part of the judge. Either way, the resulting tax
41 trial devolves into a witch hunt that is a completely political proceeding that is not founded in any way upon positive law.
42 Don't believe us? Well then watch the movie on the website below entitled "How to Keep 100% of Your Earnings", at:

[How to Keep 100% of Your Earnings](http://famguardian.org/Media/movie.htm), Family Guardian Fellowship
<http://famguardian.org/Media/movie.htm>

43 In the above movie, a jurist at a state income tax trial testifies that the judge manipulated the case against a person accused
44 of willful failure to file by preventing the jurists from seeing the law he was accused of violating. She says on tape that this
45 was a tacit admission by the judge that there is no law requiring anyone to pay income tax!

46 Therefore, any judge, whether state or federal, who interferes with discussing the Constitution at a federal tax trial can only
47 justify such action based on a usually false presumption that the accused is a statutory "citizen" under [8 U.S.C. §1401](#) who
48 does not inhabit the states of the Union and therefore is not a party to the Federal Constitution. It is up to you to understand
49 and challenge all the false presumptions that your federal persecutors are going to make and to challenge them as early on

1 as possible and get them into your administrative record in all your correspondence. Furthermore, also understand that
2 federal tax trials are unique and different from other types of federal trials. We have sat through several other types of trials
3 in federal district court and found through personal observation that tax trials are the only types of trials where the judges
4 are so tenacious in keeping the discussion of law out of the courtroom. It's perfectly OK to discuss law or the Constitution
5 in most other types of trials, but not in tax trials. As a matter of fact, we sat next to a U.S. attorney who handled criminal
6 law on an airplane flight. We asked them if it was OK to discuss criminal law in the courtroom, and she said "Of course.
7 I've never heard of a trial that operated any other way". She obviously hadn't sat through any tax trials! Do you smell a rat
8 here? WE DO!

9 The only thing left when positive law is completely removed from tax trials are the following unreliable and Satanic forces:

- 10 1. Ignorance
- 11 2. Prejudice
- 12 3. Conflict of interest
- 13 4. Bias on the part of the judge
- 14 5. The opinions of biased "experts" who are subject to IRS and judicial extortion.

15 On that last item above, we must consider what the Bible says about the use of "experts" in court:

16 *"Preach the Word; be prepared in season and out of season; correct, rebuke and encourage—with great*
17 *patience and careful instruction. For the time will come when men [in the legal profession or the judiciary]*
18 *will not put up with sound [legal] doctrine [such as that found in this book]. Instead, to suit their own*
19 *desires, they [our covetous public dis-servants] will gather around them a great number of teachers [court-*
20 *appointed "experts", "licensed" government whores called attorneys and CPA's, and educators in*
21 *government-run or subsidized public schools and liberal universities] to say what their itching ears want to*
22 *hear. They will turn their ears away from the truth and turn aside to [government and legal-profession*
23 *lmyths] and fables]. But you [the chosen of God and His servants must], keep your head in all situations,*
24 *endure hardship, do the work of an evangelist, discharge all the duties of your [God's] ministry."*
25 *[2 Tim. 4:2-5, Bible, NKJV]*

26 Instead of ensuring justice, keeping law out of the courtroom and replacing it with subjective opinions of biased "experts"
27 who have a conflict of interest simply transforms the court into a unruly lynch mob of angry people ("taxpayers") who want
28 to keep their tax bill down by inducting other tax slaves to join them and share the burden of supporting the federal
29 plantation. This is exactly the tactic, in fact, that was used against Jesus at his trial. A major subject at Jesus' trial was his
30 attitude about taxes, in fact:

31 *And they [the angry democratic lynch mob of atheistic socialists] began to accuse Him [Jesus], saying, "We*
32 *found this fellow perverting the nation, and forbidding to pay taxes to Caesar, saying that He Himself is Christ,*
33 *a King [sovereign]."*
34 *[Luke 23:2, Bible, NKJV]*

35 The priests, who were the political enemies of Jesus, fomented negative public opinion against Jesus and caused an angry
36 mob of atheists to bring Jesus before the courts and governor Pilate so that he could be tried for things that weren't even
37 crimes. These vindictive priests turned an exclusively religious ministry of Jesus into a political persecution by an angry
38 lynch mob in order to silence dissent and challenges to their power and authority. The persecution of Jesus literally was a
39 "witch hunt", and not a valid legal process. The goal of his persecutors was to strip Him of His sovereignty, dignity, and
40 life. For further information on this subject, see the article entitled "The Trial of Jesus" at the address below, where a real
41 judge analyzed how Jesus was treated:

Trial of Jesus, Hon. Harry Fogle
<http://famguardian.org/Subjects/LawAndGovt/History/TrialOfJesus.htm>

42 What the Department of Justice has learned how to do in terrorizing and illegally persecuting tax honesty advocates is to
43 institutionalize the kind of tyranny, despotism, and violation of due process which Jesus experienced. They have made
44 every tax trial into a witch hunt that exactly replicates the one Jesus experienced. Tax honesty advocates want their
45 sovereignty and rights respected, while the government wants to destroy it and make them into federal serfs who are falsely
46 "presumed" to inhabit the federal plantation called the "United States" as "U.S. citizens". Remember: Jesus was a tax
47 protester! See the following article:

13.9 Using unqualified and unlawful jurists

[28 U.S.C. §1865](#)(b)(1) requires that all persons who serve on federal juries must be a statutory “citizen of the United States” pursuant to [8 U.S.C. §1401](#) and must be residents within the judicial district which is comprised of the federal territory within the district.

[TITLE 28 > PART V > CHAPTER 121 > § 1865](#)
[§1865. Qualifications for jury service](#)

(b) In making such determination the chief judge of the district court, or such other district court judge as the plan may provide, or the clerk if the court’s jury selection plan so provides, shall deem any person qualified to serve on grand and petit juries in the district court unless he—

(1) is not a citizen of the United States eighteen years old who has resided for a period of one year within the judicial district;

People who are domiciled in a state of the Union on land not under exclusive federal jurisdiction:

1. Are not statutory “U.S. citizens” pursuant to [8 U.S.C. §1401](#). See the following for exhaustive proof:
<http://famguardian.org/Subjects/LawAndGovt/Citizenship/WhyANational.pdf>
2. Do not reside within the judicial district, which encompasses only federal territory within the exterior limits of the United States Judicial District.

The way the federal courts sidestep the above requirement is to draw the jury wheel from the Department of Motor Vehicles in the state. Most states require that:

1. You must have a Social Security Number to be issued a Driver’s License.
2. The only people who can obtain Social Security Numbers are federal “employees”. See 20 C.F.R. §422.104 and the following:

[Resignation of Compelled Social Security Trustee](#), Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

3. A federal “employee” or “public official” acting in his official capacity is an officer of the federal corporation. The corporation is a statutory “U.S. citizen”, and therefore they are a statutory “U.S. citizen” while acting as federal employees. See:
 - 3.1. [28 U.S.C. §3002](#)(15)(A), which identifies the “United States” as a federal corporation.
 - 3.2. [Federal Rule of Civil Procedure 17](#)(b), which says that those appearing as “public officers” take on the character of those they represent while on official duty.

[IV. PARTIES > Rule 17.](#)
[Rule 17. Parties Plaintiff and Defendant: Capacity](#)

(b) Capacity to Sue or be Sued.

The capacity of an individual, other than one acting in a representative capacity, to sue or be sued shall be determined by the law of the individual’s domicile. The capacity of a corporation to sue or be sued shall be determined by the law under which it was organized. In all other cases capacity to sue or be sued shall be determined by the law of the state in which the district court is held, except (1) that a partnership or other unincorporated association, which has no such capacity by the law of such state, may sue or be sued in its common name for the purpose of enforcing for or against it a substantive right existing under the Constitution or laws of the United States, and (2) that the capacity of a receiver appointed by a court of the United States to sue or be sued in a court of the United States is governed by [Title 28, U.S.C., §§ 754 and 959\(a\)](#).

- 3.3. Corpus Juris Secundum Legal Encyclopedia, which says on this subject:

1 "A corporation is a citizen, *resident*, or inhabitant of the state or country by or under the laws of which it was
2 created, and of that state or country only."
3 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

4 Essentially what the courts are doing by undertaking the above, is filtering out jury pool so that the only ones who can serve
5 in federal court as jurists are federal employees domiciled in a state of the Union and who do not maintain a physical
6 residence within the judicial district in violation of [28 U.S.C. §1865\(b\)](#). Since the judge and the prosecutor are also federal
7 employees in a tax trial, this leaves those who would challenge unlawful collection activities by the government in a very
8 precarious position indeed: Litigating against an entire room full of federal employees who are "tax consumers". If that
9 isn't a criminal conflict of interest in violation of [18 U.S.C. §208](#), 28 U.S.C. §144, and 28 U.S.C. §455, we don't know
10 what would be. The result of this conflict of interest and breakdown of the separation of powers is the following unjust
11 result:

- 12 1. Due process is violated because impartial decision makers, prosecutors, and judicial officers are not used.
- 13 2. A void judgment, because due process is violated. See *Pennoyer v. Neff*, 96 U.S. 733, 24 L.Ed. 565.
- 14 3. Illegal enforcement of federal law against persons domiciled in states of the Union not subject to them by judges and
15 jurists.

16 **13.10 De Facto Judges not domiciled on federal territory in their district**

17 Another prevalent violation of the separation of powers doctrine is the frequent violation by federal judges that the judge
18 must reside on federal territory within the exterior limits of the judicial district. [28 U.S.C. §134\(b\)](#) requires that all federal
19 judges must reside within the district in which they serve.

20 [TITLE 28 > PART 1 > CHAPTER 5 > § 134](#)
21 [§ 134. Tenure and residence of district judges](#)

22 *(b) Each district judge, except in the District of Columbia, the Southern District of New York, and the Eastern*
23 *District of New York, **shall reside in the district or one of the districts for which he is appointed.** Each district*
24 *judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of*
25 *the district to which he or she is appointed.*

26 The Judicial Code of 1940 states the following about the residency requirements of federal judges:

27 *Every district judge shall reside in the district or one of the districts for which he is appointed, and **for***
28 ***offending against this provision shall be deemed guilty of a high misdemeanor.** (Mar. 3, 1911, ch. 231, §1, 36*
29 *Stat. 1087 as amended July 30, 1914, ch. 216, 38 Stat. 580 and supplemented Mar. 3, 1915, ch. 100; § 1, 38*
30 *Stat. 961; Apr. 11, 1916, ch. 64, § 1, 39 Stat. 48; Feb. 26, 1917, ch. 938, 39 Stat. 938; Feb. 26, 1919, ch. 50, §§*
31 *1, 2, 40 Stat. 1183; Sept. 14, 1922, ch. 306, 42 Stat. 837, 838; Jan. 16, 1925, ch. 83, § 3, 43 Stat. 752; Feb. 16,*
32 *1925, ch. 233, §§ 2, 3, 43 Stat. 946; Mar. 2, 1925, ch. 397, §§ 1-3, 43 Stat. 1098; Mar. 3, 1927, ch. 297, 44 Stat.*
33 *1346; Mar. 3, 1927, ch. 298, 44 Stat. 1347; Mar. 3, 1927, ch. 300, 44 Stat. 1348; Mar. 3, 1927, ch. 332, 44 Stat.*
34 *1370; Mar. 3, 1927, ch. 336, §§ 1, 2, 44 Stat. 1372; Mar. 3, 1927, ch. 338, 44 Stat. 1374; Mar. 3, 1927, ch. 344,*
35 *44 Stat. 1380; Apr. 21, 1928, ch. 393, § 5, 45 Stat. 439; May 29, 1928, ch. 882, 45 Stat. 974; Jan. 17, 1929, ch.*
36 *72, 45 Stat. 1081; Feb. 26, 1929, ch. 334, 45 Stat. 1317; Feb. 26, 1929, ch. 337, 45 Stat. 1319; Feb. 28, 1929,*
37 *ch. 358, 45 Stat. 1344; Feb. 28, 1929, ch. 380, 45 Stat. 1409; May 28, 1930, ch. 346, 46 Stat. 431; June 27,*
38 *1930, ch. 633, 46 Stat. 819; June 27, 1930, ch. 635, 46 Stat. 820; July 3, 1930, ch. 852, 46 Stat. 1006; Feb. 20,*
39 *1931, ch. 244, 46 Stat. 1196; Feb. 20, 1931, ch. 245, 46 Stat. 1197; Feb. 25, 1931, ch. 296, 46 Stat. 1417; May*
40 *20, 1932, ch. 196, 47 Stat. 161; Aug. 2, 1935, ch. 425, §§ 1, 2, 3, 49 Stat. 508; Aug. 19, 1935, ch. 558, §§ 1, 2,*
41 *49 Stat. 659; Aug. 28, 1935, ch. 793, 49 Stat. 945; June 5, 1936, ch. 515, §§ 1-3, 49 Stat. 1476, 1477; June 15,*
42 *1936, ch. 544, 49 Stat. 1491; June 16, 1936, ch. 585, § 1, 49 Stat. 1523; June 22, 1936, ch. 693, 49 Stat. 1804;*
43 *June 22, 1936, ch. 694, 49 Stat. 1804; June 22, 1936, ch. 696, 49 Stat. 1806; Aug. 25, 1937, ch. 771, § 1, 50*
44 *Stat. 805; Mar. 18, 1938, ch. 47, 52 Stat. 110; May 31, 1938, ch. 290, §§ 4, 6, 52 Stat. 585; June 20, 1938, ch.*
45 *528, 52 Stat. 780; Jan. 20, 1940, ch. 11, 54 Stat. 16; May 24, 1940, Ch. 209, § 2 (C), 54 Stat. 220; June 8, 1940,*
46 *ch. 282, 54 Stat. 253; Nov. 27, 1940, ch. 920, § 1, 54 Stat. 1216.)*
47 *[Judicial Code of 1940, Section 1, pp. 2453-2454, Exhibit 3]*

48 The above section of the Judicial Code of 1940 does not appear in the current version of Title 28 of the U.S. Code, but it is
49 still in effect today. If you quote it against your judge, the judge may try to deceive you into believing that it has been
50 repealed. However, the following provision of Title 28 confirms that it is still in effect, which you can read at the
51 beginning of the Judicial Code of 2000, Title 28 U.S.C.:

1 TITLE 28 AS CONTINUATION OF EXISTING LAW; CHANGE OF NAME OF CIRCUIT COURTS OF
2 APPEALS

3 Section 2(b) of act June 25, 1948, ch. 646, 62 Stat. 985, provided that: "The provision of Title 28, Judiciary
4 and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the
5 organization of each of the several courts therein provided for and of the Administrative Office of the United
6 States Courts, shall be construed as continuations of existing law, and the tenure of the judges, officers, and
7 employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office
8 on the effective date of this Act [Sept. 1, 1948], shall not be affected by its enactment, but each of them shall
9 continue to serve in the same capacity under the appropriate provisions of title 28, as set out in section 1 of this
10 Act, pursuant to his prior appointment: Provided, however, That each circuit court of appeals shall, as in said
11 title 28 set out, hereafter be known as a United States court of appeals. No loss of rights, interruption of
12 jurisdiction, or prejudice to matters pending in any of such Courts on the effective date of this Act shall result
13 from its enactment."

14 [Judicial Code of 2000, Title 28, p. 26]

15 The Judiciary Act of 1789 in Section 2 establishes the federal territory within a State or territory as the judicial district and
16 makes a judge's failure to reside within the district a high misdemeanor. Failure to reside within the district remains a high
17 misdemeanor in all subsequent versions of the United States Judiciary Codes including the Judicial Code of 1940 upon
18 which the Judiciary Code of 1948 is based. The judicial district includes ONLY federal property and cannot include any
19 part of a state under the exclusive jurisdiction of the state. This is a requirement of the Separation of Powers Doctrine:
20 Federal judges cannot be subject to state jurisdiction, because state and federal courts are both territorial.

21 Personnel who work at federal courthouses typically protect information about the residence of federal judges from public
22 disclosure in order to shield federal judges who don't meet the domicile requirements from being impeached from office as
23 de facto judges.

- 24 1. The Federal Marshall Service is responsible for knowing the whereabouts of federal judges within the judicial district
25 and for protecting them. When these personnel are sent a legitimate subpoena by a litigant who wishes to verify that
26 the federal district court judge satisfies the domicile requirements of 28 U.S.C. §134 and resides on federal territory
27 within the district, typically they will refuse to disclose the information. Typically, they will use the lame and
28 fraudulent excuse that they do this to prevent the judges from being subject to retaliation and terrorism by the civilian
29 population.
- 30 2. You can also obtain the abode information about the judge from the judges Affidavits of Appointment. These
31 Affidavits are available from the United States Department of Justice under the Freedom of Information Act (FOIA).
32 When you get these affidavits back, you will notice that the "Abode" field on the form has been very conveniently
33 redacted and removed so that it is impossible to determine whether the judge satisfies 28 U.S.C. §134.

34 **13.11 Violations of Due Process by Courts**

35 All presumption which prejudices a right guaranteed by the Constitution represents a violation of Constitutional Due
36 Process. The only exception to this rule is if the Defendant is not covered by the Constitution because:

- 37 1. Domiciled in areas not covered by the Bill of Rights, such as federal territories, possessions, and the federal areas
38 within the states. These areas are called the "federal zone" in this memorandum.
- 39 2. Exercising agency of a corporation that is domiciled in the federal zone.

40 The above is also confirmed by reading [Federal Rule of Civil Procedure Rule 17\(b\)](#) , which says that the law to be applied
41 in a civil case must derive either from the law of the parties' domicile or from the domicile of the corporation they are
42 acting as an agent for.

43 According to the Bible, "presumption" also happens to be a Biblical sin in violation of God's law as well, which should
44 result in the banishment of a person from his society, which in today's terms would mean a prison sentence:

45 *"But the person who does anything presumptuously, whether he is native-born or a stranger, that one brings*
46 *reproach on the LORD, and he shall be cut off from among his people."*
47 [[Numbers 15:30](#), Bible, NKJV]
48

1 *"Keep back Your servant also from **presumptuous** sins; Let them not have dominion over me. Then I shall be*
2 *blameless, And I shall be innocent of great transgression."*
3 *[Psalm 19:13, Bible, NKJV]*
4

5 *"Now the man who acts presumptuously and will not heed the priest who stands to minister there before the*
6 *LORD your God, or the judge, that man shall die. So you shall put away the evil from Israel. 13 And all the*
7 *people shall hear and fear, and no longer act presumptuously."*
8 *[Deut. 17:12-13, Bible, NKJV]*

9 We have therefore established that "presumption" which can injure others is something we should try very hard to avoid,
10 because it is a violation of both man's law AND God's law. As a matter of fact, we have a whole free book on the website
11 below that challenges the false assumption of liability to federal taxation available at:

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

12 The chief purpose of Constitutional "due process" is therefore to completely remove injurious bias and the presumption that
13 produces it from every legal proceeding in a court of law. This is done by:

- 14 1. Preventing the application of any "statutory presumptions" that might prejudice the rights of the Defendant.
- 15 2. Insisting that every conclusion is based on physical and non-presumptive (not "prima facie") evidence.
- 16 3. To apply the same rules of evidence equally against both parties.
- 17 4. Choosing jurists who are free from bias or prejudice during the voir dire (jury selection) process.
- 18 5. Choosing judges who are free from bias or prejudice during the voir dire process.
- 19 6. Counsel on both sides ensuring that all presumptions made by the opposing party are challenged in a timely manner at
20 all phases of the litigation.

21 You can tell when presumptions are being prejudicially used in a legal proceeding in federal court, for instance, when:

- 22 1. The judge or either party uses any of the following phrases:
 - 23 1.1. "Everyone knows. . ."
 - 24 1.2. "You knew or should have known..."
 - 25 1.3. "A reasonable [presumptuous] person would have concluded otherwise..."
- 26 2. The judge does not *exclude* the I.R.C. from evidence in the case involving a person who:
 - 27 2.1. Is not domiciled in the federal zone.
 - 28 2.2. Has no employment, contracts, or agency with the federal government.
 - 29 2.3. Who has provided evidence of the same above.
- 30 3. The judge allows the Prosecutor to throw accusations at the Defendant in front of the jury without insisting on evidence
31 to back it up.
- 32 4. The judge admits into evidence or cites a statutory presumption that prejudices your rights.

33 *"It is apparent,' this court said in the Bailey Case (219 U.S. 239, 31 S.Ct. 145, 151) 'that a constitutional*
34 *prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be*
35 *violated by direct enactment. The power to create presumptions is not a means of escape from constitutional*
36 *restrictions."*
37 *[Heiner v. Donnan, 285 U.S. 312 (1932); Bailey v. Alabama, 219 U.S. 219, 238, et seq., 31 S.Ct. 145; Manley*
38 *v. Georgia, 279 U.S. 1, 5-6, 49 S.Ct. 215.]*

- 39 5. A judge challenges your choice of domicile and/or citizenship. In such a case, the court is illegally involving itself in
40 what actually are strictly political matters and what is called "political questions". One's choice of domicile is a
41 political matter that may not be coerced or presumed to be anything other than what the subject himself has clearly and
42 unambiguously stated, both orally and on government forms. See our free memorandum of law below:

Political Jurisdiction, Form #05.004
<http://sedm.org/Forms/FormIndex.htm>

43 Unscrupulous government prosecutors will frequently make use of false presumption as their chief means of winning a tax
44 case as follows:

1. They will choose a jury that is misinformed or under-informed about the law and legal process. This makes them into sheep who will follow anyone.
2. They will use the ignorance and prejudices and the presumptions of the jury as a weapon to manipulate them into becoming an angry “lynch mob” with a vendetta against the Defendant. This was the same thing that they did to Jesus. See the free [Great IRS Hoax](#), Form #11.302, section 5.4.3.5 entitled “Modern Tax Trials are religious ‘inquisitions’ and not valid legal processes” available at: <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.
3. They will make frequent use of “words of art” to deceive the jury into making false presumptions that will prejudice the rights of the defendant.

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

Most of these “words of art” are identified in the free [Great IRS Hoax](#), Form #11.302, Section 3.9.1 through 3.9.1.27 available at: <http://sedm.org/Forms/FormIndex.htm>.

4. They will:
 - Avoid defining the words they are using.
 - Prevent evidence of the meaning of the words they are using from entering the court record or the deliberations.
 - Federal judges will help them with this process by insisting that “law” may not be discussed in the courtroom.

A good judge will ensure that the above prejudice does not happen, because it is his primary duty to defend and protect the Constitutional rights of the parties consistent with his oath of office, which is as follows for federal judges:

“I, _____, do solemnly swear and affirm that I will administer justice without regard to persons and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all of the duties incumbent upon me as _____ under the Constitution and laws of the United States, and that I will support and defend the Constitution of the United States against all enemies foreign and domestic, that I will bear true faith and allegiance to the same, and that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

Judges must be especially vigilant of the requirements of the Constitution where the matter involves taxation and where there is no jury or where anyone in the jury is either a “taxpayer” or a recipient of government benefits. He must do so in order to avoid violation of 18 U.S.C. §597, which forbids bribing of voters, since jurists are a type of voter. However, as a practical matter, we have observed that there are not many good judges who will be this honorable in the context of a tax trial because their pay and retirement, they think, depends on a vigorous illegal enforcement of the Internal Revenue Code in violation of 28 U.S.C. §455.

[TITLE 28 > PART I > CHAPTER 21 > § 455](#)
[§ 455. Disqualification of justice, judge, or magistrate judge](#)

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

[. . .]

(4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

Most of the injustice that occurs in federal courtrooms across the country relating to income taxation occurs primarily because the above statute is violated. This statute wasn’t always violated. It was only in the 1930’s that federal judges became “taxpayers”. Before that, they were completely independent, which is why most people were not “taxpayers” before that. For details on this corruption of our judiciary, see the free book [Great IRS Hoax](#), Form #11.302, Sections 6.5.15, 6.5.18, 6.8.2 through 6.9.12:

[Great IRS Hoax](#), Form #11.302
<http://sedm.org/Forms/FormIndex.htm>

1 The U.S. Supreme Court has declared that judges must be alert to prevent such unconstitutional encroachments upon the
2 sacred Constitutional Rights of those domiciled in the states of the Union, when it gave the following warning, which has
3 gone largely unheeded by federal circuit and district courts since then:

4 *"It may be that it...is the obnoxious thing in its mildest and least repulsive form; but illegitimate and*
5 *unconstitutional practices get their first footing in that way; namely, by silent approaches and slight*
6 *deviations from legal modes of procedure. This can only be obviated by adhering to the rule that*
7 *constitutional provisions for the security of person and property should be liberally construed. A close and*
8 *literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it*
9 *consisted more in sound than in substance. It is the duty of the courts to be watchful for the constitutional*
10 *rights of the citizens, and against any stealthy encroachments thereon. Their motto should be obsta*
11 *principalis," [Mr. Justice Brewer, dissenting, quoting Mr. Justice Bradley in Boyd v. United States, 116 U.S.*
12 *616, 29 L.Ed. 746, 6 Sup.Ct.Rep. 524]*
13 *[Hale v. Henkel, 201 U.S. 43 (1906)]*

14 **13.12 Misrepresenting and misapplying "private law" against the public as though it were** 15 **"public law"**

16 Most law written only for the government is not "positive law" and does not need to be "positive law" in order to be law for
17 those in government. However, it is a violation of the separation of powers doctrine and a violation of Constitutional rights
18 to apply law that only applies to government against a person domiciled in a state of the Union who is not subject to it.
19 Before that can happen, the statute must be enacted into positive law, and then it, along with implementing regulations,
20 must be published in the Federal Register in order to give the law "general applicability and legal effect", as it says in the
21 Federal Register Act, [44 U.S.C. §1505\(a\)](#) and the Administrative Procedures Act, [5 U.S.C. §553\(a\)](#). "General applicability
22 and legal effect" means that it can be enforced against the general public, instead of only against federal "employees" and
23 officers.

24 Among the types of evidence that may be introduced in a court setting to establish guilt include quoting the enacted law
25 itself. Evidence based upon "law" only becomes admissible when the law cited is "positive law".

26 **"Positive law.** *Law actually and specifically enacted or adopted by proper authority for the government of an*
27 *organized jural society. See also Legislation."*
28 *[Black's Law Dictionary, Sixth Edition, p. 1162]*

29 Evidence that is NOT positive law, becomes "prima facie" evidence, which means that it is "presumed" to be evidence
30 unless challenged or rebutted:

31 [TITLE 1 > CHAPTER 3 > § 204](#)
32 [§ 204. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of](#)
33 [Codes and Supplements](#)

34 *In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia,*
35 *and of each State, Territory, or insular possession of the United States—*

36 *(a) United States Code.— The matter set forth in the edition of the Code of Laws of the United States current at*
37 *any time shall, together with the then current supplement, if any, establish prima facie the laws of the United*
38 *States, general and permanent in their nature, in force on the day preceding the commencement of the session*
39 *following the last session the legislation of which is included: **Provided, however, That whenever titles of such***
40 ***Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein***
41 ***contained, in all the courts of the United States, the several States, and the Territories and insular***
42 ***possessions of the United States.***

43 The above statute, which is "positive law", establishes what is called a "statutory presumption" that courts are obligated to
44 observe. The statute above creates the notion of "prima facie" evidence. "Prima facie evidence" is defined below:

45 **"Prima facie evidence.** *Evidence good and sufficient on its face. Such evidence as, in the judgment of the law,*
46 *is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense, and*
47 *which if not rebutted or contradicted, will remain sufficient. Evidence which, if unexplained or uncontradicted,*
48 *is sufficient to sustain a judgment in favor of the issue which it supports, but which may be contradicted by*
49 *other evidence. State v. Haremza, 213 Kan. 201, 515 P.2d. 1217, 1222.*

1 That quantum of evidence that suffices for proof of a particular fact until the fact is contradicted by other
2 evidence; once a trier of fact is faced with conflicting evidence, it must weigh the prima facie evidence with all
3 the other probative evidence presented. *Godesky v. Provo City Corp.*, Utah, 690 P.2d. 541, 547. Evidence
4 which, standing alone and unexplained, would maintain the proposition and warrant the conclusion to support
5 which it is introduced. An inference or presumption of law, affirmative or negative of a fact, in the absence of
6 proof, or until proof can be obtained or produced to overcome the inference. See also *Presumptive evidence.*
7 [Black's Law Dictionary, Sixth Edition, p. 1190]

8 A "statutory presumption" is one that occurs in a court of law because it is mandated by a positive law statute. The U.S.
9 Supreme Court has ruled that "statutory presumptions", such as [1 U.S.C. §204](#) above, which prejudice constitution rights
10 are forbidden:

11 *"A rebuttable presumption clearly is a rule of evidence which has the effect of shifting the burden of proof,*
12 *Mobile, J. & K. C. R. Co. v. Turnipseed, 219 U.S. 35, 43, 31 S.Ct. 136, 32 L.R.A. (N.S.) 226, Ann.Cas. 1912A,*
13 *463; and it is hard to see how a statutory rebuttable presumptions is turned from a rule of evidence into a*
14 *rule of substantive law as the result of a later statute making it conclusive. In both cases it is a substitute for*
15 *proof; in the one open to challenge and disproof, and in the other conclusive. However, whether the latter*
16 *presumption be treated as a rule of evidence or of substantive law, it constitutes an attempt, by legislative fiat,*
17 *to enact into existence a fact which here does not, and cannot be made to, exist in actuality, and the result is*
18 *the same, unless we are ready to overrule the Schlesinger Case, as we are not; for that case dealt with a*
19 *conclusive presumption, and the court held it invalid without regard to the question of its technical*
20 *characterization. This court has held more than once that a statute creating a presumption which operates to*
21 *deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment. For*
22 *example, Bailey v. Alabama, 219 U.S. 219, 238, et seq., 31 S.Ct. 145; Manley v. Georgia, 279 U.S. 1, 5-6, 49*
23 *S.Ct. 215.*

24 *'It is apparent,' this court said in the Bailey Case (219 U.S. 239, 31 S.Ct. 145, 151) 'that a*
25 *constitutional prohibition cannot be transgressed indirectly by the creation of a statutory*
26 *presumption any more than it can be violated by direct enactment. The power to create*
27 *presumptions is not a means of escape from constitutional restrictions.'*

28 *"If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to*
29 *prove the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise*
30 *of a rule of substantive law."*
31 [Heiner v. Donnan, 285 U.S. 312 (1932)]

32 The U.S. Supreme Court has also ruled that statutes like [1 U.S.C. §204](#) impose the burden of proof upon the party who cites
33 that which is not "positive law" or which is "prima facie" evidence of law as authority in a case, in cases where
34 constitutional rights are at issue. To wit:

35 *"Legislation declaring that proof of one fact of group of facts shall constitute prima facie evidence of an*
36 *ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be*
37 *inferred. A prima facie presumption casts upon the person against whom it is applied the duty of going*
38 *forward with his evidence on the particular point to which the presumption relates. A statute creating a*
39 *presumption that is arbitrary, or that operates to deny a fair opportunity to repel it, violates the due process*
40 *clause of the Fourteenth Amendment.* Legislative fiat may not take the place of fact in the judicial
41 determination of issues involving life, liberty, or property. *Manley v. Georgia, 279 U.S. 1, 49 S.Ct. 215, 73*
42 *L.Ed. -, and cases cited."*
43 [*Western and Atlantic Railroad v. Henderson, 279 U.S. 639 (1929)*]

44 [1 U.S.C. §204](#) lists the Titles of the U.S. Code that are positive law. The Internal Revenue Code (I.R.C.) is not listed, and
45 therefore, it is simply "presumed" to be law until challenged or proven otherwise. That challenge has to come from you,
46 because it will NEVER come from the government. Who would look a gift horse in the mouth? The statutory
47 "presumption" that the I.R.C. is "law" may not be used to prejudice or undermine the Constitutional rights of a person, as
48 shown above. Therefore, it may only be cited in the case of persons who are "taxpayers", which means persons who are
49 subject to it. Those who are not subject to it because "nontaxpayers" may not have it cited against them without proof on
50 the record that:

- 51 1. Proof appears on the record that the affected party performed some act that made them subject to it.
- 52 2. The section cited is "positive law". This would require going back to the Statute At Large from which the section
53 derives and showing that this section is "positive law".

54 Most people who are challenged by the government using a section of the I.R.C. as authority wrongfully "presume" that it
55 is "law" or "positive law" without even challenging this fact. This has the effect of relieving the government from the

1 burden of proving that the section they are citing is “positive law”, thereby prejudicing and destroying their Constitutional
2 rights. We must remember that the I.R.C. is:

- 3 1. “Private law” and “special law” that only applies to parties who consent individually to it, either in writing or based on
4 their behavior. In that sense, it behaves as a contract, and not a public law.
- 5 2. NOT “law” for a “nontaxpayer” and may not be cited against a “nontaxpayer”. See the following for details:

Who are "Taxpayers" and who Needs a "Taxpayer Identification Number"?, Form 05.013
<http://sedm.org/Forms/FormIndex.htm>

6 The I.R.C. is as “foreign” as the laws of China are to an American if the subject is a “nontaxpayer”. It is just like the
7 criminal laws in fact, which a party can only become subject to by committing a “crime” defined therein. That crime is the
8 receipt of earnings connected with a “trade or business”, which is statutorily defined at 26 U.S.C. §7701(a)(26) as “the
9 functions of a public office”.

*"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers,
10 and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and
11 no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not
12 assume to deal, and they are neither of the subject nor of the object of the revenue laws..."*
13 [Long v. Rasmussen, 281 F. 236 (1922)]
14

15 The Internal Revenue Code contains several statutory presumptions. Below is an example:

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 76](#) > [Subchapter E](#) > §7491
16
17 [§ 7491. Burden of proof](#)

(a) Burden shifts where taxpayer produces credible evidence

(1) General rule

*If, in any court proceeding, a taxpayer introduces credible evidence with respect to any factual issue relevant to
20 ascertaining the liability of the taxpayer for any tax imposed by subtitle A or B, the Secretary shall have the
21 burden of proof with respect to such issue.*

(2) Limitations

Paragraph (1) shall apply with respect to an issue only if—

(A) *the taxpayer has complied with the requirements under this title to substantiate any item;*

(B) *the taxpayer has maintained all records required under this title and has cooperated with reasonable
26 requests by the Secretary for witnesses, information, documents, meetings, and interviews; and*

(C) *in the case of a partnership, corporation, or trust, the taxpayer is described in section [7430 \(c\)\(4\)\(A\)\(ii\)](#).*

*Subparagraph (C) shall not apply to any qualified revocable trust (as defined in section [645 \(b\)\(1\)](#)) with respect
29 to liability for tax for any taxable year ending after the date of the decedent's death and before the applicable
30 date (as defined in section [645 \(b\)\(2\)](#)).*

(3) Coordination

*Paragraph (1) shall not apply to any issue if any other provision of this title provides for a specific burden of
33 proof with respect to such issue.*

35 If you would like to learn more about the subjects in this section, please refer to our free memorandum of law below:

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

14 Rebutted False Arguments Against This Memorandum

14.1 States of the Union are NOT Legislatively “foreign” or “alien” in relation to the “national” government⁶⁸

False Argument: States of the Union are NOT legislatively “foreign” and alien in relation to the “national” government. Instead, they are domestic.

Corrected Alternative Argument: States of the Union are legislatively “foreign” and “alien” in relation to the national government because of the separation of powers doctrine that is the foundation of the United States Constitution. That separation of powers was put there exclusively for the protection of your sacred constitutional rights. Anyone who claims otherwise is a tyrant, a communist, and intends to commit a criminal conspiracy against your private rights.

Further information:

1. Government Conspiracy to Destroy the Separation of Powers, Form #05.023
<http://sedm.org/Forms/FormIndex.htm>
2. Federal Jurisdiction, Form #05.018
<http://sedm.org/Forms/FormIndex.htm>

A favorite tactic abused by covetous judges and prosecutors is to claim that the states of the Union are not legislatively “foreign” or “alien” in relation to the national government. The motivation for this FRAUD is to unlawfully and unconstitutionally expand the jurisdiction and importance of judges and bureaucrats. It is most frequently used in courts across the land and Thomas Jefferson predicted it would be attempted, when he said:

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

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

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

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

This FRAUDULENT argument also takes the following additional forms:

1. There is no civil legislative separation between the states of the Union and the national government.
2. A “citizen” or “resident” under federal law has the same meaning as that under state of the Union law.
3. Statutory words have the same meaning under federal law as they have under state law.
4. The context in which geographical or political “words of art” are used is unimportant. For instance, there is no difference in meaning between the STATUTORY and the CONSTITUTIONAL meaning of words.

Like every other type of deception perpetrated on a legally ignorant American public, this fraudulent claim relies on a deliberate confusion about the CONTEXT in which specific geographical and political “words of art” are used. What they are doing is confusing the STATUTORY and the CONSTITUTIONAL contexts, and trying to deceive the hearer into believing the false presumption that they are equivalent.

⁶⁸ Adapted from: Flawed Tax Arguments to Avoid, Form #08.004, Section 6.3; <http://sedm.org/Forms/FormIndex.htm>.

1 The following subsections dissect this argument and expose it as a MASSIVE fraud upon the American public.

2 **14.1.1 The two contexts: Constitutional v. Statutory**

3 The terms “foreign” and “domestic” are opposites. There are two contexts in which these terms may be used:

- 4 1. Constitutional: The U.S. Constitution is political document, and therefore this context is also sometimes called
5 “political jurisdiction”.
- 6 2. Statutory: Congress writes statutes or “acts of Congress” to manage property dedicated to their care. This context is
7 also called “legislative jurisdiction” or “civil jurisdiction”.

8 Any discussion of the terms “foreign” and “domestic” therefore must start by identifying ONE of the two above contexts.
9 Any attempt to avoid discussing which context is intended should be perceived as an attempt to confuse, deceive, and
10 enslave you by corrupt politicians and lawyers:

11 *“For where envy and self-seeking exist, confusion and every evil thing are there.”*
12 *[James 3:16, Bible, NKJV]*

13 The separation of powers makes states of the Union STATUTORILY/LEGISLATIVELY FOREIGN and sovereign in
14 relation to the national government but CONSTITUTIONALLY/POLITICALLY DOMESTIC for nearly all subject matters
15 of legislation. Every occasion by any court or legal authority to say that the states and the federal government are not
16 foreign relates to the CONSTITUTIONAL and not STATUTORY context. Below is an example of this phenomenon,
17 where “sovereignty” refers to the CONSTITUTIONAL/POLITICAL context rather than the
18 STATUTORY/LEGISLATIVE context:

19 *“The United States is not a foreign sovereignty as regards the several states, but is a concurrent, and, within
20 its jurisdiction, paramount sovereignty.”*
21 *[Claflin v. Houseman, 93 U.S. 130, 136 (1876)]*

22 **14.1.2 Evidence in support**

23 Thomas Jefferson, our most revered founding father, had the following to say about the relationship between the states of
24 the Union and the national government:

25 *The extent of our country was so great, and its former division into distinct States so established, that we*
26 *thought it better to confederate [U.S. government] as to foreign affairs only. Every State retained its self-*
27 *government in domestic matters, as better qualified to direct them to the good and satisfaction of their*
28 *citizens, than a general government so distant from its remoter citizens and so little familiar with the local*
29 *peculiarities of the different parts.”*
30 *[Thomas Jefferson to A. Coray, 1823. ME 15:483]*

31 *“I believe the States can best govern our home concerns, and the General Government our foreign ones.”*
32 *[Thomas Jefferson to William Johnson, 1823. ME 15:450]*

33 *“My general plan [for the federal government] would be, to make the States one as to everything connected*
34 *with foreign nations, and several as to everything purely domestic.”*
35 *[Thomas Jefferson to Edward Carrington, 1787. ME 6:227]*

36 *“Distinct States, amalgamated into one as to their foreign concerns, but single and independent as to their*
37 *internal administration, regularly organized with a legislature and governor resting on the choice of the people
38 and enlightened by a free press, can never be so fascinated by the arts of one man as to submit voluntarily to his
39 usurpation. Nor can they be constrained to it by any force he can possess. While that may paralyze the single
40 State in which it happens to be encamped, [the] others, spread over a country of two thousand miles diameter,
41 rise up on every side, ready organized for deliberation by a constitutional legislature and for action by their
42 governor, constitutionally the commander of the militia of the State, that is to say, of every man in it able to
43 bear arms.”*
44 *[Thomas Jefferson to A. L. C. Destutt de Tracy, 1811. ME 13:19]*

45 *“With respect to our State and federal governments, I do not think their relations are correctly understood by*
46 *foreigners. They generally suppose the former subordinate to the latter. But this is not the case. They are co-*
47 *ordinate departments of one simple and integral whole. To the State governments are reserved all legislative*
48 *and administration, in affairs which concern their own citizens only, and to the federal government is given*

1 whatever concerns foreigners, or the citizens of the other States; these functions alone being made federal. The
2 one is domestic, the other the foreign branch of the same government; neither having control over the other, but
3 within its own department."
4 [Thomas Jefferson, "Writing of Thomas Jefferson" pub by Taylor & Maury, Washington DC, 1854, quote
5 number VII 355-61, from correspondence to Major John Cartwright, June 5, 1824.]

6 The several states of the Union of states, collectively referred to as the United States of America or the "freely associated
7 compact states", are considered to be STATUTORILY/LEGISLATIVELY "foreign countries" and "foreign states" with
8 respect to the federal government. An example of this is found in the Corpus Juris Secundum legal encyclopedia, in which
9 federal territory is described as being a "foreign state" in relation to states of the Union:

10 *"§1. Definitions, Nature, and Distinctions*

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

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

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

28 *"As used in this title, the term 'territories' generally refers to the political subdivisions created by congress,*
29 *and not within the boundaries of any of the several states."*
30 [86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]

31 Here is the definition of the term "foreign country" right from the Treasury Regulations:

32 *26 C.F.R. §1.911-2(h): The term "foreign country" when used in a geographical sense includes any territory*
33 *under the sovereignty of a government other than that of the United States**. It includes the territorial waters*
34 *of the foreign country (determined in accordance with the laws of the United States**), the air space over the*
35 *foreign country, and the seabed and subsoil of those submarine areas which are adjacent to the territorial*
36 *waters of the foreign country and over which the foreign country has exclusive rights, in accordance with*
37 *international law, with respect to the exploration and exploitation of natural resources.*

38 Black's Law Dictionary, Sixth Edition, p. 498 helps make the distinction clear that the 50 Union states are foreign
39 countries:

40 *Dual citizenship. Citizenship in two different **countries**. Status of citizens of United States who reside*
41 *within a state; i.e., person who are born or naturalized in the U.S. are citizens of the U.S. and the state wherein*
42 *they reside.*
43 [Black's Law Dictionary, Sixth Edition, p. 498]

44 Positive law from Title 28 of the U.S. Code agrees that states of the Union are foreign with respect to federal jurisdiction:

45 [TITLE 28 > PART 1 > CHAPTER 13 > Sec. 297.](#)
46 [Sec. 297. - Assignment of judges to courts of the freely associated compact states](#)

47 (a) *The Chief Justice or the chief judge of the United States Court of Appeals for the Ninth Circuit may assign*
48 *any circuit or district judge of the Ninth Circuit, with the consent of the judge so assigned, to serve*
49 *temporarily as a judge of any duly constituted court of the freely associated compact states whenever an*
50 *official duly authorized by the laws of the respective compact state requests such assignment and such*
51 *assignment is necessary for the proper dispatch of the business of the respective court.*

(b) The Congress consents to the acceptance and retention by any judge so authorized of reimbursement from the countries referred to in subsection (a) of all necessary travel expenses, including transportation, and of subsistence, or of a reasonable per diem allowance in lieu of subsistence. The judge shall report to the Administrative Office of the United States Courts any amount received pursuant to this subsection

Definitions from Black's Law Dictionary:

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

Foreign Laws: "The laws of a foreign country or sister state."
[Black's Law Dictionary, Sixth Edition, p. 647]

Dual citizenship. Citizenship in two different countries. Status of citizens of United States who reside within a state; i.e., person who are born or naturalized in the U.S. are citizens of the U.S. and the state wherein they reside.
[Black's Law Dictionary, Sixth Edition, p. 498]

The legal encyclopedia Corpus Juris Secundum says on this subject:

"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), legal encyclopedia]

The phrase "except in so far as the United States is paramount" refers to subject matters delegated to the national government under the United States Constitution. For all such subject matters ONLY, "acts of Congress" are NOT foreign and therefore are regarded as "domestic". All such subject matters are summarized below. Every other subject matter is legislatively "foreign" and therefore "alien":

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

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

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

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

But very different considerations apply to the **internal commerce** or **domestic trade** of the States. Over this commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs **exclusively** to the States. **No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature**. The power to authorize a business within a State is plainly repugnant to the exclusive power of

1 the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given
2 in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it
3 must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited,
4 and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing
5 subjects. Congress cannot authorize a trade or business within a State in order to tax it."
6 [*License Tax Cases*, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

- 7 2. Postal fraud. See Article 1, Section 8, Clause 7 of the U.S. Constitution.
- 8 3. Counterfeiting under Article 1, Section 8, Clause 6 of the U.S. Constitution.
- 9 4. Treason under Article 4, Section 2, Clause 3 of the U.S. Constitution.
- 10 5. Interstate commercial crimes under Article 1, Section 8, Clause 3 of the U.S. Constitution.
- 11 6. Jurisdiction over naturalization and exportation of Constitutional aliens.
- 12 7. Slavery, involuntary servitude, or peonage under the Thirteenth Amendment, 42 U.S.C. §1994, 18 U.S.C. §1581. and
13 18 U.S.C. §1589(3).

14 "Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the
15 Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary
16 servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these
17 sections denouncing peonage, and punishing one who holds another in that condition of involuntary
18 servitude. **This legislation is not limited to the territories or other parts of the strictly national domain,**
19 **but is operative in the states and wherever the sovereignty of the United States extends.** We entertain no
20 doubt of the validity of this legislation, or of its applicability to the case of any person holding another in
21 a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding.
22 **It operates directly on every citizen of the Republic, wherever his residence may be.**"
23 [*Clyatt v. U.S.*, 197 U.S. 207 (1905)]

24 The Courts also agrees with this interpretation:

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

29
30 "The difficulties arising out of our dual form of government and the opportunities for differing opinions
31 concerning the relative rights of state and national governments are many; **but for a very long time this court**
32 **has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or**
33 **their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like
34 limitation upon the power which springs from the bankruptcy clause. *United States v. Butler*, *supra*."
35 [*Ashton v. Cameron County Water Improvement District No. 1*, 298 U.S. 513, 56 S.Ct. 892 (1936)]

36
37 "The States between each other are sovereign and independent. They are distinct and separate sovereignties,
38 except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue**
39 **to be nations,** with all their rights, and under all their national obligations, and with all the rights of nations in
40 every particular; except in the surrender by each to the common purposes and objects of the Union, under the
41 Constitution. The rights of each State, when not so yielded up, remain absolute."
42 [*Bank of Augusta v. Earle*, 38 U.S. (13 Pet.) 519, 10 L.Ed. 274 (1839)]

43
44 "In determining the boundaries of apparently conflicting powers between states and the general government,
45 the proper question is, not so much what has been, in terms, reserved to the states, as what has been, expressly
46 or by necessary implication, granted by the people to the national government; for **each state possess all the**
47 **powers of an independent and sovereign nation, except so far as they have been ceded away by the**
48 **constitution.** The federal government is but a creature of the people of the states, and, like an agent appointed
49 for definite and specific purposes, must show an express or necessarily implied authority in the charter of its
50 appointment, to give validity to its acts."
51 [*People ex re. Atty. Gen. V. Naglee*, 1 Cal. 234 (1850)]

52 The motivation behind this distinct separation of powers between the state and federal government was described by the
53 Supreme Court. Its ONLY purpose for existence is to protect our precious liberties and freedoms. Hence, anyone who tries
54 to confuse the CONSTITUTIONAL and STATUTORY contexts for legal terms is trying to STEAL your rights.

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

11 We therefore have no choice to conclude, based on the definitions above that the sovereign 50 Union states of the United
12 States *of America* are considered "foreign states", which means they are outside the legislative jurisdiction of the federal
13 courts in most cases. This conclusion is the inescapable result of the fact that the Tenth Amendment to the U.S.
14 Constitution reserves what is called "police powers" to the states and these police powers include most criminal laws and
15 every aspect of public health, morals, and welfare. See section 4.9 for further details. There are exceptions to this general
16 rule, but most of these exceptions occur when the parties involved reside in two different "foreign states" or in a territory
17 (referred to as a "State") of the federal United States and wish to *voluntarily* grant the federal courts jurisdiction over their
18 issues to simplify the litigation. The other interesting outcome of the above analysis is that We the People are
19 "instrumentalities" of those foreign states, because we fit the description above as:

- 20 1. A separate legal person.
- 21 2. An organ of the foreign state, because we:
 - 22 2.1. Fund and sustain its operations with our taxes.
 - 23 2.2. Select and oversee its officers with our votes.
 - 24 2.3. Change its laws through the political process, including petitions and referendums.
 - 25 2.4. Control and limit its power with our jury and grand jury service.
 - 26 2.5. Protect its operation with our military service.

27 The people govern themselves through their elected agents, who are called public *servants*. Without the involvement of
28 *every citizen* of every "foreign state" in the above process of self-government, the state governments would disintegrate and
29 cease to exist, based on the way our system is structured now. The people, are the sovereigns, according to the Supreme
30 Court: *Juilliard v. Greenman*, 110 U.S. 421 (1884); *Perry v. U.S.*, 294 U.S. 330 (1935); *Yick Wo v. Hopkins*, 118 U.S. 356
31 (1886). Because the people are the sovereigns, then the government is there to *serve* them and without people to serve, then
32 we wouldn't *need* a government! How much more of an "instrumentality" can you be as a natural person of the body
33 politic of your state? We refer you back to section 4.1 to reread that section to find out just how very important a role you
34 play in your state government. By the way, here is the definition of "instrumentality" right from Black's Law Dictionary,
35 Sixth Edition, page 801:

36 *"Instrumentality: Something by which an end is achieved; a means, medium, agency. Perkins v. State, 61*
37 *Wis.2d 341, 212 N.W.2d. 141, 146."*
38 *[Black's Law Dictionary, Sixth Edition, p. 801]*

39 Another section in that same Chapter 97 above says these foreign states have judicial immunity:

40 [TITLE 28 > PART IV > CHAPTER 97 > Sec. 1602.](#)
41 *Sec. 1602. - Findings and declaration of purpose*

42 *The Congress finds that the determination by United States courts of the claims of foreign states to immunity*
43 *from the jurisdiction of such courts would serve the interests of justice and would protect the rights of both*
44 *foreign states and litigants in United States courts. Under international law, states are not immune from the*
45 *jurisdiction of foreign courts insofar as their commercial activities are concerned, and their commercial*
46 *property may be levied upon for the satisfaction of judgments rendered against them in connection with their*
47 *commercial activities. Claims of foreign states to immunity should henceforth be decided by courts of the*
48 *United States and of the States in conformity with the principles set forth in this chapter*

1 **14.1.3 Rebutted arguments against our position**

2 A favorite tactic of members of the legal profession in arguing against the conclusions of this section is to cite the following
3 U.S. Supreme Court cites and then to say that the federal and state government enjoy concurrent jurisdiction within states
4 of the Union.

5 *"The laws of the United States are laws in the several States, and just as much binding on the citizens and*
6 *courts thereof as the State laws are. The United States is not a foreign sovereignty as regards the several States,*
7 *but is a concurrent, and, within its jurisdiction, paramount sovereignty. Every citizen of a State is a subject of*
8 *two distinct sovereignties, having concurrent jurisdiction in the State,-concurrent as to place and persons,*
9 *though distinct as to subject-matter."*
10 [*Claflin v. Houseman, 93 U.S. 130, 136 (1876)*]

11 *"And the powers of the General Government, and of the State, although both exist and are exercised within the*
12 *same territorial limits, are yet separate and distinct sovereignties, acting separately and independently of each*
13 *other, within their respective spheres."*
14 [*Ableman v. Booth, 62 U.S. 506, 516 (1858)*]

15 The issue raised above relates to the concept of what we call "dual sovereignty". Can *two* entities be *simultaneously*
16 sovereign over a *single* geographic region and the same subject matter? Let's investigate this intriguing matter further,
17 keeping in mind that such controversies result from a fundamental misunderstanding of what "sovereignty" really means.

18 We allege and a book on Constitutional government also alleges that it is a *legal impossibility* for two sovereign bodies to
19 enjoy concurrent jurisdiction over the same subject, and especially when it comes to jurisdiction to tax.

20 *"§79. This sovereignty pertains to the people of the United States as national citizens only, and not as citizens*
21 *of any other government. There cannot be two separate and independent sovereignties within the same limits or*
22 *jurisdiction; nor can there be two distinct and separate sources of sovereign authority within the same*
23 *jurisdiction. The right of commanding in the last resort can be possessed only by one body of people inhabiting*
24 *the same territory,' and can be executed only by those intrusted with the execution of such authority."*
25 [*Treatise on Government, Joel Tiffany, p. 49, Section 78;*
26 SOURCE: <http://famguardian.org/Publications/TreatiseOnGovernment/TreatOnGovt.pdf>]

27 What detractors are trying to do is deceive you, because they are confusing federal "States" described in federal statutes
28 with states of the Union mentioned in the Constitution. These two types of entities are mutually exclusive and "foreign"
29 with respect to each other.

30 *"The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under*
31 *that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies*
32 *between citizens of different states, a citizen of the District of Columbia could not maintain an action in the*
33 *circuit court of the United States. It was argued that the word 'state.' in that connection, was used simply to*
34 *denote a distinct political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word*
35 *'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is*
36 *a state in the sense of that instrument. The result of that examination is a conviction that the members of the*
37 *American confederacy only are the states contemplated in the Constitution . . . and excludes from the term*
38 *the signification attached to it by writers on the law of nations.' This case was followed in Barney v.*
39 *Baltimore, 6 Wall. 280, 18 L.Ed. 825, and quite recently in Hooe v. Jamieson, 166 U.S. 395, 41 L.Ed. 1049,*
40 *17 Sup.Ct.Rep. 596. The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat,*
41 *91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it*
42 *was said that 'neither of them is a state in the sense in which that term is used in the Constitution.' In Scott v.*
43 *Jones, 5 How. 343, 12 L.Ed. 181, and in Miners' Bank v. Iowa ex rel. District Prosecuting Attorney, 12 How. 1,*
44 *13 L.Ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in*
45 *cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within*
46 *the contemplation of Congress."*
47 [*Downes v. Bidwell, 182 U.S. 244 (1901)]*

48 The definition of "State" for the purposes of federal income taxes confirms that states of the Union are NOT included
49 within the definitions used in the Internal Revenue Code, and that only federal territories are. This is no accident, but proof
50 that there really is a separation of powers and of legislative jurisdiction between states of the Union and the Federal
51 government:

52 TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES
53 CHAPTER 4 - THE STATES
54 [Sec. 110. Same:](#) definitions

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

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

(a) Definitions

(10)State

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

We like to think of the word "sovereignty" in the context of government as the combination of "exclusive authority" with "exclusive responsibility". The Constitution in effect very clearly divides *authority* and *responsibility* for specific matters between the states and federal government based on the specific subject matter, and ensures that the functions of each will never overlap or conflict. It delegates certain powers to each of the two sovereigns and keeps the two sovereigns from competing with each other so that public peace, tranquility, security, and political harmony have the most ideal environment in which to flourish.

If we therefore examine the Constitution and the Supreme court cases interpreting it, we find that the complex division of authority that it makes between the states and the federal government accomplishes the following objectives:

1. Delegates primarily **internal** matters to the states. These matters involve mainly public health, morals, and welfare and require exclusive legislative authority within the state.

*"While the states are not sovereign in the true sense of that term, but only quasi sovereign, yet in respect of all powers reserved to them they are supreme-as independent of the general government as that government within its sphere is independent of the States." The Collector v. Day, 11 Wall. 113, 124. And since every addition to the national legislative power to some extent detracts from or invades the power of the states, it is of vital moment that, in order to preserve the fixed balance intended by the Constitution, the powers of the general government [298 U.S. 238, 295] be not so extended as to embrace any not within the express terms of the several grants or the implications necessarily to be drawn therefrom. **It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation. The question in respect of the inherent power of that government as to the external affairs of the Nation and in the field of international law is a wholly different matter which it is not necessary now to consider.** See, however, Jones v. United States, 137 U.S. 202, 212, 11 S.Ct. 80; Nishimur Ekiu v. United States, 142 U.S. 651, 659, 12 S.Ct. 336; Fong Yue Ting v. United States, 149 U.S. 698, 705 et seq., 13 S.Ct. 1016; Burnet v. Brooks, 288 U.S. 378, 396, 53 S.Ct. 457, 86 A.L.R. 747."*
[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

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

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

2. Delegates primarily **external** matters to the federal government, including diplomatic and military and postal and commerce matters. These include such things as:

- 2.1. Article 1, Section 8, Clause 3 of the constitution authorizes the feds to tax and regulate foreign commerce and interstate commerce, but not intrastate commerce.
 - 2.2. Article 1, Section 8, Clauses 11-16 authorize the establishment of a military and the authority to make war.
 - 2.3. Article 1, Section 8, Clause 4 allows the fed to determine uniform rules for naturalization and immigration from outside the country. However, it does not take away the authority of states to naturalize as well.
 - 2.4. Article 1, Section 8, Clause 17: Exclusive authority over community property of the states called federal "territory".
3. Ensures that the same criminal offense is never prosecuted or punished twice or simultaneously under two sets of laws.

"Consequently no State court will undertake to enforce the criminal law of the Union, except as regards the arrest of persons charged under such law. It is therefore clear, that the same power cannot be exercised by a State court as is exercised by the courts of the United States, in giving effect to their criminal laws..."

"There is no principle better established by the common law, none more fully recognized in the federal and State constitutions, than that an individual shall not be put in jeopardy twice for the same offense. This, it is true, applies to the respective governments; but its spirit applies with equal force against a double punishment, for the same act, by a State and the federal government....."

Nothing can be more repugnant or contradictory than two punishments for the same act. It would be a mockery of justice and a reproach to civilization. It would bring our system of government into merited contempt."
[Fox v. The State of Ohio, 46 U.S. 410, 5 Howard 410, 12 L.Ed. 213 (1847)]

4. Ensures that the two sovereigns never tax the same objects or activities, because then they would be competing for revenues.

"Two governments acting independently of each other cannot exercise the same power for the same object."
[Fox v. The State of Ohio, 46 U.S. 410, 5 Howard 410, 12 L.Ed. 213 (1847)]

As far as the last item above goes, which is that of taxation, however, the U.S. Supreme Court has stated:

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

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

"The grant of the power to lay and collect taxes is, like the power to regulate commerce, made in general terms, and has never been understood to interfere with the exercise of the same power by the State; and hence has been drawn an argument which has been applied to the question under consideration. But the two grants are not, it is conceived, similar in their terms or their nature.** Although many of the powers formerly [22 U.S. 1, 199] exercised by the States, are transferred to the government of the Union, yet the State governments remain, and constitute a most important part of our system. The power of taxation is indispensable to their existence, and is a power which, in its own nature, is capable of residing in, and being exercised by, different authorities at the same time. We are accustomed to see it placed, for different purposes, in different hands. Taxation is the simple operation of taking small portions from a perpetually accumulating mass, susceptible of almost infinite division; and a power in one to take what is necessary for certain purposes, is not, in its nature, incompatible with a power in another to take what is necessary for other purposes. Congress is authorized to lay and collect taxes, and to pay the debts, and provide for the common defence and general welfare of the United States. This does not interfere with the power of the States to tax [internally] for the support of their own governments; nor is the exercise of that power by the States [to tax INTERNALLY], an exercise of any portion of the power that is granted to the United States [to tax EXTERNALLY]. In imposing taxes for State purposes, they are not doing what Congress is empowered to do. Congress is not empowered to tax for those purposes which are within the exclusive province of the States. **When, then, each government exercises the power of taxation, neither is

1 **exercising the power of the other.** But, when a State proceeds to regulate commerce
2 with foreign nations, or among the several States, it is exercising the very power that is granted to Congress,
3 [22 U.S. 1, 200] and is doing the very thing which Congress is authorized to do. There is no analogy, then,
4 between the power of taxation and the power of regulating commerce. “
5 [Gibbons v. Ogden, [22 U.S. 1](#) (1824)]
6

7 “In Slaughter-House Cases, 16 Wall. 62, it was said that the police power is, from its nature, incapable of any
8 exact definition or limitation; and in Stone v. Mississippi, [101 U.S. 814](#), that it is 'easier to determine whether
9 particular cases come within the general scope of the power than to give an abstract definition of the power
10 itself, which will be in all respects accurate.' **That there is a power, sometimes called the police power, which
11 has never been surrendered by the states, in virtue of which they may, within certain limits, control
12 everything within their respective territories, and upon the proper exercise of which, under some
13 circumstances, may depend the public health, the public morals, or the public safety, is conceded in all the
14 cases. Gibbons v. Ogden, 9 Wheat. 203. In its broadest sense, as sometimes defined, it includes all legislation
15 and almost every function of civil government. Barbier v. Connolly, [113 U.S. 31](#); S. C. 5 Sup.Ct.Rep. 357. [. .
16 .] Definitions of the police power must, however, be taken subject to the condition that
17 the state cannot, in its exercise, for any purpose whatever, encroach upon the powers
18 of the general [federal] government, or rights granted or secured by the supreme law of
19 the land.**

20 **“Illustrations of interference with the rightful authority of the general government by
21 state legislation-which was defended upon the ground that it was enacted under the
22 police power-are found in cases where enactments concerning the introduction of
23 foreign paupers, convicts, and diseased persons were held to be unconstitutional as
24 conflicting, by their necessary operation and effect, with the paramount authority of
25 congress to regulate commerce with foreign nations, and among the several states. In
26 Henderson v. Mayor of New York, [92 U.S. 263](#), the court, speaking by Mr. Justice MILLER, while declining to
27 decide whether in the absence of congressional action the states can, or how far they may, by appropriate
28 legislation protect themselves against actual paupers, vagrants, criminals, [[115 U.S. 650, 662](#)] and
29 diseased persons, arriving from foreign countries, said, that no definition of the police power, and 'no urgency
30 for its use, can authorize a state to exercise it in regard to a subject-matter which has been confided exclusively
31 to the discretion of congress by the constitution.' Chy Lung v. Freeman, [92 U.S. 276](#). **And in Railroad
32 Co. v. Husen, [95 U.S. 474](#), Mr. Justice STRONG, delivering the opinion
33 of the court, said that 'the police power of a state cannot obstruct foreign
34 commerce or interstate commerce beyond the necessity for its exercise;
35 and, under color of it, objects not within its scope cannot be secured at
36 the expense of the protection afforded by the federal constitution.' “
37 [New Orleans Gas Company v. Louisiana Light Company, [115 U.S. 650](#) (1885)]****

38 And the Federalist Paper # 45 confirms this view in regards to taxation:

39 “It is true, that the Confederacy is to possess, and may exercise, the power of collecting internal as well as
40 external taxes throughout the States; but it is probable that this power will not be resorted to, except for
41 supplemental purposes of revenue; that an option will then be given to the States to supply their quotas by
42 previous collections of their own; and that the eventual collection, under the immediate authority of the
43 Union, **will generally be made by the officers, and according to
44 the rules, appointed by the several States. Indeed it is
45 extremely probable, that in other instances, particularly in the
46 organization of the judicial power, the officers of the States
47 will be clothed with the correspondent authority of the Union.**
48 “

49 “Should it happen, however, that separate collectors of internal revenue should be appointed under the federal
50 government, the influence of the whole number would not bear a comparison with that of the multitude of State
51 officers in the opposite scale. “

52 “Within every district to which a federal collector would be allotted, there would not be less than thirty or forty,
53 or even more, officers of different descriptions, and many of them persons of character and weight, whose

1 influence would lie on the side of the State. The powers delegated by the proposed Constitution to the federal
2 government are few and defined. Those which are to remain in the State governments are numerous and
3 indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and
4 foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers
5 reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern
6 the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the
7 State. The operations of the federal government will be most extensive and important in times of war and
8 danger; those of the State governments, in times of peace and security. As the former periods will probably
9 bear a small proportion to the latter, the State governments will here enjoy another advantage over the
10 federal government. The more adequate, indeed, the federal powers may be rendered to the national defense,
11 the less frequent will be those scenes of danger which might favor their ascendancy over the governments of
12 the particular States.”

13 [Federalist Paper No. 45 (Jan. 1788), James Madison]

14 The introduction of the Sixteenth Amendment did not change any of the above, because Subtitle A income taxes only apply
15 to persons domiciled within the federal United States, or *federal zone*, including persons temporarily abroad per 26 U.S.C.
16 §911. Even the Supreme Court agreed in the case of *Stanton v. Baltic Mining* that the Sixteenth Amendment “conferred no
17 new powers of taxation”, and they wouldn’t have said it and repeated it if they didn’t mean it. Whether or not the Sixteenth
18 Amendment was properly ratified is inconsequential and a nullity, because of the limited applicability of Subtitle A of the
19 Internal Revenue Code primarily to persons domiciled in the federal zone no matter where resident. The Sixteenth
20 Amendment authorized that:

21 Sixteenth Amendment

22 *The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without*
23 *apportionment among the several States, and without regard to any census or enumeration.*

24 And in fact, the above described amendment is *exactly* what an income tax under Subtitle A that only operates against
25 persons domiciled within the federal zone does: collect taxes on incomes without apportionment. Furthermore, because the
26 federal zone is not protected by the Constitution or the Bill of Rights (see *Downes v. Bidwell*, 182 U.S. 244 (1901)), then
27 there can be no violation of constitutional rights from the enforcement of the I.R.C. there. As a matter of fact, since due
28 process of law is a requirement only of the Bill of Rights, and the Bill of Rights doesn’t apply in the federal zone, then
29 technically, Congress doesn’t even need a law to legitimately collect taxes in these areas! The federal zone, recall, is a
30 totalitarian socialist democracy, not a republic, and the legislature and the courts can do anything they like there without
31 violating the Bill of Rights or our Constitutional rights.

32 With all the above in mind, let’s return to the original Supreme Court cites we referred to at the beginning of the section.
33 The Constitution and the Bill of Rights, which are the “laws” of the United States, apply equally to both the union states
34 AND the federal government, as the cites explain. That is why either state or federal officers both have to take an oath to
35 support and defend the Constitution before they take office. However, the statutes or legislation passed by Congress, which
36 are called “Acts of Congress” have much more limited jurisdiction inside the Union states, and in most cases, do not apply
37 at all. For example:

38 [TITLE 18 > PART III > CHAPTER 301 > Sec. 4001.](#)
39 [Sec. 4001. - Limitation on detention; control of prisons](#)

40 *(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of*
41 *Congress.*

42 The reason for the above is because the federal government has no police powers inside the states because these are
43 reserved by the Tenth Amendment to the state governments. Likewise, the feds have no territorial jurisdiction for most
44 subject matters inside the states either. See *U.S. v. Bevans*, 16 U.S. 336 (1818).

45 Now if we look at the meaning of “Act of Congress”, we find such a definition in [Rule 54\(c\) of the Federal Rules of](#)
46 [Criminal Procedure](#) prior to Dec. 2002, wherein is defined "Act of Congress." Rule 54(c) states:

47 *Federal Rule of Civil Procedure 54(c) , prior to Dec. 2002*

48 *"Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia, in*
49 *Puerto Rico, in a territory or in an insular possession."*

1 Keep in mind, the Internal Revenue Code is an “Act of Congress.” The reason such “Acts of Congress” cannot apply
2 within the sovereign states is because the federal government lacks what is called “police powers” inside the union states,
3 and the Internal Revenue Code requires police powers to implement and enforce. THEREFORE, THE QUESTION IS, ON
4 WHICH OF THE FOUR LOCATIONS NAMED IN RULE 54(c) IS THE UNITED STATES DISTRICT COURT
5 ASSERTING JURISDICTION WHEN THE U.S. ATTORNEY HAULS YOUR ASS IN COURT ON AN INCOME TAX
6 CRIME? Hint, everyone knows what and where the District of Columbia is, and everyone knows where Puerto Rico is, and
7 territories and insular possessions are defined in [Title 48 United States Code](#), happy hunting!

8 The preceding discussion within this section is also confirmed by the content of [4 U.S.C. §72](#). Subtitle A is primarily a
9 “privilege” tax upon a “trade or business”. A “trade or business” is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as “the functions of
10 a public office”:

11 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)
12 [§ 7701. Definitions](#)

13 (a) Definitions

14 (26) Trade or business

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

16 Title 4 of the U.S. Code then says that all “public offices” MUST exist ONLY in the District of Columbia and no place
17 else, except as expressly provided by law:

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

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

22 If we then search all the titles of the U.S. Code electronically, we find only one instance where “public offices” are
23 “expressly provided” by law to a place other than the seat of government in connection with the Internal Revenue Code.
24 That reference is found in [48 U.S.C. §1612](#), which expressly provides that public offices for the U.S. Attorney are extended
25 to the Virgin Islands to enforce the provisions of the Internal Revenue Code.

26 Moving on, we find in [26 U.S.C. §7601](#) that the IRS has enforcement authority for the Internal Revenue Code only within
27 what is called “internal revenue districts”. [26 U.S.C. §7621](#) authorizes the President to establish these districts. Under
28 [Executive Order 10289](#), the President delegated the authority to define these districts to the Secretary of the Treasury in
29 1952. We then search the Treasury Department website for Treasury Orders documenting the establishment of these
30 internal revenue districts:

31 <http://www.ustreas.gov/regs/>

32 The only orders documenting the existence of “internal revenue districts” is Treasury Orders 150-01 and 150-02. Treasury
33 Order 150-01 established internal revenue districts that included federal land within states of the Union, but it was repealed
34 in 1998 as an aftermath of the IRS Restructuring and Reform Act and replaced with Treasury Order 150-02. Treasury
35 Order 150-02 used to say that all IRS administration must be conducted in the District of Columbia. Therefore, pursuant to
36 26 U.S.C. §7601, the IRS is only authorized to enforce the I.R.C. within the District of Columbia, which is the only
37 remaining internal revenue district. That treasury order was eventually repealed but there is still only one remaining
38 internal revenue district in the District of Columbia. This leads us full circle right back to our initial premise, which is:

- 39 1. The definition of the term “United States” found in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d), which is
40 defined as the federal zone, means what it says and says what it means.
- 41 2. Subtitle A of the Internal Revenue Code may only be enforced within the only remaining internal revenue district,
42 which is the District of Columbia.
- 43 3. There is no provision of law which “expressly extends” the enforcement of the Internal Revenue Code to any land
44 under exclusive state jurisdiction.

- 1 4. The Separation of Powers Doctrine therefore does not allow anyone in a state of the Union to partake of the federal
2 “privilege” known as a “trade or business”, which is the main subject of tax under Subtitle A of the I.R.C. This must
3 be so because it involves a public office and all public offices must exist ONLY in the District of Columbia.
4 5. The only source of federal jurisdiction to tax is foreign commerce because the Constitution does not authorize any
5 other type of tax internal to a state of the Union other than a direct, apportioned tax. Since the Internal Revenue Code,
6 Subtitle A tax is not apportioned and since it is upon a privileged “trade or business” activity, then it is indirect and
7 therefore need not be apportioned.

8 Q.E.D.-Quod Erod Demonstrandum (proven beyond a shadow of a doubt)

9 We will now provide an all-inclusive list of subject matters for which the federal government definitely does have
10 jurisdiction within a state, and the Constitutional origin of that power. For all subjects of federal legislation other than
11 these, the states of the Union and the federal government are FOREIGN COUNTRIES and FOREIGN STATES with
12 respect to each other:

- 13 1. Foreign commerce pursuant to Article 1, Section 8, Clause 3 of the United States Constitution. This jurisdiction is
14 described within 9 U.S.C. §1 et seq.
15 2. Counterfeiting pursuant to Article 1, Section 8, Clause 5 of the United States Constitution.
16 3. Postal matters pursuant to Article 1, Section 8, Clause 7 of the United States Constitution.
17 4. Treason pursuant to Article 4, Section 2, Clause 2 of the United States Constitution.
18 5. Federal contracts, franchises, and property pursuant to Article 4, Section 3, Clause 2 of the United States Constitution.
19 This includes federal employment, which is a type of contract or franchise, wherever conducted, including in a state of
20 the Union.

21 In relation to that last item above, which is federal contracts and franchises, Subtitle A of the Internal Revenue Code fits
22 into that category, because it is a franchise and not a “tax”, which relates primarily to federal employment and contracts.
23 The alleged “tax” in fact is a kickback scheme that can only lawfully affect federal contractors and employers, but not
24 private persons. Those who are party to this contract or franchise are called “effectively connected with a trade or
25 business”. Saying a person is “effectively connected” really means that they consented to the contract explicitly in writing
26 or implicitly by their conduct. To enforce the “trade or business” franchise as a contract in a place where the federal
27 government has no territorial jurisdiction requires informed, voluntary consent in some form from the party who is the
28 object of the enforcement of the contract. The courts call this kind of consent “comity”. To wit:

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

38 When the federal government wishes to enforce one of its contracts or franchises in a place where it has no territorial
39 jurisdiction, such as in China, it would need to litigate in the courts in China just like a private person. However, if the
40 contract is within a state of the Union, the Separation of Powers Doctrine requires that all “federal questions”, including
41 federal contracts, which are “property” of the United States, must be litigated in a federal court. This requirement was
42 eloquently explained by the U.S. Supreme Court in *Alden v. Maine*, 527 U.S. 706 (1999). Consequently, even though the
43 federal government enjoys no territorial jurisdiction within a state of the Union for other than the above subject matters
44 explicitly authorized by the Constitution itself, it *still* has subject matter jurisdiction within federal court over federal
45 property, contracts and franchises, which are synonymous. Since the Internal Revenue Code is a federal contract or
46 franchise, then the federal courts have jurisdiction over this issue with persons who participate in the “trade or business”
47 franchise.

48 Finally, below is a very enlightening U.S. Supreme Court case that concisely explains the constitutional relationship
49 between the exclusive and plenary *internal* sovereignty of the states or the Union and the exclusive *external* sovereignty of
50 the federal government:

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

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

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

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

40 ‘The states were not ‘sovereigns’ in the sense contended for by some. They did not possess the
41 peculiar features of [external] sovereignty,-they could not make war, nor peace, nor alliances,
42 nor treaties. Considering them as political beings, they were dumb, for they could not speak to
43 any foreign sovereign whatever. They were deaf, for they could not hear any propositions from
44 such sovereign. They had not even the organs or faculties of defence or offence, for they could
45 not of themselves raise troops, or equip vessels, for war.’ 5 Elliot’s Debates, 212.1 [299 U.S.
46 304, 318] It results that the investment of the federal government with the powers of external
47 sovereignty did not depend upon the affirmative grants of the Constitution. The powers to
48 declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations
49 with other sovereignties, if they had never been mentioned in the Constitution, would have
50 vested in the federal government as necessary concomitants of nationality. Neither the
51 Constitution nor the laws passed in pursuance of it have any force in foreign territory unless in
52 respect of our own citizens (see American Banana Co. v. United Fruit Co., 213 U.S. 347, 356,
53 29 S.Ct. 511, 16 Ann.Cas. 1047); and operations of the nation in such territory must be
54 governed by treaties, international understandings and compacts, and the principles of
55 international law. As a member of the family of nations, the right and power of the United
56 States in that field are equal to the right and power of the other members of the international
57 family. Otherwise, the United States is not completely sovereign. The power to acquire
58 territory by discovery and occupation (Jones v. United States, 137 U.S. 202, 212, 11 S.Ct.
59 80), the power to expel undesirable aliens (Fong Yue Ting v. United States, 149 U.S. 698, 705
60 et seq., 13 S.Ct. 1016), the power to make such international agreements as do not constitute
61 treaties in the constitutional sense (Altman & Co. v. United States, 224 U.S. 583, 600, 601 S.,
62 32 S.Ct. 593; Crandall, Treaties, Their Making and Enforcement (2d Ed.) p. 102 and note 1),
63 none of which is expressly affirmed by the Constitution, nevertheless exist as inherently
64 inseparable from the conception of nationality. This the court recognized, and in each of the
65 cases cited found the warrant for its conclusions not in the provisions of the Constitution, but
66 in the law of nations.

1 In *Burnet v. Brooks*, 288 U.S. 378, 396, 53 S.Ct. 457, 461, 86 A.L.R. 747, we said, 'As a nation with all the
2 attributes of sovereignty, the United States is vested with all the powers of government necessary to maintain an
3 effective control of international relations.' Cf. *Carter v. Carter Coal Co.*, supra, 298 U.S. 238, at page 295, 56
4 S.Ct. 855, 865. [299 U.S. 304, 319] **Not only, as we have shown, is the federal power over external affairs in
5 origin and essential character different from that over internal affairs, but participation in the exercise of the
6 power is significantly limited. In this vast external realm, with its important, complicated, delicate and
7 manifold problems, the President alone has the power to speak or listen as a representative of the nation. He
8 makes treaties with the advice and consent of the Senate; but he alone negotiates.** Into the field of negotiation
9 the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument
10 of March 7, 1800, in the House of Representatives, **'The President is the sole organ of the nation in its
11 external relations, and its sole representative with foreign nations.'** *Annals, 6th Cong., col. 613.* The Senate
12 Committee on Foreign Relations at a very early day in our history (February 15, 1816), reported to the Senate,
13 among other things, as follows:

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

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

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

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

59 If you would like to learn more about the relationship between federal and state sovereignty exercised within states of the
60 Union, we recommend an excellent, short, succinct book on the subject as follows:

Conflicts in a Nutshell, 2nd Edition, David D. Seigel, West Publishing, 1994, ISBN 0-314-02952-4
<http://west.thomson.com/product/22088447/product.asp>

14.2 Statutory and Constitutional Citizens are Equivalent⁶⁹

False Argument: Constitutional citizens born within states of the Union and domiciled there are statutory “citizens of the United States” pursuant to 8 U.S.C. §1401, 26 U.S.C. §3121(e), 26 U.S.C. §911, and 26 C.F.R. §1.1-1(c).

Corrected Alternative Argument: This confusion results from a misunderstanding about the meaning of the word “United States”, which, like most other words, changes meaning based on the context in which it is used. The term “United States” within the Constitution includes states of the Union and excludes federal territory, while the term “United States” within federal statutory law includes federal territory and excludes states of the Union. People born within states of the Union are *constitutional* “citizens of the “United States” under the Fourteenth Amendment but not *statutory* “citizens of the United States” under any federal statute, including 8 U.S.C. §1401 because the term “United States” has an entirely different meaning within these two contexts.

Further Information:

1. *Great IRS Hoax*, Form #11.302, Section 4.11.10.4
<http://sedm.org/Forms/FormIndex.htm>
2. *Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen*, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>
3. *Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States*, Form #10.001
<http://sedm.org/Forms/FormIndex.htm>

The most important aspect of tax liability is whether you are a member of “the club” called a “citizen” who is therefore liable to pay “club dues” called “taxes”. The Constitution, in fact, establishes TWO separate “clubs” or political and legal communities, each of which is separated from the other by what is called the Separation of Powers Doctrine. One can only have a domicile in ONE of these two jurisdictions at a time, and therefore can be a “taxpayer” in only one of the two jurisdictions at a time. The U.S. Supreme Court admitted this when it held the following:

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

The main purpose of this separation of powers is to protect your constitutional rights from covetous government prosecutors and judges who want to get into your back pocket or enlarge their retirement check:

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

This separation is necessary because people domiciled on federal territory HAVE NO RIGHTS, but only Congressionally granted statutory “privileges” as tenants on the king’s land. That “king” or “emperor” is the President, who is the Julius Caesar for federal territory:

“Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to ‘guarantee to every state in this Union a republican form of government’ (art. 4, 4), by which we understand, according to the definition of Webster, ‘a government in which the supreme power resides in the whole body of the people, and is exercised by representatives elected by them,’ Congress did not hesitate, in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana,

⁶⁹ Adapted from: *Flawed Tax Arguments to Avoid*, Form #08.004, Section 6.1; <http://sedm.org/Forms/FormIndex.htm>.

1 Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of
2 government bearing a much greater analogy to a British Crown colony than a republican state of America,
3 and to vest the legislative power either in a governor and council, or a governor and judges, to be appointed by
4 the President. It was not until they had attained a certain population that power was given them to organize a
5 legislature by vote of the people. In all these cases, as well as in territories subsequently organized west of the
6 Mississippi, Congress thought it necessary either to extend to Constitution and laws of the United States over
7 them, or to declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the
8 privilege of the writ of habeas corpus, as well as other privileges of the bill of rights."
9 [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

10 We'll give you a hint: States of the Union are NOT "federal territory", and therefore "Caesar" has no jurisdiction there.
11 Caesar is nothing more than a glorified facility or property manager for the community property of the states of the Union,
12 not the pagan deity he pretends to be. As an emperor, he has no clothes after you point out the truth to him:

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

16 "As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and
17 not within the boundaries of any of the several states."
18 [86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]
19

20 Foreign States: "Nations outside of the United States...Term may also refer to another state; i.e. a sister state.
21 The term 'foreign nations', ...should be construed to mean all nations and states other than that in which the
22 action is brought; and hence, one state of the Union is foreign to another, in that sense."
23 [Black's Law Dictionary, Sixth Edition, p. 648]

24 Foreign Laws: "The laws of a foreign country or sister state. In conflicts of law, the legal principles of
25 jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws,
26 and in that respect are called 'jus receptum'."
27 [Black's Law Dictionary, Sixth Edition, p. 647]

28 This flawed argument of confusing constitutional citizens with statutory citizens is self-servingly perpetuated mainly by the
29 federal courts and government prosecutors in order to unlawfully enlarge their jurisdiction and importance by destroying
30 the separation of powers between these two political communities and thereby compressing us into one mass as Thomas
31 Jefferson warned they would try to do:

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

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

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

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

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

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

1 "I see,... and with the deepest affliction, the rapid strides with which the federal branch of our government is
2 advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all
3 powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their
4 power... It is but too evident that the three ruling branches of [the Federal government] are in combination to
5 strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all
6 functions foreign and domestic."

7 [Thomas Jefferson to William Branch Giles, 1825. ME 16:146]

8 "We already see the [judiciary] power, installed for life, responsible to no authority (for impeachment is not
9 even a scare-crow), advancing with a noiseless and steady pace to the great object of consolidation. The
10 foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the
11 removal of every check, every counterpoise to the engulfing power of which themselves are to make a sovereign
12 part."

13 [Thomas Jefferson to William T. Barry, 1822. ME 15:388]

14 If you would like to know more about all the devious word games that this emperor with no clothes and his henchmen in
15 the courts have pulled over the years to destroy the separation of powers that is the main protection of your rights, please
16 read the following fascinating analysis:

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

17 The Bible warned us that the corruption of man would lead us to destroy this separation of power and that confusion and
18 delusion by the courts and legal profession would be the vehicle when God said:

19 "Who is wise and understanding among you? Let him show by good conduct that his works are done in the
20 meekness of wisdom. But if you have bitter envy and self-seeking in your hearts, do not boast and lie against
21 the truth. This wisdom does not descend from above, but is earthly, sensual, demonic. **For where envy and**
22 **self-seeking exist, confusion and every evil thing are there.** But the wisdom that is from above is first pure,
23 then peaceable, gentle, willing to yield, full of mercy and good fruits, without partiality and without hypocrisy.
24 18 Now the fruit of righteousness is sown in peace by those who make peace."

25 [James 3:13-18, Bible, NKJV]

26 Some examples of this phenomenon of deliberate confusion of citizenship terms by the judiciary and the government
27 appear in the following statements, which create unnecessary complexity and confusion about citizenship and domicile in
28 order to purposefully complicate and obfuscate challenges to the government's or the court's jurisdiction.

29 "The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is
30 substantially synonymous with the term 'domicile'. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554,
31 557."

32 [Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]

33 "**Citizenship and domicile are substantially synonymous.** Residency and inhabitation are too often confused
34 with the terms and have not the same significance. Citizenship implies more than residence. It carries with it
35 the idea of identification with the state and a participation in its functions. As a citizen, one sustains social,
36 political, and moral obligation to the state and possesses social and political rights under the Constitution and
37 laws thereof. Harding v. Standard Oil Co. et al. (C.C.) 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct.
38 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691."

39 [Baker v. Keck, 13 F.Supp. 486 (1936)]

40 "Domicile and citizen are synonymous in federal courts, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp.
41 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d.
42 678, 683."

43 [Black's Law Dictionary, Fourth Edition, p. 311]

44 "**While the Privileges and Immunities Clause cites the term "Citizens," for analytic purposes citizenship and**
45 **residency are essentially interchangeable.** See United Building & Construction Trades Council v. Mayor and
46 Council of Camden, 465 U.S. 208, 216, 104 S.Ct. 1020, 1026, 79 L.Ed.2d. 249 (1984)."

47 [Supreme Court of Virginia v. Friedman, 487 U.S. 59, 108 S.Ct. 2260 (U.S.Va.,1988)]

48 "**. . . it is now established that the terms "citizen" and "resident" are "essentially interchangeable," Austin v.**
49 **New Hampshire, 420 U.S. 656, 662, n. 8, 95 S.Ct. 1191, 1195, n. 8, 43 L.Ed.2d. 530 (1975), for purposes of**
50 **analysis of most cases under the Privileges and Immunities Clause.**"

51 [United Bldg. and Const. Trades Council of Camden County and Vicinity v. Mayor and Council of City of
52 Camden, 465 U.S. 208, 104 S.Ct. 1020 (U.S.N.J.,1984)]

1 Based on the above:

- 2 1. "Domicile", "residence", "citizenship", "inhabitation", and "residency" are all synonymous in federal courts.
3 2. "Citizens", "residents", and "inhabitants" in the context of federal court have in common a domicile in the "United
4 States" as used in federal statutory law. That "United States", in turn, includes federal territory and excludes states of
5 the Union or the "United States" mentioned in the constitution in every case we have been able to identify.

6 This matter is easy to clarify if we start with the definition of the "United States" provided by the U.S. Supreme Court in
7 *Hooven and Allison v. Evatt*. In that case, the Court admitted that there are at least three definitions of the term "United
8 States".

9 *"The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign*
10 *occupying the position analogous to that of other sovereigns in the family of nations. It may designate the*
11 *territory over which the sovereignty of the United States extends, or it may be the collective name of the states*
12 *which are united by and under the Constitution."*
13 [[Hooven & Allison Co. v. Evatt, 324 U.S. 652 \(1945\)](#)]

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

15 **Table 13: Meanings assigned to "United States" by the U.S. Supreme Court in *Hooven & Allison v. Evatt***

#	U.S. Supreme Court Definition of "United States" in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
1	"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."	International law	"United States**"	"These <u>united States</u> ," when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where "U.S." refers to the sovereign society. You are a "Citizen of the United States" like someone is a Citizen of France, or England. We identify this version of "United States" with a single asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	"National government" Federal law Federal forms Federal territory ONLY and no part of any state of the Union	"United States**"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	"Federal government" States of the Union and NO PART of federal territory Constitution of the United States	"United States***"	"The <u>several States</u> which is the <u>united States of America</u> ." Referring to the 50 sovereign States, which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the <u>Congress does not have exclusive legislative authority over any of the 50 sovereign States within the Union of States</u> . Rights are retained by the <u>States</u> in the 9th and 10th Amendments, and you are a " <u>Citizen of these united States</u> ." This is the definition used in the Constitution for the United States of America. We identify this version of "United States" with a three asterisks after its name: "United States***" throughout this article.

16 The U.S. Supreme Court helped to clarify which of the three definitions above is the one used in the U.S. Constitution,
17 when it ruled the following. Note they are implying the THIRD definition above and not the other two:

18 *"The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under*
19 *that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies*
20 *between citizens of different states, a citizen of the District of Columbia could not maintain an action in the*
21 *circuit court of the United States. It was argued that the word 'state,' in that connection, was used simply to*
22 *denote a distinct political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word*
23 *'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is*
24 *a state in the sense of that instrument. The result of that examination is a conviction that the members of the*
25 *American confederacy only are the states contemplated in the Constitution, . . . and excludes from the term*
26 *the signification attached to it by writers on the law of nations.' This case was followed in Barney v.*
27 *Baltimore, 6 Wall. 280, 18 L.Ed. 825, and quite recently in Hooe v. Jamieson, 166 U.S. 395, 41 L.Ed. 1049,*
28 *17 Sup.Ct.Rep. 596. The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat.*
29 *91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it*

1 was said that 'neither of them is a state in the sense in which that term is used in the Constitution.' In *Scott v.*
2 *Jones*, 5 How. 343, 12 L.Ed. 181, and in *Miners' Bank v. Iowa ex rel. District Prosecuting Attorney*, 12 How. 1,
3 13 L.Ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in
4 cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within
5 the contemplation of Congress."
6 [*Downes v. Bidwell*, [182 U.S. 244](#) (1901)]

7 The Supreme Court further clarified that the Constitution implies the third definition above, which is the United States***
8 when they ruled the following. Notice that they say "not part of the United States within the meaning of the Constitution"
9 and that the word "the" implies only ONE rather than multiple meanings:

10 "*As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during*
11 *good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment*
12 *of judges for limited time, it must act independently of the Constitution upon territory which is not part of*
13 *the United States within the meaning of the Constitution."*
14 [*O'Donoghue v. United States*, [289 U.S. 516](#), 53 S.Ct. 740 (1933)]

15 Another important distinction needs to be made. Definition 1 above refers to the country "United States", but this country
16 is not a "nation", in the sense of international law. This very important point was made clear by the U.S. Supreme Court in
17 1794 in the case of *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793), when it held:

18 *This is a case of uncommon magnitude. One of the parties to it is a State; certainly respectable, claiming to be*
19 *sovereign. The question to be determined is, whether this State, so respectable, and whose claim soars so*
20 *high, is amenable to the jurisdiction of the Supreme Court of the United States? This question, important in*
21 *itself, will depend on others, more important still; and, may, perhaps, be ultimately resolved into one, no less*
22 *radical than this 'do the people of the United States form a Nation?'*

23 *A cause so conspicuous and interesting, should be carefully and accurately viewed from every possible point of*
24 *sight. I shall examine it; 1st. By the principles of general jurisprudence. 2nd. By the laws and practice of*
25 *particular States and Kingdoms. **From the law of nations little or no***
26 ***illustration of this subject can be expected. By that law the***
27 ***several States and Governments spread over our globe, are***
28 ***considered as forming a society, not a NATION.** It has only been by a*
29 *very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has*
30 *been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the*
31 *Constitution of the United States, and the legitimate result of that valuable instrument.*
32 [*Chisholm v. Georgia*, [2 Dall. \(U.S.\) 419](#), 1 L.Ed. 440 (1793)]

33 Black's Law Dictionary further clarifies the distinction between a "nation" and a "society" by clarifying the differences
34 between a national government and a federal government, and keep in mind that the government in this country is called
35 "federal government":

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

38 "*A national government is a government of the people of a single state or nation, united as a community by*
39 *what is termed the "social compact," and possessing complete and perfect supremacy over persons and things,*
40 *so far as they can be made the lawful objects of civil government. A federal government is distinguished from*
41 *a national government by its being the government of a community of independent and sovereign states,*
42 *united by compact."* *Piqua Branch Bank v. Knoup*, 6 Ohio.St. 393."
43 [*Black's Law Dictionary*, Revised Fourth Edition, 1968, p. 1176]
44

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

47 *In strict usage, there is a distinction between a confederation and a federal government. **The former term***
48 ***denotes a league or permanent alliance between several states, each of which is fully sovereign and***
49 ***independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the***
50 ***central authority a controlling power for a few limited purposes, such as external and diplomatic relations.***
51 ***In this case, the component states are the units, with respect to the confederation, and the central***
52 ***government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the***
53 ***allied states form a union,-not, indeed, to such an extent as to destroy their separate organization or deprive***

1 them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the
2 central power is erected into a true state or nation, possessing sovereignty both external and internal,-while
3 the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as
4 units, but by the people of all, in their collective capacity, as citizens of the nation. The distinction is
5 expressed, by the German writers, by the use of the two words "Staatenbund" and "Bundesstaut;" the former
6 denoting a league or confederation of states, and the latter a federal government, or state formed by means of a
7 league or confederation."
8 [Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]

9 We would like to clarify that last quote above from Black's Fourth, p. 740. They use the phrase "possessing sovereignty
10 both external and internal". The phrase "internal", in reference to a constitutional state of the Union, means that federal
11 jurisdiction is limited to the following subject matters and NO OTHERS:

- 12 1. Postal fraud. See Article 1, Section 8, Clause 7 of the U.S. Constitution..
- 13 2. Counterfeiting under Article 1, Section 8, Clause 6 of the U.S. Constitution.
- 14 3. Treason under Article 4, Section 2, Clause 3 of the U.S. Constitution.
- 15 4. Interstate commercial crimes under Article 1, Section 8, Clause 3 of the U.S. Constitution.
- 16 5. Jurisdiction over naturalization and exportation of Constitutional aliens.
- 17 6. Slavery, involuntary servitude, or peonage under the Thirteenth Amendment, 42 U.S.C. §1994, 18 U.S.C. §1581. and
18 18 U.S.C. §1589(3).

19 *"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the*
20 *Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary*
21 *servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these*
22 *sections denouncing peonage, and punishing one who holds another in that condition of involuntary*
23 *servitude. This legislation is not limited to the territories or other parts of the strictly national domain,*
24 *but is operative in the states and wherever the sovereignty of the United States extends. We entertain no*
25 *doubt of the validity of this legislation, or of its applicability to the case of any person holding another in*
26 *a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding.*
27 *It operates directly on every citizen of the Republic, wherever his residence may be."*
28 [Clyatt v. U.S., 197 U.S. 207 (1905)]

29 So the "United States*" the country is a "society" and a "sovereignty" but not a "nation" under the law of nations, by the
30 Supreme Court's own admission. Because the Supreme Court has ruled on this matter, it is now incumbent upon each of us
31 to always remember it and to apply it in all of our dealings with the Federal Government. If not, we lose our individual
32 Sovereignty by default and the Federal Government assumes jurisdiction over us. So, while a sovereign Citizen will want
33 to be the third type of Citizen, which is a "Citizen of the United States**" and on occasion a "citizen of the United
34 States*", he would never want to be the second, which is a "citizen of the United States**". A person who is a "citizen" of
35 the second is called a statutory "U.S. citizen" under 8 U.S.C. §1401, and he is treated in law as occupying a place not
36 protected by the Bill of Rights, which is the first ten amendments of the United States Constitution. Below is how the U.S.
37 Supreme Court, in a dissenting opinion, described this "other" United States, which we call the "federal zone":

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

49 The second definition of "United States*" above is also a federal corporation. This corporation was formed in 1871. It is
50 described in 28 U.S.C. §3002(15)(A):

51 TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > Sec. 3002.
52 TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
53 PART VI - PARTICULAR PROCEEDINGS
54 CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE
55 SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS
56
57 Sec. 3002. Definitions

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

5 The above corporation was a creation of Congress in which the District of Columbia was incorporated for the first time. It
6 is this corporation, in fact, that the Uniform Commercial Code (U.C.C.) recognizes as the "United States" in the context of
7 the above statute:

8 *CHAP. LXII. – An Act to provide a Government for the District of Columbia*

9 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress*
10 *assembled, **That all that part of the territory of the United States included within the limits of the District of***
11 ***Columbia be, and the same is hereby, created into a government of the name of the District of Columbia, by***
12 ***which name it is hereby constituted a body corporate for municipal purposes,** and may contract and be*
13 *contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a*
14 *municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of*
15 *this act.*

16 *[Statutes at Large, 16 Stat. 419 (1871);*

17 *SOURCE: <http://famguardian.org/Subjects/Taxes/16Amend/SpecialLaw/DCCorpStatuesAtLarge.pdf>]*
18

19 *Uniform Commercial Code (U.C.C.)*
20 *§ 9-307. LOCATION OF DEBTOR.*

21 *(h) [Location of United States.]*

22 *The United States is located in the District of Columbia.*

23 *[SOURCE:*

24 *<http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm#s9-307>]*
25

26 The U.S. Supreme Court, in fact, has admitted that all governments are corporations when it said:

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

40 If we are acting as a federal "public officer" or contractor, then we are representing the "United States** federal
41 corporation" known also as the "District of Columbia". That corporation is a statutory but not constitutional "U.S. citizen"
42 under [8 U.S.C. §1401](#) which is completely subject to all federal law. In fact, it is officers of THIS corporation who are the
43 only real "U.S. citizens" who can have a liability to file a tax return mentioned in 26 C.F.R. §1.6012-1(a) . Human beings
44 cannot fit into this category without engaging in involuntary servitude and violating the Thirteenth Amendment.

45 *"A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was*
46 *created, and of that state or country only."*
47 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]*

48 [Federal Rule of Civil Procedure 17\(b\)](#) says that when we are representing that corporation as "officers" or "employees", we
49 therefore become statutory "U.S. citizens" completely subject to federal territorial law:

50 [IV. PARTIES > Rule 17.](#)

51 [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

1 (b) Capacity to Sue or be Sued.

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

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

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

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

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

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

11 [[Federal Rule of Civil Procedure 17\(b\)](#)]

12 Yet on every government (any level) document we sign (e.g. Social Security, Marriage License, Voter Registration, Driver
13 License, BATF 4473, etc.) they either require you to be a “citizen of the United States” or they ask “are you a resident of
14 Illinois?”, and they very deliberately don’t tell you which of the three “United States” they mean because:

- 15 1. They want to encourage people to presume that all three definitions are equivalent and apply simultaneously and in
16 every case, even though we now know that is NOT the case.
- 17 2. They want to see if they can trick you into surrendering your sovereign immunity pursuant to 28 U.S.C. §1603(b)(3).
18 A person who is a statutory and not constitutional citizen cannot be a “foreign sovereign” or an instrumentality of a
19 “foreign state” called a state of the Union.
- 20 3. They want to ask you if you will voluntarily accept an uncompensated position as a “public officer” within the federal
21 corporation “United States**”. Everyone within the “United States**” is a statutory creation and “subject” of
22 Congress. Most government forms, and especially “benefit applications”, therefore serve the dual capacity of its
23 original purpose PLUS an application to become a “public officer” within the government. The reason this must be so,
24 is that they are not allowed to pay “benefits” to private citizens and can only lawfully pay them to public employees.
25 Any other approach makes the government into a thief. See the article below for details on this scam:

[The Government “Benefits” Scam, Form #05.040](#)

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

- 26 4. They want you to describe yourself with words that are undefined so that THEY and not YOU can decide which of the
27 three “citizens of the United States” they mean. We’ll give you a hint, they are always going to pick the second one
28 because people who are domiciled in THAT United States are serfs with no rights:

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

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

45 Most deliberately vague government forms that ask you whether you are a “U.S. citizen” or “citizen of the United States”
46 therefore are in effect asking you to assume or presume the second definition, the “United States**” (federal zone), but they
47 don’t want to tell you this because then you would realize they are asking you:

- 48 1. To commit the crime of impersonating a statutory “U.S. citizen” (8 U.S.C. §1401) in violation of 18 U.S.C. §911.
- 49 2. To commit perjury on a government form under penalty of perjury by identifying yourself as a statutory “citizen of the
50 United States” (8 U.S.C. §1401) even though you can’t be as a person born within and domiciled within a state of the
51 Union.
- 52 3. To become a slave of their usually false and self-serving presumptions about you without any compensation or
53 consideration.

1 Based on the preceding deliberate and self-serving misconceptions by the courts and the legal profession, some people
2 mistakenly believe that:

- 3 1. They are *not* constitutional “citizens of the United States” under the Fourteenth Amendment.
- 4 2. The term “United States” as used in the Constitution Fourteenth Amendment has the same meaning as that used in the
5 statutory definitions of “United States” appearing in [8 U.S.C. §1101\(a\)\(38\)](#) and 26 U.S.C. §7701(a)(9) and (a)(10) and
6 as used in [8 U.S.C. §1401](#).
- 7 3. That a statutory “citizen of the United States” under the Internal Revenue Code, 26 C.F.R. §1.1-1(c) and under 8
8 U.S.C. §1401 is the same thing as a “citizen of the United States” under the Fourteenth Amendment.

9 The Supreme Court settled issue number one above in [Boyd v. Nebraska](#), 143 U.S. 135 (1892), the U.S. Supreme Court,
10 when it held that all persons born in a state of the Union are constitutional citizens, meaning citizens of the THIRD “United
11 States***” above.

12 *“Mr. Justice Story, in his Commentaries on the Constitution, says: ‘Every citizen of a state is ipso facto a citizen*
13 *of the United States.’ Section 1693. And this is the view expressed by Mr. Rawle in his work on the Constitution.*
14 *Chapter 9, pp. 85, 86. Mr. Justice Curtis, in Dred Scott v. Sandford, 19 How. 393, 576, expressed the opinion*
15 *that under the constitution of the United States ‘every free person, born on the soil of a state, who is a citizen*
16 *of that state by force of its constitution or laws, is also a citizen of the United States.’ And Mr. Justice*
17 *Swayne, in The Slaughter-House Cases, 16 Wall. 36, 126, declared that ‘a citizen of a state is ipso facto a*
18 *citizen of the United States.’ ”*
19 *[Boyd v. Nebraska, 143 U.S. 135 (1892)]*

20 See also [Minor v. Happersett](#), 88 U.S. 162 (1875).

21 As far as misconception #2 above, the term “United States”, in the context of *statutory* citizenship found in Title 8 of the
22 U.S. Code, includes only federal territory subject to the exclusive or plenary jurisdiction of the general government and
23 excludes land under exclusive jurisdiction of states of the Union. This is confirmed by the definition of “United States”,
24 “State”, and “continental United States”. Below is a definition of “United States” in the context of federal statutory
25 citizenship:

26 *TITLE 8 - ALIENS AND NATIONALITY*
27 *CHAPTER 12 - IMMIGRATION AND NATIONALITY*
28 *SUBCHAPTER 1 - GENERAL PROVISIONS*
29 [Sec. 1101. - Definitions](#)

30 *(a)(38) The term “United States”, except as otherwise specifically herein provided, when used in a geographical*
31 *sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the*
32 *United States.*

33 Below is a definition of the term “continental United States” which reveals the dirty secret about statutory citizenship:

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

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

40 The term “States”, which is suspiciously capitalized and is then also defined elsewhere in Title 8 as follows:

41 *TITLE 8 - ALIENS AND NATIONALITY*
42 *CHAPTER 12 - IMMIGRATION AND NATIONALITY*
43 *SUBCHAPTER 1 - GENERAL PROVISIONS*
44 [Sec. 1101. - Definitions](#)

45 *(a)(36) The term “State” includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the*
46 *United States.*

47 As far as misconception #3 above, the term “United States” appearing in the statutory definition of term “citizen of the
48 United States” found in [8 U.S.C. §1401](#) includes only the federal zone and excludes states of the Union. On the other hand,
49

1 the term “United States” as used in the Constitution refers to the collective states of the Union and excludes federal
2 territories and possessions. Therefore, a constitutional “citizen of the United States” as defined in the Fourteenth
3 Amendment is different than a statutory “citizen of the United States” found in [8 U.S.C. §1401](#). The two are mutually
4 exclusive, in fact. The U.S. Supreme Court agreed when it held:

5 *“The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited,
6 opens with a definition of citizenship—not only citizenship of the United States[***], but citizenship of the
7 states. No such definition was previously found in the Constitution, nor had any attempt been made to define
8 it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments
9 and in the public journals. It had been said by eminent judges that no man was a citizen of the United
10 States[***] except as he was a citizen of one of the states composing the Union. Those therefore, who had
11 been born and resided always in the District of Columbia or in the territories, though within the United
12 States[*], were not citizens.”*
13 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

14 A man or woman born within and domiciled within the states of the Union mentioned in the Constitution therefore is:

- 15 1. A “citizen of the United States” under the Fourteenth Amendment.
- 16 2. A “national” pursuant to [8 U.S.C. §1101](#)(a)(21).
- 17 3. A “national of the United States*** of AMERICA” rather than the “United States***”.
- 18 4. NOT a statutory “citizen of the United States” under [8 U.S.C. §1401](#) or under the Internal Revenue Code.
- 19 5. NOT born within the federal “States” (territories and possessions pursuant to 4 U.S.C. §110(d)) mentioned in federal
20 statutory law or the Internal Revenue Code.
- 21 6. NOT A “U.S. national” or “national of the United States***” pursuant to 8 U.S.C. §1101(a)(22)(B) or 8 U.S.C. §1408.
22 These people are born in American Samoa or Swains Island, because the statutory “United States” as used in this
23 phrase is defined to include only federal territory and exclude states of the Union mentioned in the Constitution..

24 Consequently, you *can't* be a citizen of a state of the Union if you *don't* want to be a *constitutional* “citizen of the United
25 States***” under the Fourteenth Amendment, because the two are synonymous. The Supreme Court affirmed this fact
26 when it held the following:

27 *“It is impossible to construe the words 'subject to the jurisdiction thereof,' in the opening sentence, as less
28 comprehensive than the words 'within its jurisdiction,' in the concluding sentence of the same section; or to
29 hold that persons 'within the jurisdiction' of one of the states of the Union are not 'subject to the jurisdiction
30 of the United States[***].”*
31 *[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898), emphasis added]*

32 To help alleviate further misconceptions about citizenship, we have prepared the following tables and diagrams for your
33 edification:

1 **Table 14: “Citizenship status” vs. “Income tax status”**

#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						“Citizen” (defined in 26 C.F.R. §1.1-1)	“Resident alien” (defined in 26 U.S.C. §7701(b)(1)(A), 26 C.F.R. §1.1441-1(c)(3)(i) and 26 C.F.R. §1.1-1(a)(2)(ii))	“Nonresident alien INDIVIDUAL” (defined in 26 U.S.C. §7701(b)(1)(B) and 26 C.F.R. §1.1441-1(c)(3))	“Non-resident NON-person” (NOT defined)
1	“national and citizen of the United States** at birth” or “U.S.** citizen” or Statutory “U.S.** citizen”	Statutory “United States” pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the “outlying possessions of the United States” pursuant to 8 U.S.C. §1101(a)(29)	District of Columbia, Puerto Rico, Guam, Virgin Islands	NA	8 U.S.C. §1401; 8 U.S.C. §1101(a)(22)(A)	Yes (only pay income tax abroad with IRS Forms 1040/2555. See Cook v. Tait, 265 U.S. 47 (1924))	No	No	No
2	“non-citizen national of the United States** at birth” or “U.S.** national”	Statutory “United States” pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the “outlying possessions of the United States” pursuant to 8 U.S.C. §1101(a)(29)	American Samoa; Swain’s Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	NA	8 U.S.C. §1408 8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1452	No (see 26 U.S.C. §7701(b)(1)(B))	No	Yes (see IRS Form 1040NR for proof)	No
3.1	“U.S.A.***“national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	Constitutional Union state	State of the Union	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 14 th Amend., Sect. 1	No	No	No	Yes
3.2	“U.S.A.***“national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	Constitutional Union state	Foreign country	Yes	8 U.S.C. §1101(a)(21); 14 th Amend., Sect. 1	No	No	Yes	No
3.3	“U.S.A.***“national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	Constitutional Union state	Foreign country	No	8 U.S.C. §1101(a)(21); 14 th Amend., Sect. 1	No	No	No	Yes

#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						"Citizen" (defined in 26 C.F.R. §1.1-1)	"Resident alien" (defined in 26 U.S.C. §7701(b)(1)(A), 26 C.F.R. §1.1441-1(c)(3)(i) and 26 C.F.R. §1.1-1(a)(2)(ii))	"Nonresident alien INDIVIDUAL" (defined in 26 U.S.C. §7701(b)(1)(B) and 26 C.F.R. §1.1441-1(c)(3))	"Non-resident NON-person" (NOT defined)
3.4	Statutory "citizen of the United States**" or Statutory "U.S.* citizen"	Constitutional Union state	Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 14 th Amend., Sect. 1; 8 U.S.C. §1101(a)(22)(B)	Yes	No	No	No
4.1	"alien" or "Foreign national"	Foreign country	Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands	NA	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	Yes	No	No
4.2	"alien" or "Foreign national"	Foreign country	State of the Union	Yes	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	No	Yes	No
4.3	"alien" or "Foreign national"	Foreign country	State of the Union	No	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	No	No	Yes
4.4	"alien" or "Foreign national"	Foreign country	Foreign country	Yes	8 U.S.C. §1101(a)(21)	No	No	Yes	No
4.5	"alien" or "Foreign national"	Foreign country	Foreign country	No	8 U.S.C. §1101(a)(21)	No	No	No	Yes

1

1 **NOTES:**

- 2 1. Domicile is a prerequisite to having any civil status per Federal Rule of Civil Procedure 17. One therefore cannot be a statutory "alien" under 8 U.S.C. §1101(a)(3)
3 without a domicile on federal territory. Without such a domicile, you are a transient foreigner and neither an "alien" nor a "nonresident alien".
- 4 2. "United States" is described in 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) and includes only federal territory and possessions and excludes all
5 Constitutional Union states. This is a product of the separation of powers doctrine that is the heart of the United States Constitution.
- 6 3. A "nonresident alien individual" who has made an election under 26 U.S.C. §6013(g) and (h) to be treated as a "resident alien" is treated as a "nonresident alien"
7 for the purposes of withholding under I.R.C. Subtitle C but retains their status as a "resident alien" under I.R.C. Subtitle A. See 26 C.F.R. §1.1441-1(c)(3)(ii).
- 8 4. A "non-person" is really just a transient foreigner who is not "purposefully availing themselves" of commerce within the legislative jurisdiction of the United States
9 on federal territory under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. The real transition from a "NON-person" to an "individual"
10 occurs when one:
- 11 4.1. "Purposefully avails themselves" of commerce on federal territory and thus waives sovereign immunity. Examples of such purposeful availment are the next
12 three items.
- 13 4.2. Lawfully and consensually occupying a public office in the U.S. government and thereby being an "officer and individual" as identified in 5 U.S.C. §2105(a).
14 Otherwise, you are PRIVATE and therefore beyond the civil legislative jurisdiction of the national government.
- 15 4.3. Voluntarily files an IRS Form 1040 as a citizen or resident abroad and takes the foreign tax deduction under 26 U.S.C. §911. This too is essentially an act of
16 "purposeful availment". Nonresidents are not mentioned in section 911. The upper left corner of the form identifies the filer as a "U.S. individual". You
17 cannot be an "U.S. individual" without ALSO being an "individual". All the "trade or business" deductions on the form presume the applicant is a public
18 officer, and therefore the "individual" on the form is REALLY a public officer in the government and would be committing FRAUD if he or she was NOT.
- 19 4.4. VOLUNTARILY fills out an IRS Form W-7 ITIN Application (IRS identifies the applicant as an "individual") AND only uses the assigned number in
20 connection with their compensation as an elected or appointed public officer. Using it in connection with PRIVATE earnings is FRAUD.
- 21 5. What turns a "non-resident NON-person" into a "nonresident alien individual" is meeting one or more of the following two criteria found in 26 C.F.R. §1.1441-
22 1(c)(3)(ii):
- 23 5.1. Residence/domicile in a foreign country under the residence article of an income tax treaty and 26 C.F.R. §301.7701(b)-7(a)(1).
- 24 5.2. Residence/domicile as an alien in Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as
25 determined under 26 C.F.R. §301.7701(b)-1(d).
- 26 6. All "taxpayers" are STATUTORY "aliens" or "nonresident aliens". The definition of "individual" found in 26 C.F.R. §1.1441-1(c)(3) does NOT include
27 "citizens". The only occasion where a "citizen" can also be an "individual" is when they are abroad under 26 U.S.C. §911 and interface to the I.R.C. under a tax
28 treaty with a foreign country as an alien pursuant to 26 C.F.R. §301.7701(b)-7(a)(1)

29 *And when he had come into the house, Jesus anticipated him, saying, "What do you think, Simon? From whom do the kings [governments] of the earth [lawfully] take*
30 *customs or taxes, from their sons [citizens and subjects] or from strangers [aliens], which are synonymous with "residents" in the tax code, and exclude "citizens"?"*

31 *Peter said to Him, "From strangers [aliens]/"residents" ONLY. See 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §301.6109-1(d)(3)."*

32 *Jesus said to him, "Then the sons [citizens] of the Republic, who are all sovereign "nationals" and "nonresident aliens" under federal law] are free [sovereign over*
33 *their own person and labor. e.g. SOVEREIGN IMMUNITY]. "*
34 *[Matt. 17:24-27, Bible, NKJV]*

1 **Table 15: Effect of domicile on citizenship status**

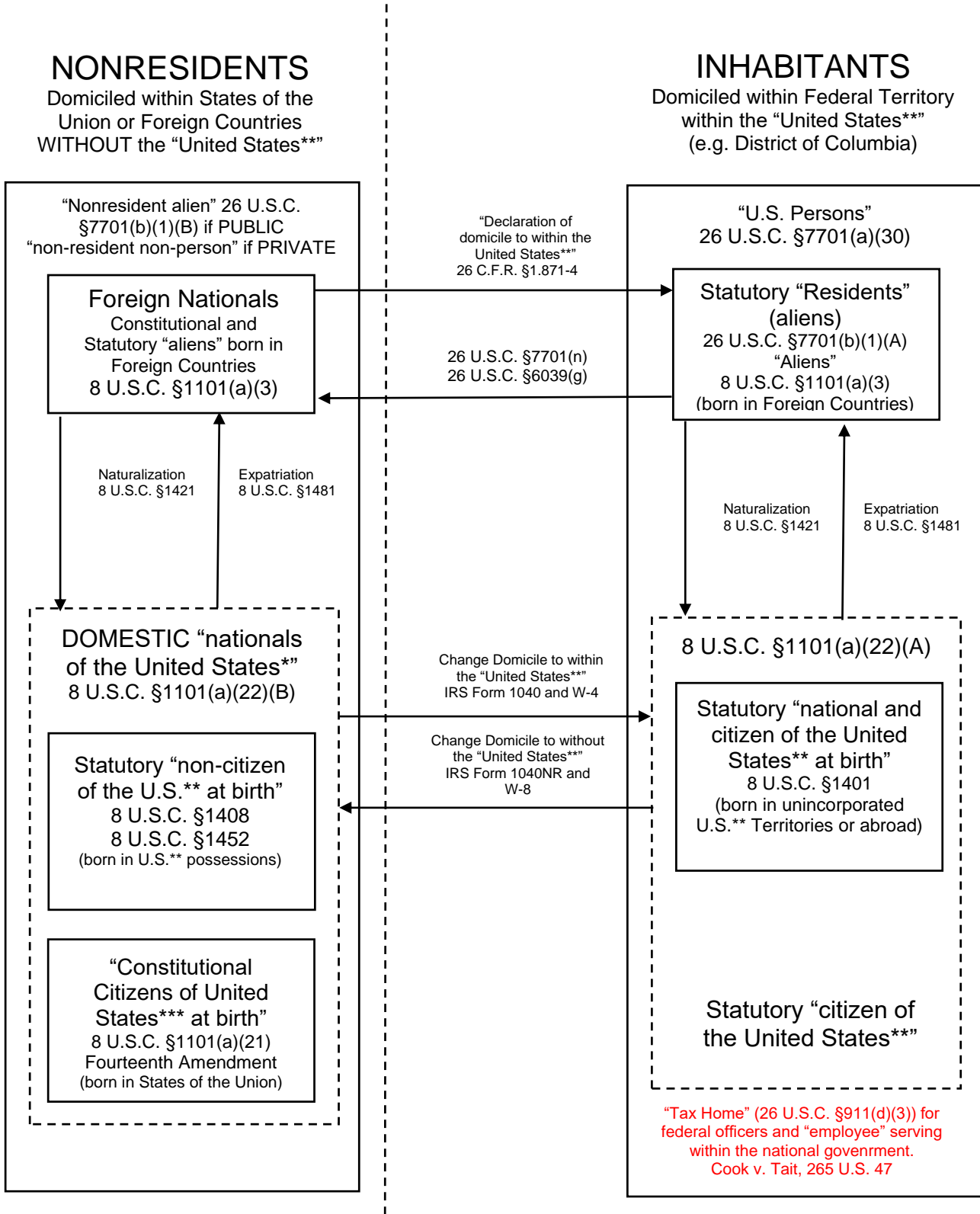
Description	CONDITION		
	Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE	Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country	Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE
Location of domicile	“United States” per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d)	“United States” per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d)	Without the “United States” per 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39) , 7408(d)
Physical location	Federal territories, possessions, and the District of Columbia	Foreign nations ONLY (NOT states of the Union)	Foreign nations states of the Union Federal possessions
Tax Status	“U.S. Person” 26 U.S.C. §7701(a)(30)	“U.S. Person” 26 U.S.C. §7701(a)(30)	“Nonresident alien individual” if a public officer in the U.S. government. 26 C.F.R. §1.1441-1(c)(3)(ii) “Non-resident NON-person” if NOT a public officer in the U.S. government
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	<u>IRS Form 1040NR</u> : “alien individuals”, “nonresident alien individuals” <u>No filing requirement</u> : “non-resident NON-person”
Status if DOMESTIC “national of the United States**”	“national and citizen of the United States** at birth” per 8 U.S.C. §1401 and “citizen of the United States***” per 8 U.S.C. §1101(a)(22)(A) if born in on federal territory. (Not required to file if physically present in the “United States” because no statute requires it)	Citizen abroad 26 U.S.C. §911 (Meets presence test)	“non-resident” if born in a state of the Union 8 U.S.C. §1408 , 8 U.S.C. §1452 , and 8 U.S.C. §1101(a)(22)(B) if born in a possession.
Status if FOREIGN “national” pursuant to 8 U.S.C. §1101(a)(21)	“Resident alien” 26 U.S.C. §7701(b)(1)(A)	“Resident alien abroad” 26 U.S.C. §911 (Meets presence test)	“Nonresident alien individual” if a public officer in the U.S. government. 26 C.F.R. §1.1441-1(c)(3) “Non-resident NON-person” if NOT a public officer in the U.S. government

2 **NOTES:**

- 3 1. “United States” is defined as federal territory within [26 U.S.C. §§7701\(a\)\(9\)](#) and (a)(10), [7701\(a\)\(39\)](#), and [7408\(d\)](#), and
- 4 [4 U.S.C. §110\(d\)](#). It does not include any portion of a Constitutional state of the Union.
- 5 2. The “District of Columbia” is defined as a federal corporation but not a physical place, a “body politic”, or a de jure
- 6 “government” within the District of Columbia Act of 1871, 16 Stat. 419, 426, Sec. 34. See: *Corporatization and*
- 7 *Privatization of the Government*, Form #05.024; <http://sedm.org/Forms/FormIndex.htm>.
- 8 3. “nationals” of the United States of America who are domiciled outside of federal jurisdiction, either in a state of the
- 9 Union or a foreign country, are “nationals” but not “citizens” under federal law. They also qualify as “nonresident
- 10 aliens” under [26 U.S.C. §7701\(b\)\(1\)\(B\)](#). See sections 4.11.2 of the *Great IRS Hoax*, Form #11.302 for details.
- 11 4. Temporary domicile in the middle column on the right must meet the requirements of the “Presence test” documented
- 12 in IRS publications.
- 13 5. “FEDERAL ZONE”=District of Columbia and territories of the United States in the above table

1 6. The term “[individual](#)” as used on the IRS Form 1040 means an “[alien](#)” engaged in a “[trade or business](#)”. All
2 “taxpayers” are “aliens” engaged in a “trade or business”. This is confirmed by 26 C.F.R. §1.1441-1(c)(3), 26 C.F.R.
3 §1.1-1(a)(2)(ii), and [5 U.S.C. §552a](#)(a)(2). Statutory “[U.S. citizens](#)” as defined in [8 U.S.C. §1401](#) are not “[individuals](#)”
4 unless temporarily abroad pursuant to [26 U.S.C. §911](#) and subject to an income tax treaty with a foreign country. In
5 that capacity, statutory “[U.S. citizens](#)” interface to the I.R.C. as “aliens” rather than “U.S. citizens” through the tax
6 treaty.
7

1 **Figure 4: Citizenship and domicile options and relationships**



2 **NOTES:**
 3 1. Changing domicile from "foreign" on the left to "domestic" on the right can occur EITHER by:
 4 1.1. Physically moving to the federal zone.
 5

- 1 1.2. Being lawfully elected or appointed to political office, in which case the OFFICE/STATUS has a domicile on federal territory but the
2 OFFICER does not.
3 2. Statuses on the right are civil franchises granted by Congress. As such, they are public offices within the national government. Those not seeking
4 office should not claim any of these statuses.

5 On the subject of citizenship, the Department of Justice Criminal Tax Manual, Section 40.05[7] says the following:

6 40.05[7] Defendant Not A "Person" or "Citizen"; District Court Lacks Jurisdiction Over Non-Persons and
7 State Citizens

8 40.05[7][a] Generally

9 Another popular protester argument is the contention that the protester is not subject to federal law because he
10 or she is not a citizen of the United States, but a citizen of a particular "sovereign" state. This argument seems
11 to be based on an erroneous interpretation of 26 U.S.C. §3121(e)(2), which states in part: "The term 'United
12 States' when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam,
13 Guam, and American Samoa." The "not a citizen" assertion directly contradicts the Fourteenth Amendment,
14 which states "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are
15 citizens of the United States and of the state wherein they reside." The argument has been rejected time and
16 again by the courts. See *United States v. Cooper*, 170 F.3d. 691, 691(7th Cir. 1999) (imposed sanctions on tax
17 protester defendant making "frivolous squared" argument that only residents of Washington, D.C. and other
18 federal enclaves are citizens of United States and subject to federal tax laws); *United States v. Mundt*, 29 F.3d.
19 233, 237 (6th Cir. 1994) (rejected "patently frivolous" argument that defendant was not a resident of any
20 "federal zone" and therefore not subject to federal income tax laws); *United States v. Hilgeford*, 7 F.3d. 1340,
21 1342 (7th Cir. 1993) (rejected "shop worn" argument that defendant is a citizen of the "Indiana State Republic"
22 and therefore an alien beyond the jurisdictional reach of the federal courts); *United States v. Gerads*, 999
23 F.2d. 1255, 1256-57 (8th Cir. 1993) (imposed \$1500 sanction for frivolous appeal based on argument that
24 defendants were not citizens of the United States but instead "Free Citizens of the Republic of Minnesota" not
25 subject to taxation); *United States v. Silevan*, 985 F.2d. 962, 970 (8th Cir. 1993) (rejected as "plainly frivolous"
26 defendant's argument that he is not a "federal citizen"); *United States v. Jagim*, 978 F.2d. 1032, 1036 (9th Cir.
27 1992) (rejected "imaginative" argument that defendant cannot be punished under the tax laws of the United
28 States because he is a citizen of the "Republic" of Idaho currently claiming "asylum" in the "Republic" of
29 Colorado); *United States v. Masat*, 948 F.2d. 923, 934 (5th Cir. 1991); *United States v. Sloan*, 939 F.2d. 499,
30 500-01 (7th Cir. 1991) ("strange argument" that defendant is not subject to jurisdiction of the laws of the
31 United States because he is a "freeborn natural individual" citizen of the State of Indiana rejected); *United
32 States v. Price*, 798 F.2d. 111, 113 (5th Cir. 1986) (citizens of the State of Texas are subject to the provisions of
33 the Internal Revenue Code).
34 [SOURCE: [http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.05\[7\]](http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.05[7])]

35 Notice the self-serving and devious "word or art" games and "word tricks" played by the Dept. of Injustice in the above:

- 36 1. They deliberately don't show you the WHOLE definition in 26 U.S.C. §3121(e), which would open up a HUGE can of
37 worms that they could never explain in a way that is consistent with everything that people know other than the way it
38 is explained here.
39 2. They FALSELY and PREJUDICIALLY "presume" that there is no separation of powers between federal territory and
40 states of the Union, which is a violation of your rights and Treason punishable by death. The separation of powers is
41 the very foundation of the Constitution, in fact. See:

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

- 42 3. They deliberately refuse to recognize that the context in which the term "United States" is used determines its meaning.
43 4. They deliberately refuse to recognize that there are THREE definitions of the term "United States" according to the
44 U.S. Supreme Court.
45 5. They deliberately refuse to reconcile *which* of the three mutually exclusive and distinct definitions of "United States"
46 applies in each separate context and WHY they apply based on the statutes they seek to enforce.
47 6. They deliberately refuse to recognize or admit that the term "United States" as used in the Constitution includes states
48 of the Union and excludes federal territory.
49 7. They deliberately refuse to apply the rules of statutory construction to determine what is "included" within the
50 definition of "United States" found in 26 U.S.C. §3121(e)(2). They don't want to admit that the definition is ALL
51 inclusive and limiting, because then they couldn't collect any tax, even though it is.

52 [TITLE 26 > Subtitle C > CHAPTER 21 > Subchapter C > § 3121](#)
53 [§ 3121. Definitions](#)

54 (e) State, United States, and citizen

1 For purposes of this chapter—

2 (1) State

3 The term **“State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,**
4 **Guam, and American Samoa.** [WHERE are the states of the Union?]

5 (2) United States

6 The term **“United States”** when used in a geographical sense includes the Commonwealth of Puerto Rico, the
7 Virgin Islands, Guam, and American Samoa. [WHERE are the states of the Union?]

8
9 **“When a statute includes an explicit definition, we must follow that definition, even if it varies from that**
10 **term's ordinary meaning.** *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory
11 definition of the term excludes unstated meanings of that term”); *Colautti v. Franklin*, 439 U.S. at 392-393, n.
12 10 (“As a rule, ‘a definition which declares what a term ‘means’ . . . excludes any meaning that is not stated”);
13 *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945) ; *Fox v. Standard Oil Co. of N.J.*, 294 U.S.
14 87, 95-96 (1935) (*Cardozo, J.*); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* §
15 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at
16 998 [530 U.S. 943] (*THOMAS, J., dissenting*), leads the reader to a definition. That definition does not include
17 the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the
18 contrary.”
19 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

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

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

28 Therefore, if you are going to argue citizenship in federal court, we STRONGLY suggest the following lessons learned by
29 reading the Department of Justice Criminal Tax Manual article above:

30 1. Include all the language contained in the following within your pleadings.

Rules of Presumption and Statutory Interpretation, Litigation Tool #01.006
<http://sedm.org/Litigation/LitIndex.htm>

31 2. If someone from the government asks you whether you are a “citizen of the United States” or a “U.S. citizen”:

32 2.1. Cite the **three** definitions of the “United States” explained by the Supreme Court and then ask them to identify
33 which of the **three** definitions of “U.S.” they mean in the Table 13 earlier. Tell them they can choose ONLY one
34 of the definitions.

35 2.1.1. The COUNTRY “United States*”.

36 2.1.2. Federal territory and no part of any state of the Union “United States**”

37 2.1.3. States of the Union and no part of federal territory “United States***”

38 2.2. Ask them WHICH of the three types of statutory citizenship do they mean in Title 8 of the U.S. Code and tell
39 them they can only choose ONE:

40 2.2.1. 8 U.S.C. §1401 statutory “citizen of the United States**”. Born in and domiciled on a federal territory and
41 possession and NOT a state of the Union.

42 2.2.2. 8 U.S.C. §1408 and 8 U.S.C. §1101(a)(22)(B) statutory “national of the United States**”. Born in and
43 domiciled in American Samoa or Swains Island.

44 2.2.3. 8 U.S.C. §1101(a)(21) “national” of the “United States***”. Born in and domiciled in a state of the Union
45 and no subject to federal legislative jurisdiction but only subject to political jurisdiction.

46 2.3. Hand them the following short form printed on double-sided paper and signed by you. Go to section 7 and point
47 to the “national” status in diagram. Tell them you want this in the court record or administrative record and that
48 they agree with it if they can’t prove it wrong with evidence.

Citizenship, Domicile, and Tax Status Options, Form #10.003
<http://sedm.org/Forms/FormIndex.htm>

1 If you want more details on how to field questions about your citizenship, fill out government forms describing your
2 citizenship, or rebut arguments that you are wrong about your citizenship, we recommend sections 11 through 13 of the
3 following:

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>

- 4 3. If your opponent won't answer the above questions, then forcefully accuse him of engaging in TREASON by trying to
5 destroy the separation of powers that is the foundation of the United States Constitution. Tell them you won't help
6 them engage in treason or undermine the main protection for your constitutional rights, which the U.S. Supreme Court
7 said comes from the separation of powers. Then direct them at the following document that proves the existence of
8 such TREASON.

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

- 9 4. Every time you discuss citizenship with a government representative, emphasize the three definitions of the "United
10 States" explained by the U.S. Supreme Court and that respecting and properly applying these definitions consistently is
11 how we respect and preserve the separation of powers.
12 5. Admit to being a constitutional "citizen of the United States****" but not a statutory "citizen of the United States***".
13 This will invalidate almost all the case law they cite and force them to expose their presumptions about WHICH
14 "United States" they are trying to corn-hole you into.
15 6. Emphasize that the context in which the term "United States" is used determines WHICH of the three definitions
16 applies and that there are two main contexts.

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

22 6.1. The Constitution: states of the Union and no part of federal territory. This is the "Federal government"

23 6.2. Federal statutory law: Community property of the states that includes federal territory and possession that is no
24 party of any state of the Union. This is the "National government".

- 25 7. Emphasize that you can only be a "citizen" in ONE of the TWO unique jurisdictions above at a time because you can
26 only have a domicile in ONE of the two places at a time. Another way of saying this is that you can only have
27 allegiance to ONE MASTER at a time and won't serve two masters, and domicile is based on allegiance.

28 *"domicile. A person's legal home. That place where a man has his true, fixed, and permanent home and
29 principal establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith,
30 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's
31 home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place
32 to which he intends to return even though he may actually reside elsewhere. A person may have more than one
33 residence but only one domicile. The legal domicile of a person is important since it, rather than the actual
34 residence, often controls the jurisdiction of the taxing authorities and determines where a person may
35 exercise the privilege of voting and other legal rights and privileges."
36 [Black's Law Dictionary, Sixth Edition, p. 485]*

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

- 45 8. Emphasize that it is a violation of due process of law and an injury to your rights for anyone to PRESUME anything
46 about which definition of "United States" applies in a given context or which type of "citizen" you are.
47 EVERYTHING must be supported with evidence as we have done here.

48 (1) [8:4993] Conclusive presumptions affecting protected interests: A conclusive presumption may be
49 defeated where its application would impair a party's constitutionally-protected liberty or property interests. In
50 such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights.
51 [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bed. of Ed. v. LaFleur (1974) 414
52 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates
53 process]

9. Emphasize that applying the CORRECT definition is THE MOST IMPORTANT JOB of the court, as admitted by the U.S. Supreme Court, in order to maintain the separation of powers between the federal zone and the states of the Union, and thereby protect your rights:

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

10. Emphasize that anything your opponent does not rebut with evidence under penalty of perjury is admitted pursuant to Federal Rule of Civil Procedure 8(b)(6) and then serve them with a Notice of Default on the court record of what they have admitted to by their omission in denying.
11. Focus on WHICH “United States” is implied in the definitions within the statute being enforced.
12. Avoid words that are not used in statutes, such as “state citizen” or “sovereign citizen” or “natural born citizen”, etc. because they aren’t defined and divert attention away from the core definitions themselves.
13. Rationally apply the rules of statutory construction so that your opponent can’t use verbicide or word tricks to wiggle out of the statutory definitions with the word “includes”. See:

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

14. State that all the cases cited in the U.S. Department of Justice Criminal Tax Manual⁷⁰ are inapposite, because:
- 14.1. You aren’t arguing whether you are a “citizen of the United States”, but whether you are a STATUTORY “citizen of the United States”.
- 14.2. They don’t address the distinctions between the *statutory* and *constitutional* definitions nor do they consistently apply the rules of statutory construction.
15. Emphasize that a refusal to stick with the legal definitions and include only what is expressly stated and not “presume” or read anything into it that isn’t there is an attempt to destroy the separation of powers and engage in a conspiracy against your Constitutionally protected rights.

“Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy.”
[Senator Sam Ervin, during Watergate hearing]

“When words lose their meaning, people will lose their liberty.”
[Confucius, 500 B.C.]

The subject of citizenship is covered in much more detail in the following sources, which agree with this section:

1. Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006:
<http://sedm.org/Forms/FormIndex.htm>
2. Great IRS Hoax, Form #11.302, Sections 4.11 through 4.11.13.
3. Tax Deposition Questions, Form #03.016, Section 14:
<http://sedm.org/Forms/FormIndex.htm>

⁷⁰ See: <http://famguardian.org/Publications/DOJTDCTM/titlepg.htm>.

15 How Scoundrels Corrupted Our Republican Form of Government: With franchises⁷¹

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

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

15.1 Original Design of our Republic

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

"The king establishes the land by [justice](#); but he who receives bribes overthrows it."
[Prov. 29:4, Bible, NKJV]

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

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

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

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

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

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

"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

⁷¹ Source: [How Scoundrels Corrupted Our Republican Form of Government](#), Family Guardian Fellowship;
<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>.

1 conferred upon it, and such as are reasonably to be implied from those granted. In this respect, we differ
2 radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or
3 other legislative body subject to no restriction except the discretion of its members." (Congress)
4 [[U.S. v. William M. Butler, 297 U.S. 1 \(1936\)](#)]

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

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

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

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

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

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

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

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

25 *Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.
26 15 Bin. Ab. 327.*

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

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

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

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

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

[Government Conspiracy to Destroy the Separation of Powers, Form #05.023](#)
<https://sedm.org/Forms/FormIndex.htm>

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

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

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

[De Facto Government Scam, Form #05.043](#)
<https://sedm.org/Forms/FormIndex.htm>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 For further quotes supporting the above, see:

[Thomas Jefferson on Politics and Government](http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1060.htm)
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1060.htm>

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

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

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

8 So the founders instead distributed and dispersed political power into several independent branches of government that
9 have sovereign power over a finite sphere and prohibited the branches from assuming each others duties. This, they
10 believed, would prevent collusion against their rights and liberties. They therefore divided the government into the
11 Executive, Legislative, and Judicial branches and made them independent of each other, and assigned very specific duties
12 to each. In effect, these three branches became “foreign” to each other and in constant competition with each other for
13 power and control.

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

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

24 Then the founders created multiple states so that the states would be in competition with each other for citizens and for
25 commerce. When one state got too oppressive or taxed people too much, the people could then move to an economically
26 more attractive state and climate. This kept the states from oppressing their citizens and it gave the people a means to keep
27 their state and their government in check. Then they put the federal government in charge of regulating commerce among
28 and between the states, and the intention of this was to *maximize*, not obstruct, commerce between the states so that we
29 would act as a unified economic union and like a country. Even so, they didn’t want our country to be a “nation” under the
30 law of nations, because they didn’t want a national government with unlimited powers. They wanted a “federation”, so
31 they called our central government the “federal government” instead of a “national government”. To give us a “national
32 government” would be a recipe for tyranny:

33 *“By that law the several States and Governments spread over our globe, are considered as forming a society,*
34 *not a NATION.* *It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth*
35 *Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important*
36 *question before us, by the Constitution of the United States, and the legitimate result of that valuable*
37 *instrument. “*
38 *[Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#), 1 L.Ed. 440 (1794)]*

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

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

47 The founders even gave the people their own house in Congress called the House of Representatives, so that the power
48 between the states, in the Senate, and the People, in the House, would be well-balanced. They also made sure that these
49 sovereign electors and citizens were well armed with a good education, so they could keep their government in check and

1 capably defend their freedom, property, and liberty by themselves. When things got rough and governments became
2 corrupt, these rugged and self-sufficient citizens were also guaranteed the right to defend their property using arms that the
3 [U.S. Constitution](#) said in the [Second Amendment](#) that they had a right to keep and use. This ensured that citizens
4 wouldn't need to depend on the government for a handout or socialist benefits and wouldn't have to worry about having a
5 government that would plunder their property or their liberty.

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

11 ***"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take***
12 ***on themselves to judge the law as well as the fact. They never exercise this power but when they suspect***
13 ***partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English***
14 ***liberty."***
15 *[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]*

16 Then the founders separated church and state and put the state and the church in competition with each other to protect and
17 nurture the people. This church/state separation and dual sovereignty was discussed in Great IRS Hoax, Form #11.302,
18 Section 4.3.6.

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

25 *"E Pluribus Unum"*

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

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

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

37 *"Now the Lord is the Spirit; and where the Spirit of the Lord is, there is liberty."*
38 *[2 Cor. 3:17, Bible, NKJV]*

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

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

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

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

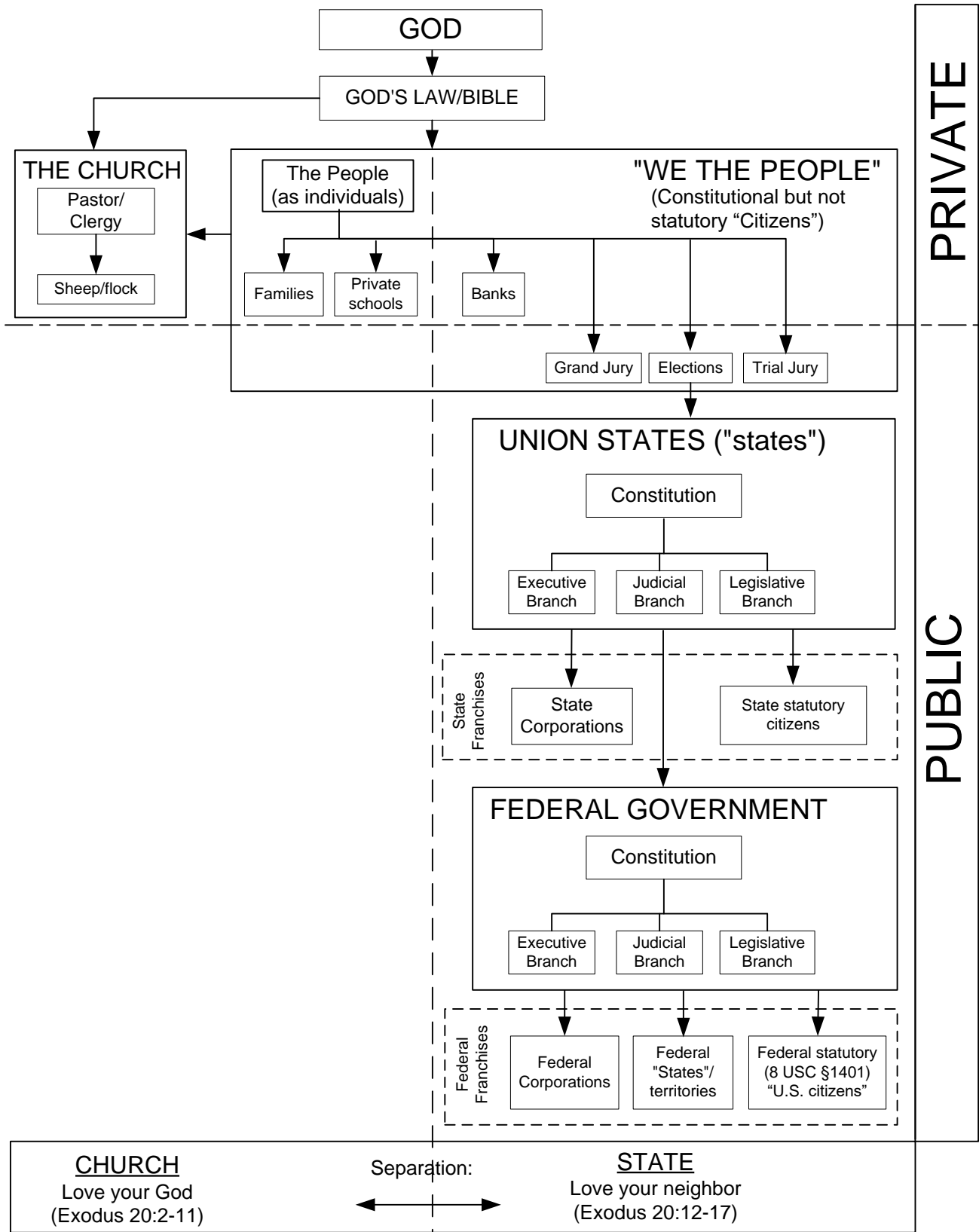
15 Enacting a mutual agreement into positive law then, becomes the vehicle for expressing the fact that the People collectively
16 agreed and consented to the law and to accept any adverse impact that law might have on their liberty. Public servants
17 then, are just the apparatus that the sovereign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

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

- 31 1. The distinct sovereignties *between* governments:
 - 32 1.1. States
 - 33 1.2. The federal government
- 34 2. The sovereignties *within* governments:
 - 35 2.1. Executive branch
 - 36 2.2. Legislative branch
 - 37 2.3. Judicial branch
- 38 3. The hierarchy of sovereignty between all the sovereignties based on their sequence of creation.
- 39 4. The corrupting influence of force, fraud, and money, including the branch that initiated it, the date it was initiated, and
40 the object it was initiated against.

41 To meet the above objectives, we will start off with the diagram found in Great IRS Hoax, Form #11.302, Section 5.1.1 and
42 expand it with some of the added elements found in the [Natural Order diagram](#) found earlier in Great IRS Hoax, Form
43 #11.302, Section 4.1. To the bottom of the diagram, we add the Ten Commandments, which establishes the "Separation of
44 Church v. State". The first four commandments in [Exodus 20:2-11](#) establish the church and the last six commandments
45 found in [Exodus 20:12-17](#) define how we should relate to other people, who Jesus later called our "neighbor" in [Matt.](#)
46 [22:39](#). The main and only purpose of government is to love and protect and serve its inhabitants and citizens, who
47 collectively are "neighbors". What results is a schematic diagram of the initial political system that the founders gave us
48 absent all corruption. This is called the "[De jure](#) U.S. Government". It is the *only* lawful government we have and its
49 organization is defined by our Constitution. It's organization is also defined by the Bible, which we also call "Natural Law"
50 throughout this document.

51 **Figure 4: De Jure Hierarchy of Sovereignty**



1

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

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

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

14 **15.2 Main Technique of Corruption: Introduce Franchises to replace UNALIENABLE** 15 **PRIVATE Rights with REVOCABLE PUBLIC Statutory PRIVILEGES**

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

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

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

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

36 **Curses of Disobedience [to God's Laws]**

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

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

46 *"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of*
47 *everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against*
48 *you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise*
49 *codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the*
50 *District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation*
51

1 [whose language \[LEGALESE\] you will not understand](#), a nation of fierce [coercive and fascist] countenance,
2 which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays
3 on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public
4 FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with "trade or
5 business" franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED];
6 they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks,
7 until they have destroyed you.
8 [Deut. 28:43-51, Bible, NKJV]

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

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

26
27 *The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules*
28 *under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for*
29 *decision. They are:*

30 [. . .]

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

35 [FN7 Compare Electric Co. v. Dow, 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; Pierce v. Somerset Ry., 171](#)
36 [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,](#)
37 [49 L.Ed. 1108.](#)
38 [\[Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 56 S.Ct. 466 \(1936\)\]](#)

39
40 *"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have*
41 *been carried over from the law of Great Britain, and recur constantly either as such or in equivalent*
42 *expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and*
43 *originally signified a peculiar right or private law conceded to particular persons or places **whereby a certain***
44 ***individual or class of individuals was exempted from the rigor of the common law.*** *Privilege or immunity is*
45 *conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights,*
46 *authorizing him to enjoy some particular advantage or exemption."*

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

48 *SOURCE:*

49 http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf
50 [f\]](#)

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

54 Whether you know it or not, by accepting such physical or intangible property you are, in effect, manifesting your implied
55 consent (assent) under the Uniform Commercial Code (U.C.C.) to enter into a contract with the government that offered it

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

8 **Lending to the Poor**

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

14 **The Law Concerning Slavery**

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

23 Adhesion Contract

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

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

27 Adhesion Contract

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

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

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

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

43 adhesion contract (contract of adhesion)

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

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

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

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

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

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

"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare, the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to particular exceptions."
[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]

The term "general welfare" is synonymous with "benefit" in franchise language. "general welfare" as used above is, in fact, the basis for the entire [modern welfare state](#) that will eventually lead to a massive financial collapse and crisis worldwide.⁷² Anyone who therefore supports such a system is ultimately an anarchist intent on destroying our present dysfunctional government and thereby committing the crime of Treason:⁷³

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

⁷² For details on the devastating political effects of the modern welfare state, see:

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

⁷³ In the landmark case of *Steward Machine Co. v. Davis*, 310 U.S. 548 (1937) legalizing social security, the U.S. Supreme Court had the following to say about the treason of inverting the relationship of the states to the federal government:

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

1 The Bible also describes how to REVERSE this inversion, how to restore our constitutional rights, and how to put public
2 servants back in their role as servants rather than masters. Note that accepting custody or “benefit” or loans of government
3 property in effect behaves as an act of contracting, because it accomplishes the same effect, which is to create implied
4 “obligations” in a legal sense:

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

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

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

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

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

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

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

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

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

45 ***"The income tax law under consideration is marked by discriminating features which affect the whole***
46 ***law. It discriminates between those who receive an income of four thousand dollars and those who do not.***
47 ***It thus vitiates, in my judgment, by this arbitrary discrimination, the whole legislation.** Hamilton says in*
48 *one of his papers, (the Continentalist,) "the genius of liberty reprobates everything arbitrary or discretionary in*
49 *taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property*
50 *the State demands; whatever liberty we may boast of in theory, it cannot exist in fact while [arbitrary]*
51 *assessments continue." 1 Hamilton's Works, ed. 1885, 270. The legislation, in the discrimination it makes, is*
52 *class legislation. **Whenever a distinction is made in the burdens a law imposes or in the benefits it confers***
53 ***on any citizens by reason of their birth, or wealth, or religion, it is class legislation, and leads inevitably to***

1 **oppression and abuses, and to general unrest and disturbance in society [e.g. wars, political conflict,**
2 **violence, anarchy].** *It was hoped and believed that the great amendments to the Constitution which followed*
3 *the late civil war had rendered such legislation impossible for all future time. But the objectionable legislation*
4 *reappears in the act under consideration. It is the same in essential character as that of the English income*
5 *statute of 1691, which taxed Protestants at a certain rate, Catholics, as a class, at double the rate of*
6 *Protestants, and Jews at another and separate rate. Under wise and constitutional legislation every citizen*
7 *should contribute his proportion, however small the sum, to the support of the government, and it is no kindness*
8 *to urge any of our citizens to escape from that obligation. If he contributes the smallest mite of his earnings to*
9 *that purpose he will have a greater regard for the government and more self-respect [597*597](#) for himself*
10 *feeling that though he is poor in fact, he is not a pauper of his government. And it is to be hoped that, whatever*
11 *woes and embarrassments may betide our people, they may never lose their manliness and self-respect. Those*
12 *qualities preserved, they will ultimately triumph over all reverses of fortune.”*
13 *[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429 (Supreme Court 1895)]*

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

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

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

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

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

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

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

26 *The present **assault upon capital** [THEFT! and WEALTH TRANSFER by unconstitutional CONVERSION of*
27 *PRIVATE property to PUBLIC property] is but the beginning. **It will be but the stepping stone to others***
28 **larger and more sweeping.** *until our political contest will become war of the poor against the rich; a war of*
29 *growing intensity and bitterness.”*
30 *[Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895), hearing the case against the first*
31 *income tax passed by Congress that included people in states of the Union. They declared that first income tax*
32 *UNCONSTITUTIONAL, by the way]*

33
34 *“Where do wars and fights come from among you? **Do they not come from your desires for pleasure [unearned***
35 **money or “benefits”, privileges, or franchises, from the government] that war in your members [and your**
36 **democratic governments]?** *You lust [after other people's money] and do not have. You murder [the unborn to*
37 *increase your standard of living] and covet [the unearned] and cannot obtain [except by empowering your*
38 *government to STEAL for you!]. You fight and war [against the rich and the nontaxpayers to subsidize your*
39 *idleness]. Yet you do not have because you do not ask [the Lord, but instead ask the **deceitful government**]. You*
40 *ask and do not receive, because you ask amiss, that you may spend it on your pleasures. **Adulterers and***
41 **adulteresses! Do you not know that friendship [statutory “citizenship”] with the world [or the governments of**
42 **the world] is enmity with God?** *Whoever therefore wants to be a friend [STATUTORY “citizen”, “resident”,*
43 *“inhabitant”, “person” franchisee] of the world [or the governments of the world] makes himself an enemy of*
44 *God.”*
45 *[James 4:4, Bible, NKJV]*

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

1 Our ministry accomplishes the above goals by emphasizing:

2 12. The pursuit of legal “justice” (Form #05.050), which means [absolutely owned private property \(Form](#)
3 [#10.002\)](#), and [equality of TREATMENT and OPPORTUNITY \(Form #05.033\)](#) under [REAL LAW \(Form](#)
4 [#05.048\)](#). The following would be INJUSTICE, not JUSTICE:

5 12.1 Outlawing or refusing to recognize or enforce [absolutely owned private property \(Form #12.025\)](#).

6 12.2 Imposing equality of OUTCOME by law, such as by abusing taxing powers to redistribute wealth. See
7 [Form #11.302](#).

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

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

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

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

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

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

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

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

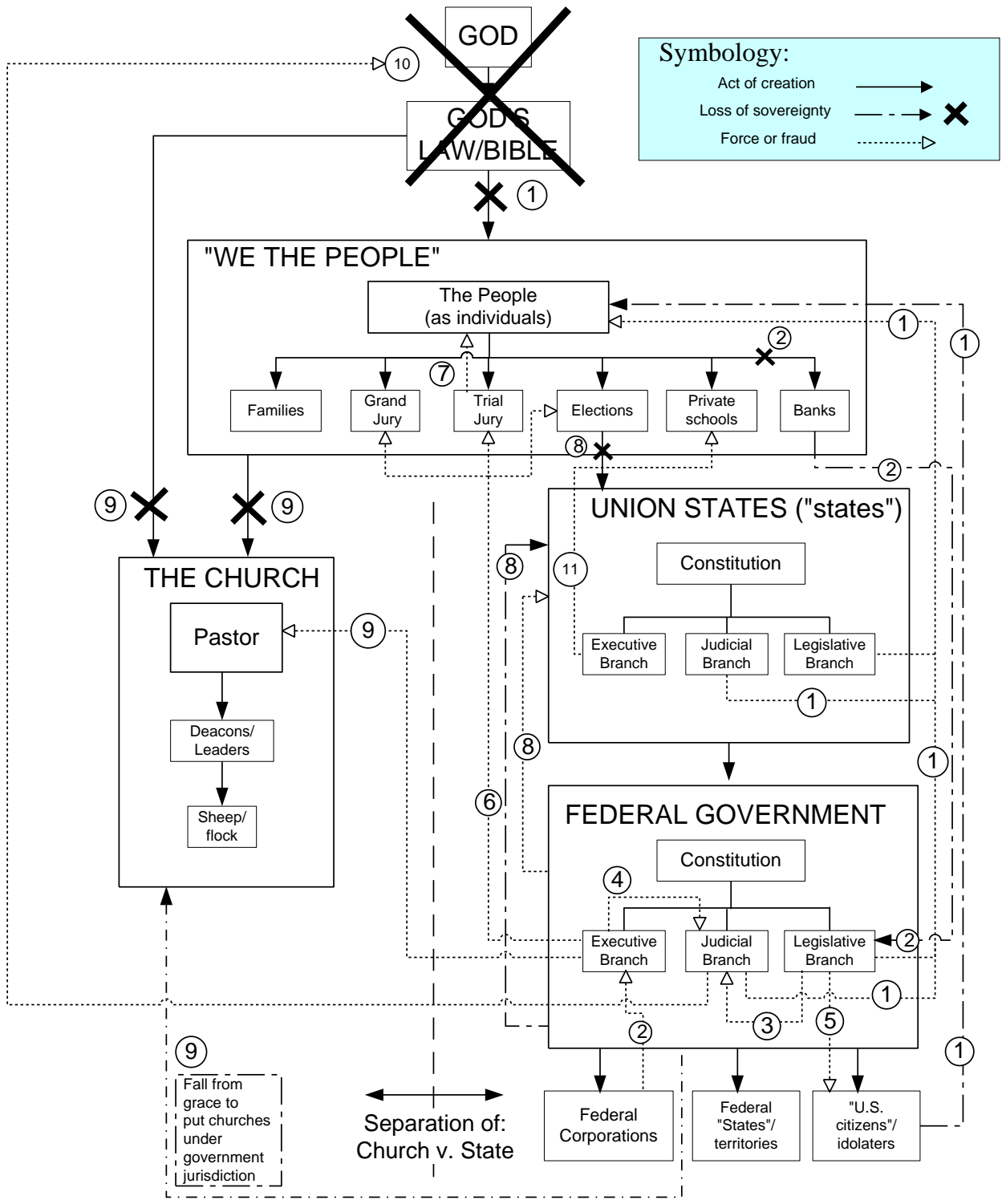
42 Jesus also states in Matt. 20:25-28 that it is the DUTY and obligation of every Christian to fight this corruption of our
43 political system. The Holy Bible is our Delegation of Authority to do precisely this, in fact, and to restore God to His
44 proper role as the ruler of ALL nations and ALL politicians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

[Delegation of Authority Order from God to Christians, Form #13.007](#)

1 **15.3 Graphical Depiction of the Corruption**

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

6 **Figure 5: Graphical depiction of the process of corruption**



1
 2 Below is a table explaining each incidence of force or fraud that corrupted the originally perfect system:

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

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

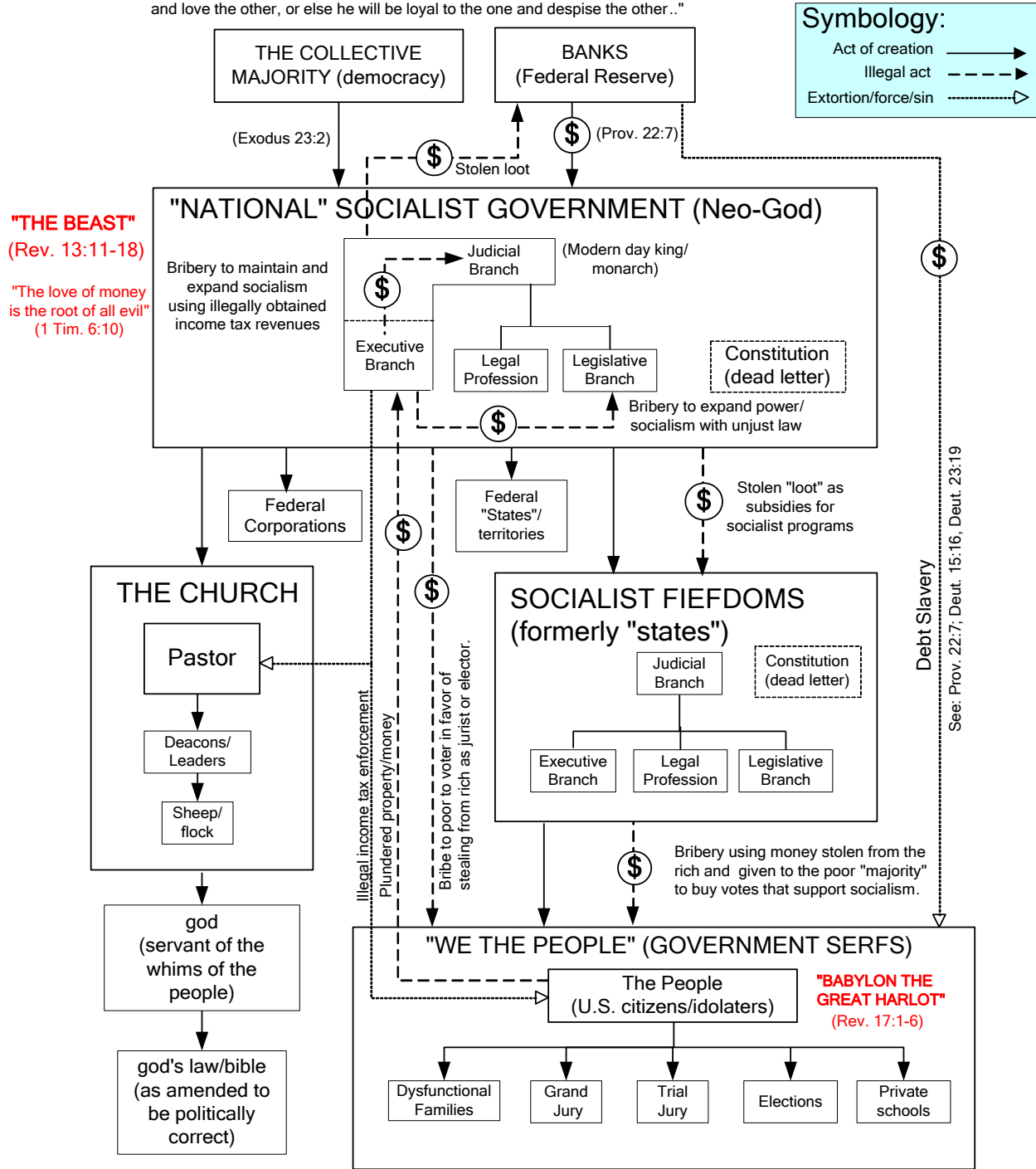
# (on diagram above)	Year(s)	Acting Sovereignty/ agent	Law(s) violated	Explanation
				<p>details.</p> <p>The Revenue Act of 1932 than tried to apply income taxes against federal judges. The purpose was to put them under complete control of the Executive Branch through terrorism and extortion by the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

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

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

18 **Figure 6: Our present SOCIALIST Oligarchy**

Luke 16:13: "No servant 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.."



1

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

1 Essau...they exchanged the Truth for a lie and liberty for slavery and they did it mainly for money and personal security.
2 They are:

- 3 1. So concerned about avoiding being terrorized by their government or the IRS for “making waves”.
- 4 2. So immobilized by their own fear and ignorance that they don’t dare do anything.
- 5 3. So addicted to sin and other unhealthy distractions that they don’t have the time to do justice.
- 6 4. So poor that they can’t afford a expensive lawyer to be able to right the many wrongs imposed on them by a corrupted
7 government. Justice is a luxury that only the rich can afford in our society.
- 8 5. So legally ignorant, thanks to our public “fool”, I mean “school” system that they aren’t able to right their wrongs on
9 their own in court without a lawyer.
- 10 6. So afraid of corrupt judges and lawyers who are bought and paid for with money that they stole from hardworking
11 Americans in illegally enforcing what is actually a voluntary Subtitle A income against those who in fact and indeed
12 can only be described per the law as “nontaxpayers”
- 13 7. So unable to take care of their own needs because:
 - 14 7.1. Most of their money has been plundered by a government unable and unwilling to control its spending.
 - 15 7.2. They have allowed themselves to depend too much on government and allowed too much of their own hard-
16 earned money to be stolen from them.
 - 17 7.3. They spent everything they had and went deep in debt to buy things they didn't need.
- 18 8. So covetous of that government welfare or socialist security or unemployment check or paycheck that comes in the
19 mail every month.

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

26 *“Thou shalt not steal.”*
27 [[Exodus 20:15](#), Bible, NKJV]

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

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

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

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

41 **15.4 God's Remedy for the Corruption**

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

44 *Alas, sinful nation,*
45 *A people laden with iniquity*

1 *A brood of evildoers*
2 *Children who are corrupters!*
3 *They have forsaken the Lord*
4 *They have provoked to anger*
5 *The Holy One of Israel,*
6 *They have turned away backward.*
7 *Why should you be stricken again?*
8 *You will revolt more and more.*
9 *The whole head is sick [they are out of their minds!: insane or STUPID or both].*
10 *And the whole heart faints....*

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

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

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

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

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

43 God furthermore says in the Isaiah scripture above that the way to fix the corruption and graft is to **eliminate the bad**
44 **judges and lawyers**. Whose job is that? It is the even more corrupted Congress! (see 28 U.S.C. §134(a) and 28 U.S.C.
45 §44(b))

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

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

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

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

4 "**The people will be oppressed.**
5 **Every one by another and every one by his [socialist] neighbor [sitting on a jury who**
6 **was indoctrinated and brainwashed in a government school to trust government];**
7 *The child will be insolent toward the elder,*
8 *And the base toward the honorable."*
9 [[Isaiah 3:5](#), Bible, NKJV]

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

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

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

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

- 36 1. The Constitution and the Declaration of Independence recognize natural rights as INALIENABLE. See

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

- 37 2. An INALIENABLE right is one that YOU AREN'T ALLOWED BY LAW to [consent \(Form #05.003\)](#) to give away.
38 3. If you can't even [lawfully consent \(Form #05.003\)](#) to give away the right, then you can never lose it or contract it away
39 by participating in a [government franchise \(Form #05.030\)](#) or accepting a loan of government property.
40 4. The fact that judges and lawyers ALLOW [inalienable rights \(Form #12.038\)](#) to be given away in a place where they
41 aren't allowed to be given away is a sign that they love money and enhancing their own power more than they love
42 freedom or the Constitution.
43 5. Because they love money and power more than they love freedom and obeying the constitution, they are committing
44 treason punishable by death in violation of [18 U.S.C. §2381](#) and serving [Satan himself](#).

45 Below is how we explain this conundrum in our Disclaimer:

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

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

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

15.5 De Jure v. De Facto Government

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

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

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

	and Federal government	taxation internal to a state. Federal government controls only foreign commerce in the form of imposts, excises, and duties under Article 1, Section 8, Clause 3 of the Constitution.	lions share of income taxes over both internal and external trade. It redistributes the proceeds from these taxes to the socialist states, who are coerced to modify their laws in compliance with federal dictates in order to get their fair share of this stolen “loot”.
6	Separation between branches of government: Executive, Legislative, Judicial	Three branches of government are entirely independent and not controlled by other branches.	Judges are “employees” of the executive branch and have a conflict of interest because they are beholden to IRS extortion. Executive controls the illegal tax collection activities of the IRS and dictates to other branches it’s tax policy through illegal IRS extortion. Using the IRS, Executive becomes the “Gestapo” that controls everything and everyone. Congress and the courts refuse to reform this extortion because they benefit most financially by it.
7	Separation of Commerce and State	Federal government regulates only foreign commerce of corporations. States regulate all internal commerce. Private individuals have complete privacy and are not regulated because they don’t have Socialist Security Numbers and are not monitored by the IRS Gestapo. Banks are independent and do not have to participate in a national banking system so they don’t coerce their depositors to bet government-issued numbers nor do they snoop/spy on their depositors as an agent of the IRS Gestapo. Private employers are not regulated or monitored by federal Gestapo and their contracts with their employees are private and sacred.	All credit issued by a central, private Federal Reserve consortium. Federal Reserve rules coerce private banks to illegally enforce federal laws in states of the Union that only apply in the federal zone. Namely, they force depositors to have Socialist Security Numbers and they report all currency transactions over \$3,000 to the Dept of the Treasury (CTR’s). “Spying” on financial affairs citizens by government makes citizens afraid of IRS and government and coerces them to illegally pay income taxes by government. Employers are coerced to enslave their employees to IRS through wage reporting and withholding, often against the will of employees.
8	Separation of Media and State	Press was free to report as they saw fit under the First Amendment. Most newspapers were small-town newspapers and were private and independent.	Television, radio, the internet, and corporations have taken over the media and concentrated control of it to the hands of a very few huge and “privileged” corporations that are in bed with the federal and state governments. Media is no longer independent, and broadcasters don’t dare cross the government for fear of either

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

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

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

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

11 **16 We do NOT have a Federal Government and how we lost it**⁷⁴

12 **16.1 What was “Federal”?**

13 Nearly all of us use the word *federal* to refer to the United States national government, as distinct from the state
14 governments. This has been an error on our part.

15 *Federal* was a description, not a name. It would be fair to use *federative* in its place. It described a *type* of government, not
16 a particular organization.

17 For example, when we say “my friend has a fast car,” we don’t think that *fast* is the car’s brand name – it is merely a
18 description of the car’s acceleration and top speed.

19 *Federal* was not the brand name of the government that James Madison designed, it was a description, like *fast*.

20 Notice how Madison distinguishes between *national* and *federal*. We have lost this distinction, and it is crucial.

⁷⁴ Adapted from: [We Do Not Have a Federal Government](#), Paul Rosenberg, SOURCE: <http://www.freemansperspective.com/we-do-not-have-a-federal-government/>

16.2 James Madison: Federalist #39

The proposed Constitution, therefore, is, in strictness, neither a national nor a federal Constitution, but a composition of both.

- In its foundation it is federal, not national;
- In the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national;
- In the operation of these powers, it is national, not federal;
- In the extent of them, again, it is federal, not national; and, finally,
- In the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national.

Madison – six times in this passage – distinguishes between *federal* and *national*. There can be no question about this: *he is referring to two different things*. Federal is NOT the same as national.

We no longer use these distinctions because the US government has become entirely national – we have nothing else to attach the tag federal to.

At the founding – as Madison was writing the US Constitution – the meanings of the words he used were these:

- *National* powers were those of an independent central government.
- *Federal* powers were those that came from the contributions of the states.

To be fully precise, “federal” meant a *union based on a treaty*. It described the type of association that was being used.

Madison distinguishes between *national* and *federal* in exactly the same way that we distinguish between a business and a club.

16.3 Federal Powers

You can see from Madison’s words that the structure of the United States government very carefully included federally-derived powers. Madison specifies them as fundamental components.

At its origin, the national government was dependent on the states, and not vice-versa. When the states shifted their positions, the central government, which rested on top of them, had to move along with them.

Understand, this was not a case where the national government was *supposed to* shift along with the states - there was literally no other possibility. An analogy would be the surface of the ocean moving up and down as a wave passes. The national government rode on top of the federal arrangement – when and where it moved, the national government automatically followed – like the surface of the ocean moving with a wave. There was nothing else it could do or be.

Madison did this on purpose. It was the central controlling and protecting mechanism of his design.

Here is what [Thomas Jefferson](#) had to say about the original federal structure of government in the US:

Thomas Jefferson, *Letter to William Johnson, 1823*

The capital and leading object of the Constitution was to leave with the States all authorities which respected their own citizens only, and to transfer to the United States those which respected citizens of foreign or other States; to make us several [separate] as to ourselves, but one as to all others.

Jefferson, as usual, understood the essence of the arrangement: Separate among ourselves, but as one toward the rest of the world – the outsiders who only saw the surface of the wave, not the waters underneath.

Jefferson (who was certainly not alone in this) saw the centralizing movement of power from the states to the capital as the great threat to the American experiment of [liberty](#):

1 Thomas Jefferson, Letter to Nathaniel Macon, 1821

2 *Our government is now taking so steady a course as to show by what road it will pass to **destruction**. That is: by*
3 *consolidation first, and then corruption, its necessary consequence.*

4 **16.4 The Path of Destruction**

5 The federal structure of the US government was abolished in steps, over time. Certainly the largest factors were the
6 confusion, ignorance, apathy and fear of the populace, which resulted in mute compliance. There were, however, watershed
7 moments along the way. The most important of these events were the following:

8 **16.5 Marbury v. Madison, 1803**

9 This most important of Supreme Court rulings resulted from a complex case involving dirty deals, a politically-stacked
10 Supreme Court and the entry of partisan politics into the operation of the American republic. By the time it was over, the
11 Court had ruled against the man who wrote the Constitution (James Madison) and claimed the sole right to interpret it.
12 Here's how it went:

- 13 1. The Federalists, Alexander Hamilton being the driving force, organized into a faction (a political party) that
14 organized and pooled their power.
- 15 2. Facing a loss of control after the election of 1800, they pushed John Adams to appoint a large group of judges and
16 other officials in the lame duck session before he left office. Adams complied. These appointments were written
17 for five-year terms – long enough for the Federalists to retain control through the next election.
- 18 3. Not all the commissions could be completed before Jefferson was inaugurated. One of these was slated for
19 delivery to a hard-core Federalist named William Marbury.
- 20 4. When Jefferson took the Presidency, Marbury's appointment was still in the Secretary of State's office. James
21 Madison, who now filled that office, withdrew the appointment for precisely the reasons you'd expect (being
22 based on dirty dealing), and went about to appoint someone else.
- 23 5. Marbury ran to the U.S. Supreme Court, which was entirely composed of Federalist appointees. He demanded to
24 be given his office.
- 25 6. In a complex ruling, the Court (led by John Marshall) ruled that Madison was wrong to withhold the appointment,
26 but that this didn't matter, since the underlying law from 1789 was unconstitutional.
- 27 7. The shock of ruling against the author of the Constitution aside, 'Marbury' brought up the important issue of
28 constitutionality: Who decides? Even if we say there is an argument to be made for the Supreme Court to interpret
29 the Constitution, it is NOT in the Constitution. The Court should have said something like this:

30 *Since it has fallen to us to decide such an important matter, we will render our opinion in this case. However,*
31 *we request of the Congress and the States, that they pass an amendment to the Constitution clarifying this issue.*

32 There is a great deal of confusion related to Marbury v. Madison that has come down to us. This ruling is universally
33 presented in American schools as crucial to the "checks and balances" of the US government. This is deeply misleading.

34 *Judicial review* (the Supremes ruling on constitutionality) involves one branch of the national government providing a
35 check on the other branches of the national government.

36 *Judicial Review provided no check whatsoever on the national government as a whole.*

37 The original design of the republic empowered the states to act as checks on the national government. This was the primary
38 purpose of the federal structure. Without it, the national government has no check on its expansion and use of power. Thus
39 it would seem that the states should be the interpreters of the Constitution – after all, it was they who created it.

40 **16.6 Rules versus Justice**

41 There is one last and important thing to mention regarding Marbury v. Madison, and that is the enthronement of rules above
42 reality – of legal wordings over justice.

1 The “midnight appointments” of the Federalists used rules to manipulate the power-structure of the republic and to secure
2 power by unintended means. James Madison, above all people, understood this. He withdrew Marbury’s appointment to
3 conclude the abuse that was done to his system.

4 Chief Justice Marshall, however, ignored the injustice and parsed words instead: He went on at length over the distinctions
5 of “nominate,” “appoint,” “confirm,” and the fixing of seals.

6 Then, Marshall says this:

7 *The people have an original right to establish for their future government such principles as, in their opinion,*
8 *shall most conduce to their own happiness...*

9 *The exercise of this original right is a very great exertion; nor can it nor ought it to be frequently repeated. The*
10 *principles, therefore, so established are deemed fundamental.*

11 What Marshall actually says here is that the American people wish not to work so hard defending their rights. He is giving
12 them an excuse to be lazy:

13 *The rules will take over from here on out. You can relax.*

14 Liberty was the primary issue of the founding of the republic; the Constitution was subsidiary to that: it was a tool, valuable
15 only if it helped to secure liberty.

16 The reversal of the central order – liberty being made subsidiary to rules – dethroned liberty.

17 Hamilton, Marshall and the Federalists were political power-seekers. To them, liberty was little more than a word that gave
18 them legitimacy; what they really wanted was power.

19 Madison’s design stood in their way; Marbury v. Madison pulled it apart.

20 **16.7 The 14th Amendment, 1868**

21 The 14th Amendment filled a hole in the Constitution by declaring that no state could trample an individual’s rights, such
22 as the southern states had done by enslaving black people. (There was an earlier precedent for this, but the amendment was
23 probably necessary.) The key section reads:

24 *nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any*
25 *person within its jurisdiction the equal protection of the laws.*

26 Essentially, the 14th Amendment made sure that the **Bill of Rights** applied to everyone, no matter what their state
27 government did. This was, in my opinion, a reasonable addition to the Constitution.

28 The problem with the 14th Amendment is not the text itself, but that people took it to imply the moral superiority of the
29 national government. That is a highly questionable assumption.

30 **16.8 The Central Government & Slavery**

31 When Americans talk about states’ rights, there is an instinctual objection that never fails to grip people – that without
32 central government power, slavery would still exist. The truth, however, is the opposite. And that truth is this:

33 Every branch of the national government of the United States assisted slavery until 1863. You can verify this yourself; go
34 look-up *The Fugitive Slave Act of 1850* and the *Dred Scott* decision.

35 While the southern states and the national government were supporting slavery, the northern states fought it: They *nullified*
36 laws supporting slavery. (Wisconsin was exemplary in this.) The secession resolution of Georgia complains specifically
37 about this:

1 *For above twenty years the non-slave-holding States generally have wholly refused to deliver up to us persons*
2 *charged with crimes affecting slave property. [Northern state officials] shield and give sanctuary to all*
3 *criminals who seek to deprive us of this property.*

4 The northern states were the anti-slavery heroes, not the central government in Washington. If your school books implied
5 the contrary, they lied.

6 **16.9 The 17th Amendment, 1913**

7 The 17th Amendment took the powers of the states and transferred them to Washington, by mandating the popular election
8 of senators.

9 Previously, senators were elected by the state legislatures. That gave the states massive power in the central government. It
10 provided a check on the power of the national government. If the states were unhappy with the direction of national
11 government, they could instruct their senators to change it.

12 With senators being elected directly by the populace, the states were cut-out of the equation. In their place, political parties
13 gained massive **power**, and nearly all power was consolidated in the city of Washington.

14 The argument in favor of the 17th Amendment was that state houses were corrupt and that they acted erratically, often
15 leaving seats vacant for some time.

16 It is certainly true that the states were unruly. This, however, was not a crucial issue; the work of the Senate could continue
17 regardless. Respected politicians, however, did not want to be seen as part of a disorderly body.

18 As for corruption in the states, that was often true, but the implied idea, that Washington was pristine, was – and remains –
19 a bad, bad joke. But, even now, the moral superiority of the central government is often assumed, probably because many
20 people find comfort trusting in the largest and most powerful thing.

21 Power always corrupts, but a structure featuring small, separate pockets of corruption is far less dangerous than one
22 featuring a single, large seat of corruption, to which all money is gathered. As Thomas Jefferson wrote:

23 *“It is not by the consolidation or concentration of powers, but by their distribution that good government is*
24 *effected.”*

25 The government of the United States remains, but it is of a fundamentally different character than the federal republic
26 designed by Madison. Yet, we all keep saying federal. Not only is this use incorrect, but it has prevented us from
27 recognizing the crucial fact that the American federal republic was stolen from our great-grandparents. This is not a trivial
28 argument over vocabulary.

29 Deceptions and frauds are accomplished over time by changes in the meanings of words. Sometimes this is done purposely
30 and sometimes it happens because people are more comfortable evading the original meaning. But regardless of how much
31 intent was involved, the meaning of *federal* changed radically between 1803 and 1917. Our current use of the word conveys
32 a completely different meaning than the original. This change of definition has masked a fundamental turning point in the
33 governance of the American people.

34 What you do about this – or whether you do anything at all – is entirely your choice. I am merely pointing as best I can to
35 the truth. I will add only this:

36 If you call yourself an American, **be** one.

37 **17 Conclusions**

38 The list below succinctly summarizes the contents of this document:

1. The separation of powers was put there by the founding fathers for the protection of our Constitutional and God-given rights. Over the years, corrupt and covetous politicians have systematically dismantled it, piece by piece, right under our eyes, mainly using the complexity of “legalese” to disguise the nature of their dastardly deeds. We must become students of both law and history to see how they have done it, and prevent any further encroachments upon our rights or the separation of powers that is their main source of protection.
2. Freedom is not for the timid or the ignorant.
 - 2.1. Law needs to be taught in public and private schools. It no longer is.
 - 2.2. Americans need to turn off their TV and invest in their own legal education so that they do not become slaves of the legal profession.
 - 2.3. The American public will need to be much more active and much more involved in opposing corruption in the government and the legal profession, and focus on sources other than corporate media to locate such corruption.
 - 2.4. The government should not be in charge of public education, because they have used their monopoly as a beach head to establish socialism in America. School vouchers should be used to restore choice and competition to American education.
3. The American public desperately needs well researched tools, forms, and procedures to fight the corruption in government that has given rise to the destruction of the separation of powers. We aim to provide all the ammunition and tools needed to fight the corruption.
4. The tax system has been abused to terrorize churches, pastors, and pulpits to shut up about the moral and spiritual decay and corruption of our system of government by using the tax system. This conflict of interest must be eliminated before the truth can be widely disseminated in the churches and the sovereignty of Americans can be restored.
5. All of the causes of the destruction of the separation of powers originate in the legal field, which has a very corrosive monopoly on running our government. This monopoly is sanctioned by the judges in the courts in the form of attorney licensing. Attorney licensing is an evil that must be eliminated because it destroys the integrity of the legal profession in its role as a check and balance when the government or especially the judiciary becomes corrupt as it is now.
6. State governments have systematically destroyed the separation of powers by the following means:
 - 6.1. Signing up for federal franchises that compel them to act as federal territories and possessions.
 - 6.2. Dumbing down our children in the public schools on legal matters.
 - 6.3. Abuse of franchises to shift the effective domicile of those under their protection into federal territory:
 - 6.3.1. Attorney licensing.
 - 6.3.2. Driver licensing.
 - 6.3.3. Marriage licensing.
7. The legislative branch of the state and federal governments have systematically destroyed the separation of powers by the following means:
 - 7.1. Corrupting the courts by making judges into “taxpayers”.
 - 7.2. Refusing to give us true, Article III constitutional courts. All the courts we have are legislative Article IV courts and we have no Judicial Branch under our Constitution.
 - 7.3. Abuse of the Buck Act to destroy the separation between the state and federal governments.
 - 7.4. Separating the taxation and representation functions so that we have the same problem we had with the British that gave rise to the American Revolution.
 - 7.5. Abusing “words of art” to deceive the American public into participating in government franchises.
 - 7.6. Writing vague laws that do not clearly specify:
 - 7.6.1. Whether they are public law or private law.
 - 7.6.2. Whether they apply only on federal territory or everywhere.
 - 7.7. Using statutory presumptions to injure constitutionally protected rights.
 - 7.8. Deceptive laws that blur the line between public and private, in order to spread socialism.
 - 7.9. Federal legislation that circumvents the police powers of states of the Union.
8. The executive branch of the state and federal governments have systematically destroyed the separation of powers by the following means:
 - 8.1. Enforcing franchises against nonconsenting persons.
 - 8.2. Bills of attainder (penalties) against unauthorized persons protected by the constitution.
 - 8.3. Presidential signing statements.
 - 8.4. Executive orders.
 - 8.5. Classifying documents to cover-up illegal or unconstitutional activities.
9. Federal Courts have systematically destroyed the separation of powers by the following means:
 - 9.1. Judicial verbiage in interpreting statutory terms so as to unlawfully enlarge government jurisdiction.
 - 9.2. Making cases unpublished of those who are exposing government wrongdoing or winning in court against the government.

- 1 9.3. Abusing sovereign immunity to protect and expand private business interests of the government.
- 2 9.4. Condoning unlawful federal enforcement actions by ignoring the requirement for implementing enforcement
- 3 regulations.
- 4 9.5. Judges entertaining political questions.
- 5 9.6. Using unqualified and unlawful jurists.
- 6 9.7. Allowing federal judges to serve who do not reside on federal territory.
- 7 9.8. Violations of due process by judges.
- 8 9.9. Misrepresenting and misapplying “private law” against the public as though it were public law.
- 9 9.10. Conflict of interest and presumption by judges and government prosecutors that judges interfere with challenges
- 10 to.
- 11 9.11. Removing the discussion of law from the courtroom so that jurists cannot properly supervise the activities of their
- 12 public servants.
- 13 9.12. Abusing presumption to destroy the separation of church and state and Federal Churches in violation of the First
- 14 Amendment.

15 **18 Resources for Further Study and Rebuttal**

16 If you would like to study the subjects covered in this short pamphlet in further detail, may we recommend the following
 17 authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject
 18 carefully yourself just as we have:

- 19 1. *Highlights of American Legal and Political History CD*, Form #11.202: Provides exhaustive historical government
 20 evidence which proves all the various ways that the separation of powers has been systematically destroyed over the
 21 years
 22 <http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm>
- 23 2. *The Spirit of Laws, Charles de Montesquieu, 1758*: Book upon which the founding fathers based the separation of
 24 powers found in our Constitution.
 25 <http://famguardian.org/Publications/SpiritOfLaws/sol.htm>
- 26 3. *Nondelegation and the Administrative State*: Describes unlawful delegations of authority between branches of
 27 government
 28 http://www.constitution.org/ad_state/ad_state.htm
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