

DE FACTO GOVERNMENT SCAM

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“The Beast”
(Political Rulers of the World, [Rev. 19:19](#))

DEDICATION

"For the mystery of lawlessness is already at work; only He [God] who now restrains will do so until He is taken out of the way. And then the lawless one [Satan] will be revealed, whom the Lord will consume with the breath of His mouth and destroy with the brightness of His coming. The coming of the lawless one [Satan] is according to the working of Satan, with all power, signs, and lying wonders, and with all unrighteous deception among those who perish, because they did not receive the love of the truth, that they might be saved [don't be one of them!]. And for this reason God will send them strong delusion [from their own government], that they should believe a lie, that they all may be condemned who did not believe the truth but had pleasure in unrighteousness."

[2 Thess. 2:3-17, Bible, NKJV]

"And I heard another voice from heaven [God] saying, 'Come out of her [[Babylon the Great Harlot](#), a democratic state full of socialist, government-worshipping idolaters, non-believers, and luke-warm Christians], my people [devoted Christians], lest you share in her sins, and lest you receive of her plagues. For her sins have reached to heaven, and God has remembered her iniquities. Render to her just as she rendered to you, and [repay her double \[Exodus 22:7\]](#) according to her [Satan's WHORE] works [of THEFT, DECEPTION, and IDOLATRY]; in the cup which she has mixed, [mix double \[Exodus 22:7\] for her](#). In the measure that she [Satan's WHORE] glorified herself and lived luxuriously [using a government "benefit" check paid for with STOLEN loot that injures your neighbor rather than loves him/her], in the same measure give her torment and sorrow; for she says in her heart, 'I sit as queen, and am no widow, and will not see sorrow.' Therefore her plagues will come in one day—death and mourning and famine. And she will be utterly burned with fire, for strong is the Lord God who judges her [and ALL who obey, associate with, or subsidize her]."

[[Revelation 18:4-8](#), Bible, NKJV]

"Do you not know that friendship with the world is enmity with God? Whoever therefore wants to be a friend [["citizen"](#), ["resident"](#), ["taxpayer"](#), ["inhabitant"](#), or "subject" under a king or political ruler] of the world [or any man-made kingdom other than God's Kingdom] makes himself an enemy of God. "

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

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

[[Exodus 23:32-33](#), Bible, NKJV]

"Pure and undefiled religion before God and the Father is this: to visit orphans and widows in their trouble, and to keep oneself unspotted from the world [the obligations and concerns of the world]."

[[James 1:27](#), Bible, NKJV]

"You shall have no other gods [including political rulers, governments, or Earthly laws] before Me [or [My commandments](#)]."

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

"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)]

"Did you really think that we want those laws to be observed?" said Dr. Ferris. "We want them broken. You'd better get it straight that it's not a bunch of boy scouts you're up against - then you'll know that this is not the age for beautiful gestures. We're [a corrupted government] after power and we mean it. You fellows were pikers, but we know the real trick, and you'd better get wise to it. There's no way to rule innocent men. The only power any government has is the power to crack down on criminals. Well, when there aren't enough criminals, one makes them. One declares so many things to be a crime that it becomes impossible for men to live without breaking laws. Who wants a nation of law-abiding

citizens? What's there in that for anyone? But just pass the kind of laws that can neither be observed nor enforced nor objectively interpreted - and you create a nation of law-breakers - and then you cash in on guilt. Now, that's the system, Mr. Rearden, that's the game, and once you understand it, you'll be much easier to deal with."
[Atlas Shrugged, Ayn Rand]

Watch the following movie clip of Satan describing his WICKED agenda:

<http://famguardian.org/Media/DevilsAdvocate-Part13.wmv>

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1 Introduction

Many Americans instinctively sense that there is something SERIOUSLY wrong with the federal and state governments that we have here in America but can't quite explain or put their finger on it. We share their sentiments and have spent ten long years discovering not only how to explain and "put our finger on it", but in generating evidence useful in court for exposing and criminally prosecuting it. This document will explain EXACTLY what went wrong, who implemented it, how it was implemented, and point at remedies to undo the crimes, injuries, and frauds that constitute it.

In this document, we will prove that:

1. What most people call "government" in fact and in deed is NOT a de jure government in a classical or legal sense, but a de facto PRIVATE, for profit corporation PRETENDING to be a de jure "government" and which has neither earned nor deserves our allegiance, support, or obedience.
2. Nearly everything the de facto government does is based not on the "consent of the governed", as the Declaration of Independence requires, but on ignorance and the acquiescence it produces manufactured in government/public schools.
3. That what most people think of as "rights" are actually statutory privileges available only to public officers or statutory "employees" working for the municipal government of the District of Columbia, which Mark Twain calls "The District of Criminals".
4. That what people think of as "money" is, in fact not money at all, but corporate script not unlike the company tokens handed out to sharecroppers on the agricultural plantation described in the book "Grapes of Wrath". The "plantation", in turn, is just a mega-corporation that everyone works for and has a license to work for called a "Social Security Number", and which we call a Slave Surveillance Number.
5. All the corruption documented in this memorandum was predicted by the Founding Fathers, and that these predictions have been suppressed and ignored by those who benefit from it in order to expand and perpetuate it.
6. What you think of as your "property" is NOT in fact your property at all. Instead:
 - 6.1. The property is in trust. The trust indenture is the United States Constitution, which is a trust that creates a corporation called the "United States".
 - 6.2. The government, a "public trust", owns the property and has legal title.
 - 6.3. The trustees are the public officers who run the government.
 - 6.4. You are the beneficiary with equitable rather than legal title to the property.
 - 6.5. The property was donated to a public use, a public purpose, and a public office by connecting it with OTHER government property, namely a government identifying number.

If you are a Christian, you will also find out that the de facto government we have:

1. Is, in fact, The Beast described in the Book of Revelation.
2. Has implemented itself as a state-sponsored religion that worships man and "the state"/ government.
3. Satisfies all the legal requirements for a "religion" as defined by the courts and which violates the establishment clause of the First Amendment. In that sense, it is a counterfeit or cheap imitation of God's design for government and the church, like everything else that Satan does.

If the content of this document were widely disseminated and understood by the average American and used in court, we predict that there would be a REVOLUTION. This is the most important document on our website and everyone should read it.

2 The Two Types of Governments

The requirement for consent is the foundation of all the authority of government in America. Why is this subject important? Because we assert that there are only two types of governments:

1. Government by consent: In this document, we refer to this type of government as "de jure". This type of government serves the people from below and only operates by their continuing consent. It doesn't FORCE people to accept its services and allows them to FIRE the government and govern themselves privately if they want.

But Jesus called them to Himself and said to them, "You know that those who are considered rulers over the Gentiles lord it over them, and their great ones exercise authority over them. Yet it shall not be so among

you; but whoever desires to become great among you shall be your servant. ⁴⁴ And whoever of you desires to be first shall be slave of all. For even the Son of Man did not come to be served, but to serve, and to give His life a ransom for many.”
[Matt. 10:42-45, Bible, NKJV]

2. Terrorist government: In this document, we refer to this type of government as “de facto”. This type of government rules from above by force or fraud or both and always results in idolatry toward government. This type of government is described as “the Beast” in Rev. 19:19.

Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, “Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER them]”.

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

So Samuel told all the words of the LORD to the people who asked him for a king. And he said, “This will be the behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his own chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your olive groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and give it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your finest young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth of your sheep. And you will be his servants. And you will cry out in that day because of your king whom you have chosen for yourselves, and the LORD will not hear you in that day.”

Nevertheless the people refused to obey the voice of Samuel; and they said, “No, but we will have a king over us, that we also may be like all the nations, and that our king may judge us and go out before us and fight our battles.”
[1 Sam. 8:4-20, Bible, NKJV]

Consistent with the above, Funk and Wagnalls defines “terrorism” as follows:

TER-ROR-ISM noun 1 The act of terrorizing. 2 A system of government that seeks to rule by intimidation. 3 Violent and unlawful acts of violence committed in an organized attempt to overthrow a government.

[Original (pre-Orwellian) Definition of the Word "Terrorism"
Funk and Wagnalls New Practical Standard Dictionary (1946)]

In the American republican form of government, the requirement for consent in all human interactions is the essence and the foundation of all of our sovereignty as human beings. This requirement is also the foundation for our system of law, starting with the Declaration of Independence and going down from there:

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

In a system of government where the Bill of Rights makes everyone into a sovereign, the only way your rights can be adversely affected is if you consent to lose them or contract them away in exchange for some “benefit”. Even then, the Declaration of Independence forbids you to contract them away to a real, de jure government and only allows you to contract them away to PRIVATE PARTIES. For a right to be “unalienable” as the Declaration of Independence indicates, it must be INCAPABLE of being sold, transferred, or bargained away through any commercial process, including through any government franchise.

“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”

Therefore, anyone who tries to entice you to contract away rights protected by the Constitution is, in fact, operating NOT as a "government" in a classical or de jure sense, but rather:

1. Is operating as a PRIVATE, FOR PROFIT, DE FACTO corporation.
2. Seeks to enslave and plunder you.
3. Is violating the very purpose, the ONLY purpose of its creation, which is to PROTECT private rights, not as THEY define them, but as YOU define them in your specific case.
4. Seeks to violate its fiduciary duty to protect your PRIVATE rights by making a business out of taxing, regulating, and destroying the very rights it was instituted ONLY to protect.
5. Is turning a charitable eleemosynary ministry ordained by God to protect you into an ecosystem for special interest money changers who want to plunder you. This is the very reason why the only thing Jesus ever got violent about in the Bible was the money changers who had turned the temple into a place of business. It is worth noting that former President Nixon referred to Washington D.C. as "the temple".

Jesus Cleanses the Temple

Then Jesus went into the temple of God[f] and drove out all those who bought and sold in the temple, and overturned the tables of the money changers and the seats of those who sold doves. 13 And He said to them, "It is written, 'My house shall be called a house of prayer,'[g] but you have made it a 'den of thieves.'"
[Matt. 21:12-13, Bible, NKJV]

"Now, Mr. Speaker, this Capitol is the civic temple of the people, and we are here by direction of the people to reduce the tariff tax and enact a law in the interest of all the people. This was the expressed will of the people at the polls, and you promised to carry out that will, but you have not kept faith with the American people,"
[44 Cong.Rec. 4420, July 12, 1909; Congressman Heflin talking about the enactment of the Sixteenth Amendment]

Below is how Black's Law Dictionary defines "consent":

consent. "A concurrence of wills. Voluntarily yielding the will to the proposition of another; acquiescence or compliance therewith. Agreement; approval; permission; the act or result of coming into harmony or accord. Consent is an act of reason, accompanied with deliberation, the mind weighing as in a balance the good or evil on each side. It means voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make an intelligent choice to do something proposed by another. It supposes a physical power to act, a moral power of acting, and a serious, determined, and free use of these powers. Consent is implied in every agreement. It is an act unclouded by fraud, duress, or sometimes even mistake.

Willingness in fact that an act or an invasion of an interest shall take place. Restatement, Second, Torts §10A.

As used in the law of rape "consent" means consent of the will, and submission under the influence of fear or terror cannot amount to real consent. There must be an exercise of intelligence based on knowledge of its significance and moral quality and there must be a choice between resistance and assent. And if a woman resists to the point where further resistance would be useless or until her resistance is overcome by force or violence, submission thereafter is not "consent".

See also Acquiescence; Age of consent; Assent; Connivance; Informed consent;" voluntary
[Black's Law Dictionary, Sixth Edition, p. 305]

Consent, in fact, is what creates ALL law, whether public or private:

"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>]

To say that a government actor or officer is operating:

1. "without the authority of law"
2. "under the color of law"
3. "illegally"

4. “unlawfully”

...really and simply means that they are enforcing civil laws against and therefore “governing” people who never expressly consented to be civilly governed. How do you consent to be governed? By voluntarily politically associating with a specific municipal group of people and calling yourself a “citizen”, “resident”, or “inhabitant” under their laws. NO ONE can force you to do that and if they do, they are:

1. Clearly terrorists
2. Interfering with your right to associate and your freedom to NOT associate protected by the First Amendment to the United States Constitution.
3. Forcing you to contract for “protection” and becoming a “protection racket” and a criminal mafia.
4. Illegally kidnapping your legal identity, transporting it to a “foreign” jurisdiction, and imposing unconstitutional involuntary servitude in violation of the Thirteenth Amendment by enforcing the laws of that foreign jurisdiction upon non-consenting parties. The scripture below, in saying “uprooted from the land” really means that you abuse your right to contract for “protection” and sign up for a franchise that transports your legal identity to the District of Criminals, where you have to bend over for the King daily.

*“For the upright will dwell in the land,
And the blameless will remain in it;
**But the wicked will be cut off from the earth,
And the unfaithful will be uprooted from it.”**
[Prov. 2:21-22, Bible, NKJV]*

Those who do not consent to be governed by a specific jurisdiction or government and who are therefore not subject to its civil laws describe themselves simply as “nonresidents”, “transient foreigners”, “foreigners”, “in transitu”, “aliens”, etc. under the civil law. The Bible also describes such people simply as “foreigners” or “strangers”. This point is made abundantly clear in the following document:

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

Only the criminal laws can impose a universal, INVOLUNTARY, NON-CONSENSUAL obligation or “duty” equally upon everyone, and that duty is to refrain from injuring the equal rights of our sovereign “neighbor”. This, in fact, is a fulfillment of the second of two great commandments found in Matt. 22:36-40, which requires us to love our neighbor, because you don’t hurt people you love:

For the commandments, “You shall not commit adultery,” “You shall not murder,” “You shall not steal,” “You shall not bear false witness,” “You shall not covet,” and if there is any other commandment, are all summed up in this saying, namely, “You shall love your neighbor as yourself.”

Love does no harm to a neighbor; therefore love is the fulfillment of the law.
[Romans 13:9-10, Bible, NKJV]

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

The above concepts were explained more extensively in the *Great IRS Hoax*, Form #11.302, section 3.3, where the only legitimate purpose of enforceable law was described as the prevention of harm. All remaining laws other than criminal law are civil in nature and require individual consent in some form to be enforceable. That constructive consent occurs through one of the following three means:

1. Choosing a domicile within the territory of a government that is operating outside of natural law and natural right, and thereby becoming subject to injurious civil laws which undermine rather than protect your rights. See:
Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
<http://sedm.org/Forms/FormIndex.htm>
2. Engaging in a privileged or regulated franchise. Performing the activity implies constructive consent to the regulation of the activity. See:

The "Trade or Business" Scam, Form #05.001

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

3. Signing a government form or application to contractually procure some privileged "benefit", which makes us subject to the laws that implement the program and causes you to surrender some of your rights in return for a perceived benefit. See:

The Government "Benefits" Scam, Form #05.040

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

If you would like a MUCH more detailed treatment of the subject of consent covered in this section that is completely consistent with this document, please see:

Requirement for Consent, Form #05.003

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

3 De Jure Government

The legal definition of "de jure" is as follows:

***de jure**: Descriptive of a condition in which there has been total compliance with all requirements of law. **Of right; legitimate; lawful; by right and just title**. In this sense it is the contrary of de facto (q.v.). It may also be contrasted with de gratia, in which case it means "as a matter of right," as de gratia means "by grace or favor." Again it may be contrasted with de aequitate; here meaning "by law," as the latter means "by equity".*
[Black's Law Dictionary, Sixth Edition, p. 425]

The definition above hints at the true origin of the word "de jure", which in fact is that the requirement for "consent of the governed" mandated by the Declaration of Independence is respected at every level by every officer and employee of the government.

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

Any authority claimed by a REAL, de jure government actor that cannot trace or is not required to trace its civil authority back to the express written consent of the people is inherently unjust and therefore no longer "de jure". We covered this in the previous section.

All laws enacted by the government are enacted by representatives of the people exercising delegated authority of the people collectively. These representatives are empowered by our act of voting to consent on our behalf as a collective to the enactment of civil and criminal laws intended to protect us. When more than 51% of our representatives consent to the passage of a bill or law, it then is enacted into "law" and thereby acquires "the force and effect of law". Hence, a majority vote is an expression of the collective consent of the people through their elected representatives. When we say "consent of the people", we REALLY mean consent of the constitutional "citizens" ONLY in the exercise of their right to vote, and not ALL people. "citizens" are only a subset of the WHOLE people, and constitutional aliens or resident aliens are not allowed to vote.

Obviously, when we say that consent of the governed is mandatory, we can only mean for the purposes of CIVIL and not CRIMINAL law or law enforcement. Unlike the civil statutory law, the consent of a criminal is not required in order to enforce the criminal laws against him/her. The reason why criminal can be compelled without their consent is that they have deprived another of a protected EQUAL right and therefore lose their equal rights. An eye for an eye and a tooth for a tooth.

*"If men fight, and hurt a woman with child, so that she gives birth prematurely, yet no harm follows, he shall surely be punished accordingly as the woman's husband imposes on him; and he shall pay as the judges determine. **But if any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.***
[Exodus 21:22-25, Bible, NKJV]

1 The above is a fulfillment of a greater commandment given by Jesus, which is the Golden Rule: Treat others the way you
2 want to be treated. If you hurt people, then indirectly you are asking to be hurt and consenting to be hurt in return. This, in
3 fact, is a basic principle of equity in general:

4 "Therefore, whatever you want men to do to you, do also to them, for this is the Law and the Prophets."
5 [Matt. 7:12, Bible, NKJV]

6 The civil law is, in turn a product of our individual consent. It is implemented as both private law and what the U.S.
7 Supreme Court calls a "compact":

8 "In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly
9 acquired by force or fraud, or both...In America, however the case is widely different. Our government is
10 founded upon compact [consent expressed in a written contract called a Constitution or in positive law].
11 Sovereignty was, and is, in the people [as individuals: that's you!]."
12 [Glass v. The Sloop Betsey, 3 (U.S.) Dall 6]

13 A compact is, in turn, a contract which requires your consent.

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

21 You can't be subject to the municipal civil laws of a specific jurisdiction without consenting by choosing a domicile within
22 that specific civil jurisdiction, and thereby becoming a "protected person" called a "citizen" or a "resident". Domicile is an
23 exercise of your First Amendment right of political and legal association. Therefore, you cannot be penalized using the
24 provisions of the civil protection contract or "social compact" if you never consented to it. In such a case, which is the case
25 of a "nonresident" or "transient foreigner", the only laws that can be enforced are the common law and not statutory civil
26 law. This is further clarified in the following fascinating article:

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

27 Nations and states defend themselves from foreigners and nonresidents, meaning those who are not protected "citizens" and
28 "residents", using:

- 29 1. The Foreign Sovereign Immunities Act (FSIA), 28 U.S.C., Chapter 97, in the case of the federal government.
- 30 2. The Longarm or Nonresident Statutes of your state, in the case of state governments under the provisions of the
31 Fourteenth Amendment. If you would like a list of such statutes for your state, consult the "Authorities" section for
32 your state within the following and look for "Long arm statute":

SEDM Jurisdictions Database, Litigation Tool #09.008
<http://sedm.org/Litigation/LitIndex.htm>

33 A de jure government, HOWEVER, cannot do anything to a nonresident under the civil law that it would not do in its own
34 case as a principle of equity and the law of nations. The authority for invoking the FSIA or the Longarm Statute within
35 your state derives from conducting commerce within the forum, which is called "purposeful availment". Those who seek
36 "the benefits or protections" of the laws of a jurisdiction they are doing business in are presumed in many cases by the
37 courts to have consented to the jurisdiction of said court when there is a dispute with a party within the forum or venue.
38 Here is an example:

39 "In *International Shoe Co. v. Washington*, 326 U.S. 310 (1945), the Supreme Court held that a court may
40 exercise personal jurisdiction over a defendant consistent with due process only if he or she has "certain
41 minimum contacts" with the relevant forum "such that the maintenance of the suit does not offend 'traditional
42 notions of fair play and substantial justice.'" Id. at 316 (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)).
43 Unless a defendant's contacts with a forum are so substantial, continuous, and systematic that the defendant
44 can be deemed to be "present" in that forum for all purposes, a forum may exercise only "specific" jurisdiction -
45 that is, jurisdiction based on the relationship between the defendant's forum contacts and the plaintiff's claim.
46 The parties agree that only specific jurisdiction is at issue in this case.

In this circuit, we analyze specific jurisdiction according to a three-prong test:

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;

(2) the claim must be one which arises out of or relates to the defendant's forum-related activities; and

(3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

Schwarzenegger v. Fred Martin Motor Co., 374 F.3d. 797, 802 (9th Cir. 2004) (quoting *Lake v. Lake*, 817 F.2d. 1416, 1421 (9th Cir. 1987)). The first prong is determinative in this case. We have sometimes referred to it, in shorthand fashion, as the "purposeful availment" prong. *Schwarzenegger*, 374 F.3d. at 802. Despite its label, this prong includes both purposeful availment and purposeful direction. It may be satisfied by purposeful availment of the privilege of doing business in the forum; by purposeful direction of activities at the forum; or by some combination thereof.

We have typically treated "purposeful availment" somewhat differently in tort and contract cases. In tort cases, we typically inquire whether a defendant "purposefully direct[s] his activities" at the forum state, applying an "effects" test that focuses on the forum in which the defendant's actions were felt, whether or not the actions themselves occurred within the forum. See *Schwarzenegger*, 374 F.3d. at 803 (citing *Calder v. Jones*, 465 U.S. 783, 789-90 (1984)). By contrast, in contract cases, we typically inquire whether a defendant "purposefully avails itself of the privilege of conducting activities" or "consummate[s] [a] transaction" in the forum, focusing on activities such as delivering goods or executing a contract. See *Schwarzenegger*, 374 F.3d. at 802. However, this case is neither a tort nor a contract case. Rather, it is a case in which Yahoo! argues, based on the **First Amendment**, that the French court's interim orders are unenforceable by an American court. [*Yahoo! Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme*, 433 F.3d. 1199 (9th Cir. 01/12/2006)]

Courts which impose the FSIA or longarm statutes against nonresident litigants violate the principle of equity all the time and try to destroy the equal protection that is the foundation of the Constitution. For instance, if they enforce a franchise outside their territory against a nonresident and do so outside of their express delegated constitutional authority, then they must ALSO, as a matter of equity:

1. Be able and willing to identify all such activity as PRIVATE business.
2. Implicitly surrender sovereign immunity and agree to be sued in the local civil courts that protect the parties they are contracting with.
3. Convey rights to the nonresident party the same way they conveyed rights to themselves.

For instance, if the federal government enforces Social Security within a state of the Union, outside its own territory, and outside the statutory "United States" and outside the domicile of those within said states of the Union, then all such activity:

1. Must be treated as a private business concern.
2. Carry with it an implied waiver of sovereign immunity by all those in the government who enforce it outside of federal territory.
3. Not require that the matter be litigated in a federal court under the separation of powers, but instead in a STATE court as a PRIVATE concern under EQUITY.
4. That the government cannot and may not assert sovereign immunity or require a statute waiving sovereign immunity before they can be sued.

Because courts routinely and hypocritically enforce UNEQUAL rules against themselves in implementing waivers of sovereign immunity by nonresidents, they are not operating in equity and therefore no longer are "de jure", but de facto. Below are some holdings of the U.S. Supreme Court hinting at these principles:

"When a State engages in ordinary commercial ventures, it acts like a private person, outside the area of its 'core' responsibilities, and in a way unlikely to prove essential to the fulfillment of a basic governmental obligation."
[*College Savings Bank v. Florida Prepaid Postsecondary Education Expense*, 527 U.S. 666 (1999)]

See also *Clearfield Trust Co. v. United States*, 318 U.S. 363, 369 (1943) ("The United States does business on business terms") (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926)); *Perry v. United States*, supra at 352 (1935) ("When the United States, with constitutional authority, makes

contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent") (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) ("The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf"); *Cooke v. United States*, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there").

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

"The truth is, States and cities, when they borrow money and contract to repay it with interest, are not acting as sovereignties. They come down to the level of ordinary individuals. Their contracts have the same meaning as that of similar contracts between private persons. Hence, instead of there being in the undertaking of a State or city to pay, a reservation of a sovereign right to withhold payment, the contract should be regarded as an assurance that such a right will not be exercised. A promise to pay, with a reserved right to deny or change the effect of the promise, is an absurdity."

Is, then, property, which consists in the promise of a State, or of a municipality of a State, beyond the reach of taxation? We do not affirm that it is. A State may undoubtedly tax any of its creditors within its jurisdiction for the debt due to him, and regulate the amount of the tax by the rate of interest the debt bears, if its promise be left unchanged. A tax thus laid impairs no obligation assumed. It leaves the contract untouched. But until payment of the debt or interest has been made, as stipulated, we think no act of State sovereignty can work an exoneration from what has been promised to the [446] creditor; namely, payment to him, without a violation of the Constitution. The true rule of every case of property founded on contract with the government is this: It must first be reduced into possession, and then it will become subject, in common with other similar property, to the right of the government to raise contributions upon it. It may be said that the government may fulfil this principle by paying the interest with one hand, and taking back the amount of the tax with the other. But to this the answer is, that, to comply truly with the rule, the tax must be upon all the money of the community, not upon the particular portion of it which is paid to the public creditors, and it ought besides to be so regulated as not to include a lien of the tax upon the fund. The creditor should be no otherwise acted upon than as every other possessor of money; and, consequently, the money he receives from the public can then only be a fit subject of taxation when it is entirely separated' (from the contract), 'and thrown undistinguished into the common mass.' 3 *Hamilton, Works*, 514 et seq. Thus only can contracts with the State be allowed to have the same meaning as all other similar contracts have.
[*Murray v. City of Charleston*, 96 U.S. 432 (1877)]

The principle of equity is behind every de jure government of delegated powers. This is so because the thing created cannot be greater than the thing that created it. According to the courts YOU created government and THEY did not create you. Therefore, they work for you and you DO NOT work for them. To wit:

"Derativa potestas non potest esse major primitiva.
The power which is derived cannot be greater than that from which it is derived."
[*Bouvier's Maxims of Law*, 1856;
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

The United States government is, in fact, a government of "delegated powers alone".

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

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

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

All government powers came from the people and the method of delegating them was to choose a municipal domicile within the place protected by that specific government. It ought to go without saying that the people cannot delegate ANY power to a government that they themselves DO NOT ALSO HAVE. Hence, any authority the government claims must ALSO be possessed by ALL PEOPLE AS PRIVATE HUMAN BEINGS who have not delegated it to a specific government. Hence, a de jure government must approach all nonresident parties as EQUALS and in EQUITY, and apply all the same protections to them regarding surrenders of sovereign immunity which the government itself uses. For instance, the United States government cannot be sued without the plaintiff producing written evidence consent found in a statute. Likewise, if the government sues a private party, they too ought to be required to produce evidence of consent IN WRITING signed by the defendant or respondent where all rights surrendered are spelled out. In practice, judges seldom do this and therefore deprive private parties before them or the constitutional requirement for equal protection and equal treatment.

All governments in the world presently assert the power of "sovereign immunity". This principle says that the government cannot be sued in civil court without its express statutory written consent. The same principle must also be applied to the people as private parties when they are prosecuted for a civil liability by a government: The government has an obligation to prove that the party they are suing CONSENTED IN WRITING, with full disclosure of all terms and a signature of the government, to the thing being enforced. Otherwise, we aren't talking about a legal proceeding, but simply paganism, theft, and idolatry which imputes in effect, SUPERNATURAL powers to the government that the people as individuals do not possess. The legal definition of religion, in fact, confirms that a religion is really about "worship of superior beings", and by enforcing unequal powers and imputing supernatural powers to either themselves or the government they are acting on behalf of, they are establishing a religion and forcing you to "worship", meaning obey, it.

"Religion. Man's relation to Divinity, to reverence, **worship**, obedience, and **submission to mandates and precepts of supernatural or superior beings**. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church, 142 Misc. 894, 255 N.Y.S. 653, 663."
[Black's Law Dictionary, Sixth Edition, p. 1292]

Not surprisingly, the principle of absolute equity is almost never respected by the CORRUPTED courts of today. Why? Because:

1. The principle of sovereign immunity is a judicial creation not found in any statute.
2. Judges typically are corrupt and jealously guard their power and try to unlawfully extend it by treating people before them UNEQUALLY and therefore PREJUDICIALLY in relation to their employer. Thomas Jefferson confirmed this corruption, which has existed from the foundation of this country. See:

Thomas Jefferson on Politics and Government, Section 29
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1270.htm>

3. What you think of as a "court" is NOT, in fact, a court in a constitutional sense. Instead, it is a legislative franchise court which functions as an administrative body that is actually in the Executive rather than Judicial branch of the de facto government. See:

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

This absolute, injurious, and unconstitutional refusal to enforce equity in all courts makes the judges who engage in it into de facto judges operating in their private capacity who have waived sovereign immunity and come down to the level of ordinary people who can be sued in equity for a tort.

"The doctrine of sovereign immunity, raised by defendants, is inapplicable since plaintiff's content that the defendants' action were beyond the scope of their authority or they were acting unconstitutionally."
[Berends v. Butz, 357 F.Supp. 143 (1973)]

If you would like to know more about the subject of equal protection and equal treatment, see the following free memorandum of law on our website:

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

4 De Facto Government

*"Government is the great fiction, through which everybody endeavors to live at the expense of everybody else."
[Frederic Bastiat]*

The legal definition of “de facto” is as follows:

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

The definition above gives us a hint about the characteristics of what a “de facto” government is:

1. Operates as a corporation for profit instead of a non-profit ministry.
2. Imputes a “position or status” upon either you or themselves which:
 - 2.1. You never expressly consented to and CANNOT consent to without violating the Declaration of Independence.
 - 2.2. Is illegitimate or unlawful.
 - 2.3. Makes you UNEQUAL in relation to them and therefore, makes civil rulers the object of religious worship in violation of the First Amendment.
3. Operates out of self-interest instead of fiduciary duty towards the true Sovereigns, WE THE PEOPLE, it is supposed to be protecting and serving.
4. Operates under “color of law”, meaning that they appear to have authority justified by that which LOOKS like law, but in fact is not IN YOUR CASE. For instance, they enforce a voluntary franchise against a non-participant, and go out of their way to make it FRAUDULENTLY APPEAR that the target of the enforcement consented to participate. Hence, the franchise agreement would not be LAW in the case of the target of the enforcement and the enforcement action would therefore be pursued under the “color of law”.
5. Disrespects, destroys, or undermines the PRIVATE rights of those it is charged with protecting by:
 - 5.1. Presuming that you own no private property.
 - 5.2. Presuming that you have equitable rather than legal title to your property and that the de facto government is the REAL owner.
 - 5.3. Presuming that you are a public officer on official business managing THEIR property.
 - 5.4. Refusing to enforce the burden imposed on the government of proving that you donated your private property to a public use, public office, or public purpose BEFORE they can attach obligations against you in the use of it.

To the above we would also add that a “de facto government” does not seek or enforce the requirement for consent and equal treatment in all interactions with the public at all levels, both administratively and legally.

Various authorities, including the Bible and the U.S. Supreme Court, also further clarify some additional characteristics of de facto governments:

1. They insist on sovereign immunity and an express waiver in writing before you can sue it or enforce against them, but do NOT enforce the SAME right on your part when they are enforcing a liability against you.

2. They attempt to undermine or circumvent the straight jacket constraints of the Constitution by creating a system of law outside of its limits. This is done mainly by illegally implementing and enforcing franchises, and by FORCING people to participate in them:

"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 [SATANIC!] 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)]

3. They love YOUR money and STEALING it from you more than they do the purpose of their creation, which is to protect you from the very evils and crimes that they themselves are the worst perpetrators of. Note that God says that the LOVE of money is the root of ALL evil. Government "benefits" are payments, and therefore the love of government "benefits" could also be the root of all evil, especially if they are deceptively packaged to LOOK like they are free but in fact produce "privilege induced slavery" through the abuse of franchises:

*"But those who desire to be rich fall into temptation and a snare, and into many foolish and harmful lusts which drown men in destruction and perdition. **For the love of money is a root of all kinds of evil,** for which some have strayed from the faith in their greediness, and pierced themselves through with many sorrows."*
[1 Timothy 6:9-10, Bible, NKJV]

4. They corrupt the legal profession and the courts by creating compromising conflicts of interest that will protect their criminal enterprise. This includes attorney licensing, and causing judges to have a criminal and financial conflict of interest by being statutory "taxpayers" and franchise participants. Note that any kind of "benefit" or franchise constitutes a "bribe":

"The king establishes the land by justice, But he who receives bribes [socialist handouts, government "benefits", or PLUNDER stolen from nontaxpayers] overthrows it."
[Prov. 29:4, Bible, NKJV]

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

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

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

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

***Therefore the Lord says,**
The Lord of hosts, the Mighty One of Israel,
"Ah, I will rid Myself of My adversaries,
And take vengeance on My enemies."*

I will turn My hand against you,
And thoroughly purge away your dross,
And take away your alloy,
I will restore your judges [eliminate the BAD judges] as at the first,
And your counselors [eliminate the BAD lawyers] as at the beginning.
Afterward you shall be called the city of righteousness, the faithful city."
[Isaiah 1:1-26, Bible, NKJV]

5. They make themselves superior and unequal in relation to the human beings they were created ONLY to serve and protect by:
- 5.1. Imputing supernatural powers to themselves that they refuse to impute or enforce against anyone, and especially any private human being.

*"Dishonest scales are an [hateful] abomination to the LORD,
But a just weight is His delight."
[Prov. 11:1, Bible, NKJV]*

- 5.2. Refusing to allow the courts to operate in equity and providing no remedy in the courts that affords equity and equality of the citizen in relation to them. Instead, all of the courts are transformed into administrative franchise courts where you can only approach them as a subservient "employee" or "public officer" subject to any and every political whim. Judges operate in a political capacity in these courts in violation of the separation of powers. Hence, there is no judicial branch and the so-called "judicial branch" is thus assimilated into the Executive Branch and becomes a tyranny. Thus, they gut the very foundation of the Constitution, which is equality of rights. Notice how the U.S. Supreme Court below held that equality of rights is "the foundation of ALL free governments". Hence, if you aren't EQUAL in every respect to the government, YOU ARE A SLAVE!:

*"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty."
[The Spirit of Laws, Baron de Montesquieu, <http://famguardian.org/Publications/SpiritOfLaws/sol-02.htm>]*

"The equal protection demanded by the fourteenth amendment forbids this. No language is more worthy of frequent and thoughtful consideration than these words of Mr. Justice Matthews, speaking for this court, in Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S. Sup.Ct. 1064, 1071: 'When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power.' The first official action of this nation declared the foundation of government in these words: 'We hold these truths to be self-evident, [165 U.S. 150, 160] 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.' While such declaration of principles may not have the force of organic law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference must be had to the organic law of the nation for such limits, yet the latter is but the body and the letter of which the former is the thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of Independence. No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government."
[Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897)]

Sin Confessed

*Therefore justice is far from us,
Nor does righteousness overtake us;
We look for light, but there is darkness!
For brightness, but we walk in blackness!
We grope for the wall like the blind,
And we grope as if we had no eyes;
We stumble at noonday as at twilight;
We are as dead men in desolate places.
We all growl like bears,
And moan sadly like doves;
We look for justice, but there is none;
For salvation, but it is far from us.*

1 For our transgressions are multiplied before You,
2 And our sins testify against us;
3 For our transgressions are with us,
4 And as for our iniquities, we know them:
5 In transgressing and lying against the LORD,
6 And departing from our God,
7 Speaking oppression and revolt,
8 Conceiving and uttering from the heart words of falsehood.
9 Justice is turned back,
10 And righteousness stands afar off;
11 For truth is fallen in the street,
12 And equity cannot enter [INTO COURT!].
13 So truth fails,
14 And he who departs from evil makes himself a prey.
15 [Isaiah 59:9-15, Bible, NKJV]

16 5.3. Replacing equality and equal treatment with franchises, privileges, and public rights that make the government
17 superior to everyone else. Notice that the U.S. Supreme Court implies in the cite below that there is NO
18 HIGHER duty of any court than to ensure EQUALITY between the human being and the government running the
19 court.

20 “The equal protection demanded by the fourteenth amendment forbids this. No language is more worthy of
21 frequent and thoughtful consideration than these words of Mr. Justice Matthews, speaking for this court, in *Yick*
22 *Wo v. Hopkins*, [118 U.S. 356, 369](#), 6 S. Sup.Ct. 1064, 1071: ‘When we consider the nature and the theory of our
23 institutions of government, the principles upon which they are supposed to rest, and review the history of their
24 development, we are constrained to conclude that they do not mean to leave room for the play and action of
25 purely personal and arbitrary power.’ The first official action of this nation declared the foundation of
26 government in these words: ‘We hold these truths to be self-evident, [165 U.S. 150, 160] that all men are
27 created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life,
28 liberty, and the pursuit of happiness.’ While such declaration of principles may not have the force of organic
29 law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference
30 must be had to the organic law of the nation for such limits, yet the latter is but the body and the letter of which
31 the former is the thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of
32 the Declaration of Independence. No duty rests more imperatively upon the courts than the enforcement of
33 those constitutional provisions intended to secure that equality of rights which is the foundation of free
34 government.”
35 [Gulf, C. & S. F. R. Co. v. Ellis, [165 U.S. 150](#) (1897)]

36 6. They refuse to either recognize or protect private rights and furthermore, abuse legal process as the equivalent of a
37 democratic auction of people’s property for donation to the public fisc. After all, governments are established for the
38 protection of private rights. Hence, a de facto corporation that refuses to recognize or protect private rights, and which
39 imputes or assumes that it owns everything cannot be a REAL government. It is not only what the U.S. Supreme Court
40 calls a “vain government”, but NO GOVERNMENT AT ALL.

41 “The [PRIVATE] rights of individuals and the justice due to them, are as dear and precious as those of
42 states. Indeed the latter are founded upon the former; and the great end and object of them must be to secure
43 and support the [PRIVATE] rights of individuals, or else vain is government.”
44 [Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 1 L.Ed 440 (1793)]
45

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

52 7. They expand their power unlawfully by creating contrived national emergencies as an excuse to bypass the straight
53 jacket constraints of the Constitution for the sake of expediency.

54 “No emergency justifies the violation of any of the provisions of the United States Constitution.¹ An
55 emergency, however, while it cannot create power, increase granted power, or remove or diminish the

¹ As to the effect of emergencies on the operation of state constitutions, see § 59.

1 restrictions imposed upon the power granted or reserved, may allow the exercise of power already in existence,
2 but not exercised except during an emergency.²

3 The circumstances in which the executive branch may exercise extraordinary powers under the Constitution are
4 very narrow.³ The danger must be immediate and impending, or the necessity urgent for the public service,
5 such as will not admit of delay, and where the action of the civil authority would be too late in providing the
6 means which the occasion calls for.⁴ For example, there is no basis in the Constitution for the seizure of steel
7 mills during a wartime labor dispute, despite the President's claim that the war effort would be crippled if the
8 mills were shut down.⁵
9 [16 Am.Jur.2d, Constitutional Law, §52]

10
11 **Emergency does not create power.** Emergency does not increase granted power or remove or diminish the
12 restrictions imposed upon power granted or reserved. The Constitution was adopted in a period of grave
13 emergency. Its grants of power to the federal government and its limitations of the power of the States were
14 determined in the light of emergency, and they are not altered by emergency. What power was thus granted
15 and what limitations were thus imposed are questions [290 U.S. 398, 426] which have always been, and
16 always will be, the subject of close examination under our constitutional system.

17 While emergency does not create power, emergency may furnish the occasion for the exercise of power.
18 'Although an emergency may not call into life a power which has never lived, nevertheless emergency may
19 afford a reason for the exertion of a living power already enjoyed.' Wilson v. New, [243 U.S. 332, 348](#), 37 S.Ct.
20 298, 302, L.R.A. 1917E, 938, Ann.Cas. 1918A, 1024.
21 [Home Bldg. & Loan Ass'n v. Blaisdell, [290 U.S. 398](#) (1934)]

- 22 8. They abuse their power to tax as a method to redistribute wealth in order to buy influence of voters and enlarge their
23 own importance. This leads to all kinds of criminal activity, such as bribery to procure a public office per 18 U.S.C.
24 §210, impersonating a public officer under 18 U.S.C. §912, bribing jurists with socialist handouts per 18 U.S.C. §201,
25 etc.:

26 "The power to tax is, therefore, the strongest, the most pervading of all powers of government, reaching
27 directly or indirectly to all classes of the people. **It was said by Chief Justice Marshall, in the case of**
28 **McCulloch v. Md., 4 Wheat. 431, that the power to tax is the power to destroy.** A striking instance of the truth
29 of the proposition is seen in the fact that the existing tax of ten per cent, imposed by the United States on the
30 circulation of all other banks than the National Banks, drove out of existence every *state bank of circulation
31 within a year or two after its passage. This power can be readily employed against one class of individuals and
32 in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is
33 no implied limitation of the uses for which the power may be exercised.

34 **To lay, with one hand, the power of the government on the property of the citizen, and with the other to**
35 **bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a**
36 **robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree**
37 **under legislative forms.**

38 **Nor is it taxation. 'A tax,' says Webster's Dictionary, 'is a rate or sum of money assessed on the person or**
39 **property of a citizen by government for the use of the nation or State.'** **'Taxes are burdens or charges**
40 **imposed by the Legislature upon persons or property to raise money for public purposes.'** Cooley, Const.
41 Lim., 479.

² 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).

³ 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).

⁴ Mitchell v. Harmony, 54 U.S. 115, 13 How. 115, 14 L.Ed. 75 (1851).

⁵ 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).

Coulter, J., in *Northern Liberties v. St. John's Church*, 13 Pa. St., 104 says, very forcibly, 'I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government for the purposes of carrying on the government in all its machinery and operations—that they are imposed for a public purpose.' See, also *Pray v. Northern Liberties*, 31 Pa.St., 69; *Matter of Mayor of N.Y.*, 11 Johns., 77; *Camden v. Allen*, 2 Dutch., 398; *Sharpless v. Mayor*, supra; *Hanson v. Vernon*, 27 Ia., 47; *Whiting v. Fond du Lac*, supra." [Loan Association v. Topeka, 20 Wall. 655 (1874)]

"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another." [U.S. v. Butler, 297 U.S. 1 (1936)]

9. They accept NO LIMITS upon their authority, least of all the limits imposed by either the constitution or the laws which implement it. This is done mainly by abusing words of art to transcend the limits of law imposed upon their behavior, and refusing to operate in equity against others. The U.S. Congress also calls this "communism":

TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.
Sec. 841. - Findings and declarations of fact

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

Incidentally, this refusal to accept any limits upon its authority was the original motivation for Eve to eat the apple in the Garden of Eden. The serpent promised her that she would be like a god, and gods are accountable to NO ONE and therefore not limited by anything. Gen. 3:2-4. Lucifer himself was also motivated by the same lust for immunity from everything and superiority over everyone:

"I will also sit on the mount of the congregation
On the farthest sides of the north;
I will ascend above the heights of the clouds,
I will be like the Most High."
[Isaiah 14:13-14, Bible, NKJV]

5 What makes a “Corporation” into a De Jure “Government”?⁶

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

The elements or characteristics essential to call a corporation a “government” are:

1. Requires three elements to be valid. If you take away any one or more of the following elements, you don’t have a “government”.

1.1. Territory. A valid government must have exclusive legislative jurisdiction within its own territory and no jurisdiction without its territory.

*"Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the law of comity must necessarily rest, the following maxims: First 'that every nation possesses an exclusive sovereignty and jurisdiction within its own territory'; secondly, 'that no state or nation can by its laws directly affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural born subjects or others.' The learned judge then adds: 'From these two maxims or propositions there follows a third, and that is that whatever force and obligation the laws of one country have in another depend solely upon the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and upon its own express or tacit consent.'" Story on Conflict of Laws §23."
[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]*

1.2. Laws. The civil laws of the government do not extend beyond the boundaries of the territory comprising the body politic.

1.3. People. These people are called “citizens”, “residents”, and inhabitants who all have in common that they have voluntarily chosen a domicile within the civil jurisdiction of the body politic and thereby joined and become a “member” of the body politic. Mere physical presence on the territory of the sovereign does NOT constitute an act of political association by itself, but must be accompanied by what the courts call “animus manendi”, which is intent to join the body politic. It is a financial conflict of interest for the People in the body politic to also serve as “employees” or officers of the corporation if they are voting on issues that directly affect their pay. See 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.

2. Main purpose of establishment is protection of private rights. This includes maintaining the separation between what is private and what is public with the goal of protecting mainly what is private.

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

3. Rights are consistently recognized as unalienable in relation to the government, which means they can’t be bargained away or sold to the government through any commercial process. This means that franchises may not lawfully be offered to those protected by the Constitution, because they are commercial processes. Notice the word “unalienable” in the Declaration of Independence above, which is defined as follows.

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

4. Equal protection of all persons within the jurisdiction.

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

5. Consent of the governed. The Declaration of Independence indicates that all just governments derive their authority from the “consent of the governed”:

⁶ Adapted from *Great IRS Hoax*, Form #11.302, Section 4.3.1
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

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

- 4 6. All powers are derived or delegated directly from the Sovereign People AS INDIVIDUALS and NOT as a collective.
5 It is a legal impossibility for a collective to have any more delegated authority than the private people who make up the
6 collective. To suggest otherwise is to impute a "supernatural" source to the powers possessed by government and
7 makes government into a religion in which the "collective" is a pagan deity.

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
10 and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on
11 them and for their benefit. This government is acknowledged by all to be one of enumerated powers.'" 4
12 Wheat. 404, 4 L.Ed. 601."
13 [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

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

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

23 "Derivativa potestas non potest esse major primitive.
24 The power [sovereign immunity in this case] which is derived cannot be greater than that from which it is
25 derived."
26 [[Bouvier's Law Dictionary Unabridged](#), 8th Edition, pg. 2131]

27 "Nemo potest facere per obliquum quod non potest facere per directum.
28 No one can do that indirectly which cannot be done directly."
29 [[Bouvier's Law Dictionary Unabridged](#), 8th Edition, pg. 2147]

30 "Quod per me non possum, nec per alium..
31 What I cannot do in person, I cannot do through the agency of another."
32 [[Bouvier's Law Dictionary Unabridged](#), 8th Edition, pg. 2159]

- 33 7. Consists of BOTH a "body politic" AND a body "corporate". If you take out the body politic, all you have left is a
34 "body corporate" or simply a private corporation. The body politic, in turn, consists of "citizens" domiciled on the
35 territory who participate directly in the affairs of the government as jurists and voters and NOT "employees" or
36 "officers" of the corporation.

37 Both before and after the time when the Dictionary Act and [§ 1983](#) were passed, the phrase "bodies politic and
38 corporate" was understood to include the [governments of the] States. See, e.g., J. Bouvier, 1 A Law
39 Dictionary Adapted to the Constitution and Laws of the United States of America 185 (11th ed. 1866); W.
40 Shumaker & G. Longsdorf, Cyclopedic Dictionary of Law 104 (1901); [Chisholm v. Georgia](#), 2 U.S. (2 Dall.)
41 419, 447, 1 L.Ed. 440 (1793) (Iredell, J.); id., at 468 (Cushing, J.); [Cotton v. United States](#), 52 U.S. (11 How.)
42 229, 231, 13 L.Ed. 675 (1851) ("Every sovereign State is of necessity a body politic, or artificial person");
43 [Poindexter v. Greenhow](#), 114 U.S. 270, 288, 5 S.Ct. 903, 29 L.Ed. 185 (1885); [McPherson v. Blacker](#), 146 U.S.
44 1, 24, 13 S.Ct. 3, 36 L.Ed. 869 (1892); [Heim v. McCall](#), 239 U.S. 175, 188, 36 S.Ct. 78, 82, 60 L.Ed. 206
45 (1915). See also [United States v. Maurice](#), 2 Brock. 96, 109, 26 F.Cas. 1211 (CC Va.1823) (Marshall, C.J.)
46 ("The United States is a government, and, consequently, a body politic and corporate"); [Van Brocklin v.](#)
47 [Tennessee](#), 117 U.S. 151, 154, 6 S.Ct. 670, 672, 29 L.Ed. 845 (1886) (same). Indeed, the very legislators who
48 passed § 1 referred to States in these terms. See, e.g., Cong. Globe, 42d Cong., 1st Sess., 661-662 (1871) (Sen.
49 Vickers) ("What is a State? Is *79 it not a body politic and corporate?"); id., at 696 (Sen. Edmunds) ("A State
50 is a corporation").

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

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

8. Taxes collected are used ONLY for the support of government and not private citizens. This means that taxes may not be used to pay “benefits” to private citizens, nor may benefit programs be used as a way to make private citizens into public officers or employees and thereby destroy the separation of powers between what is public and what is private.

“To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const. Lim., 479.

Coulter, J., in Northern Liberties v. St. John’s Church, 13 Pa. St., 104 says, very forcibly, ‘I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government for the purposes of carrying on the government in all its machinery and operations—that they are imposed for a public purpose.’ See, also Pray v. Northern Liberties, 31 Pa.St., 69; Matter of Mayor of N.Y., 11 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v. Fond du Lac, supra.”
[Loan Association v. Topeka, 20 Wall. 655 (1874)]

“A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the support of the government. The word has never thought to connote the expropriation of money from one group for the benefit of another.”
[U.S. v. Butler, 297 U.S. 1 (1936)]

9. The People individually and not collectively are the “sovereigns” and the “state”, and not their rulers or the government that serves them.

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

[...]

The people of a state, in their collective capacity, considered as the party wronged by a criminal deed; the public; as in the title of a cause, “The State vs. A.B.”
[Black’s Law Dictionary, Sixth Edition, p. 1407]

"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."
[Julliard v. Greenman: 110 U.S. 421, (1884)]

6 Signs that a “government” is actually a private de facto corporation

Governments are formed EXCLUSIVELY to protect PRIVATE rights and PRIVATE property. When such governments become corrupt and want to STEAL from the people they are supposed to be protecting, they surreptitiously convert ALL PRIVATE rights and PRIVATE property into PUBLIC property using deception and words of art. Once they have done the conversion, they procure the right to tax the property and extract anything they want from it. Hence, corrupted governments conduct a WAR on PRIVATE rights, meaning they set out to do the OPPOSITE purpose for which they were created. The U.S. Supreme Court identified the battle line of this war when they ruled on Congress’ first attempt to institute a national income tax and declared it unconstitutional:

"The present assault upon [PRIVATE] capital is but the beginning. It will be but the stepping stone to others larger and more sweeping, until our political contest will become war of the poor against the rich; a war of growing intensity and bitterness."
[Pollock v. Farmers’ Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895).]

The “assault on capital” described above is really just an assault on PRIVATE capital by converting it to PUBLIC OFFICES and PUBLIC FRANCHISES without the consent of the owner. We allege that ANYTHING that converts PRIVATE property or PRIVATE rights into PUBLIC rights or PUBLIC OFFICES or franchises accomplishes a purpose OPPOSITE that for which governments are created and hence, constitutes PRIVATE business activity that cannot and should not be protected with sovereign immunity. Even if it is attempted by a government officer acting under the “color of law”, it is STILL not “government activity” that can be protected by sovereign immunity, but is mere PRIVATE business activity that operates at the same level as ANY OTHER business must as a matter of equity.

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

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

Based on the above, we can see that when one or more of the following occurs, we are no longer dealing with a “government”, but rather a private corporation and franchise or “employer” in which a “citizen” is really just an “employee” of the private pseudo-government corporation who has no choice but to do exactly and only what they are commanded to do through corporate policy disguised to “look” like public law but which in actuality is just special law or private law that is part of their employment agreement:

1. Taxing Power Abused to pay “benefits” to Private Citizens. It has always been a violation of the constitution to pay public monies to otherwise private citizens. This constraint is avoided by making EVERYONE into a statutory rather than constitutional citizen and defining such citizen as a public officer and/or statutory “employee” within the government. Such “benefits” include such things as Social Security, Medicare, etc. See:

The Government “Benefits” Scam, Form #05.040

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

2. Consent of the governed: Government refuses to acknowledge the requirement for consent of the governed. For instance:

- 2.1. They do a tax assessment without respecting the requirement for consent to the assessment mandated by 26 U.S.C. §6020(b). See:

Why the Government Can’t Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011

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

- 2.2. Courts and administrative bodies refuse to meet the burden of proof as the moving party to demonstrate proof of consent in writing to the franchise agreement, such as Internal Revenue Code, Subtitles A and C BEFORE they attempt enforcement actions.

3. Requirement for EXPRESS CONSENT and INTENT ignored or interfered with in becoming a statutory “citizen” or “resident”. Domicile requires the coincidence of physical presence within the territory of the sovereign and an intention to join the political community that it is a part of. However, tyrants and dictators who rule by force and fraud disregard the intention requirement. If you have an “address” or physical presence on their territory, the government “presumes” that fact alone constitutes consent to become a “citizen”, “resident”, or “inhabitant”, thus ignoring the consent and intent portion of the domicile requirement. This has the practical effect of turning a republic consisting mainly of private property into a monarchy, where everything is public property because the king owns *all the land* and everyone is nothing more than a tenant subject to his whim and pleasure by divine right. British subjects can’t even expatriate from their country without permission of the king or queen in fact. They in effect are chattel property of the monarch. If you would like to see how much land the monarch of England owns, it currently stands at 6 Billion acres. God says that “all the earth is mine” (Exodus 19:5)...and the queen of England retorts...”except for the 6 billion 600 million acres I own which is 1/6th of the non-ocean surface of the earth.”. For proof, see:

Who Owns the World

<http://www.whoownstheworld.com/about-the-book/largest-landowner/?ref=patrick.net>

4. Protection of private rights: Government refuses to acknowledge the protections of the Constitution for your private rights. For instance:

- 4.1. They make the false and self-serving presumption that everyone they interact with in the public is a public officer in the government and a franchisee called a “taxpayer” (26 U.S.C. §7701(a)(14)) or statutory but not constitutional “U.S. citizen” (8 U.S.C. §1401)
- 4.2. They refuse to prosecute those who compel others to use government identifying numbers, thus forcing those so compelled to donate formerly private property to a public use, a public purpose, and a public office.
- 4.3. They refuse to recognize the existence of “nontaxpayers” or defend their *private* rights. For instance, enforcing the Anti-Injunction Act, 26 U.S.C. §7421 to prevent private parties injured by zealous tax collectors from having their private property seized because they are the victim of FALSE information return reports that the IRS refuses to correct.
- 4.4. They refuse to correct false information returns filed by third parties against those who are non-taxpayers, thus compelling private people to involuntarily assume the duties of a public office in the government. They also refuse to prosecute the filers of these false reports. See:

Correcting Erroneous Information Returns, Form #04.001

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

5. Unalienable rights: Government sets up a franchise or a business whose purpose essentially is to bribe or entice people to give up constitutionally protected rights. In modern day terms, that business is called a “franchise”.

“It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution.” Frost & Frost Trucking Co. v. Railroad Comm’n of California, 271 U.S. 583.
“Constitutional rights would be of little value if they could be indirectly denied,” Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence,’ Gomillion v. Lightfoot, 364 U.S. 339, 345.”
[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]

6. Equal protection: Government provides unequal protection or unequal benefit to those within its jurisdiction. For instance:

- 6.1. Government imputes to itself sovereign immunity and the requirement to prove ITS consent when civilly sued, but does not enforce the same EQUAL requirement when IT tries to enforce a civil obligation against a citizen.
- 6.2. Government allows otherwise PRIVATE Americans to be effectively elected into public office with FALSE information return reports and without their consent but refuses to allow its own workers or itself to be elected into servitude of anyone else.
- 6.3. One group of people pays a different percentage tax rate or amount than another or receives a different benefit in exchange for the same amount of money paid in.
- 6.4. Franchises are abused to make FRANCHISEES inferior to the government grantor.
7. Franchises are abused to destroy CONSTITUTIONAL remedies and force people into a administrative franchise court instead. The main abuse is offering or enforcing them to those domiciled OUTSIDE of federal territory and the EXCLUSIVE jurisdiction of Congress.

"These general rules are well settled:

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

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

8. Courts are converted from CONSTITUTIONAL courts to STATUTORY FRANCHISE or ADMINISTRATIVE FRANCHISE courts. Examples: 1. U.S. Tax Court; 2. Traffic court; 3. Family Court. Such courts are really just binding arbitration boards for fellow public officers within the Executive Branch of the government. At the present time, all United States District Courts and Circuit Courts are NOT expressly authorized by Congress to hear any Article III Constitutional issue. Instead, they are legislative franchise courts that administer ONLY federal property under Article 4, Section 3, Clause 2 of the USA Constitution. See the following for proof:
- 8.1. Government Instituted Slavery Using Franchises, Form #05.030, Sections 15 through 17
<http://sedm.org/Forms/FormIndex.htm>
- 8.2. What Happened to Justice?, Form #06.012-proves that there are NOT any constitutional courts left at the federal level accessible to the average American.
<http://sedm.org/Forms/FormIndex.htm>
9. There is no "body politic". All those who participate in the affairs of the government as statutory "voters" or "citizens" are in fact franchisees and public officers of the government with an financial and personal conflict of interest.
- 9.1. There is no one outside the pseudo-government private corporation who any of the people in pseudo-government can be or are accountable to, and certainly no one who has Constitutional rights.
- 9.2. They are violating their state constitutions, because most state constitutions forbid anyone from simultaneously serving as a public officer in the federal government and the state government. Federal taxpayers are public officers (engaged in a "trade or business" as define din 26 U.S.C. §7701(a)(26)) in the federal government while state "taxpayers" are similarly public officers in the state 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

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

9.3. Everyone who participates as a jurist or voter in any proceeding involving taxation and who is a recipient of federal “benefits” is committing a crime by having a conflict of interest in violation of:

9.3.1. 18 U.S.C. §208 in the case of statutory but not constitutional “citizens” and “taxpayers”.

9.3.2. 28 U.S.C. §144, and 28 U.S.C. §455 in the case of judges.

9.3.3. 18 U.S.C. §201: Bribery of public officials and witnesses. All jurists and all “taxpayers” are public officers in the government and receipt of federal “benefits” bribes them to perpetuate the “benefit” when taxes are at issue.

9.4. If you try to participate as a jurist or voter as a constitutional but not statutory citizen, the registrar of voters and the jury commissioner will expel you and refuse to address the legal evidence proving that he or she is committing a FRAUD upon the public by preventing REAL constitutional but not statutory citizens from participating. Consequently, any tax imposed upon constitutional citizens is taxation without representation. We have watched this process first hand. See:

Jury Summons Response Attachment, Form #06.015

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

10. An enterprise or portion of the government is not a “body politic”, but only a “body corporate”. For instance, the “District of Columbia” is a “body corporate”, but NOT a “body politic”, which means it is not part of the government, but a private corporation. Yet, sovereign immunity is abused by the corrupt corporate courts to protect the activities of this private corporation.

11. Practicing federal attorneys take an oath to the wrong sovereign. Their oath ought to be to the people and the “State” they serve, but instead is to the government. The two are not the same. See:

Petition for Admission to Practice

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

12. “Words of Art” are abused to illegally expand definitions in such a way that PRIVATE rights and PRIVATE party unlawfully become the subject of any government enforcement authority. This kind of abuse is very commonly done with definitions in the Internal Revenue Code. The following document explains and proves this kind of abuse:

Meaning of the Words “includes” and “including”, Form #05.014

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

13. All powers are derived or delegated directly from the people: Government arrogates authority to itself that it denies to others and thereby becomes the equivalent of a pagan deity and an object of idol worship.

14. Government dispenses with one or more of the three elements needed to make it valid: People, Laws, and Territory. For instance, if the government tries to setup a “virtual state” using territory borrowed from another government that is not its own, then it can no longer be called a government. This, in fact, is exactly how state income taxes function. State income taxes presume a domicile on federal territory borrowed from the federal government. State income taxes are imposed under the authority of the Buck Act of 1940 and the Public Salary Tax Act of 1939, which are codified at 4 U.S.C. §106 and 5 U.S.C. §5517. See:

State Income Taxes, Form #05.031

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

Next, we will provide a tabular comparison of a de jure government and a de facto private corporation to synthesize all the points in the previous subsections into one place:

Table 1: "De jure government" and "De Facto Private corporation" compared

#	Characteristic	De jure government	De facto private corporation
1	Territory, laws, and people?	Yes	No. Only contracts/franchises and corporate “employees” that do not attach to specific territory.
2	Purpose of establishment	Protect PRIVATE rights	1. Protect PUBLIC rights and convert all PRIVATE rights into PUBLIC rights/franchises. 2. Expand the corporation and centralize all power to the CEO/President.
3	Private rights are unalienable	Yes	No. All rights are PUBLIC/CORPORATE rights

#	Characteristic	De jure government	De facto private corporation
4	Equal protection of all?	Yes	No. Only corporate “employees” are protected. All others are TERRORIZED until they join the corporation.
5	Civil laws based on consent of the governed?	Yes	No. All civil law is corporate policy that forms the employment agreement for officers of the corporation.
6	Powers derived from	The Sovereign People, both individually and collectively	CEO and Board of Directors of the Corporation. “Employees” must do as they are told or they are FIRED and/or persecuted
7	Body corporate?	Yes	Yes
8	Body politic?	Yes	No
9	Taxes used only for	Support of government	Support of employees and officers of the corporation, which is EVERYONE. Called “benefits” and dispensed under a civil franchise.

7 How De Jure Governments are Transformed into Corrupt De Facto Governments⁷

*“Governments never do anything by accident; if government does something you can bet it was carefully planned.”
[Franklin D. Roosevelt, President of the United States]*

Franchises and/or their abuse are the main method by which:

1. De jure governments are transformed into corrupted de facto governments.
2. The requirement for consent of the governed is systematically eliminated.
3. The equal protection that is the foundation of the Constitution is replaced with inequality, privilege, hypocrisy, and partiality in which the government is a parens patriae and possesses an unconstitutional “title of nobility” in relation to those it is supposed to be serving and protecting.
4. The separation of powers between the states and federal government are eliminated.
5. The separation between what is “public” and what is “private” is destroyed. Everything becomes PUBLIC and is owned by the “collective”. There is no private property and what you think is ABSOLUTE ownership of PRIVATE property is really just equitable title and QUALIFIED ownership of PUBLIC property.
6. Constitutional rights attaching to the land you stand on are replaced with statutory privileges created through your right to contract and your “status” under a franchise agreement.

*“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]*

7. Your legal identity is “laundered”, and kidnapped or transported to a foreign jurisdiction, the District of Criminals, and which is not protected by the Constitution. This is usually done by compulsion or duress, as in the case of compelled licensing.

*“For the upright will dwell in the land,
And the blameless will remain in it;*

⁷ Adapted from Section 14 of:
Government Instituted Slavery Using Franchises, Form #05.030;
<http://sedm.org/Forms/FormIndex.htm>.

1 But the wicked will be cut off from the earth.
2 And the unfaithful will be uprooted from it.”
3 [Prov. 2:21-22, Bible, NKJV]

- 4 8. The protections of the Constitution for your rights are eliminated.
- 5 9. Rights are transformed into privileges.
- 6 10. Republics based on individual rights are transformed into socialist democracies based on collective rights and
7 individual privileges.
- 8 11. The status of “citizen, resident, or inhabitant” is devolved into nothing but an “employee” or “officer” of a corporation.
- 9 12. Constitutional courts are transformed into franchise courts.
- 10 13. Conflicts of interest are introduced into the legal and court systems that perpetuate a further expansion of the de facto
11 system.
- 12 14. Socialism is introduced into a republican form of government.
- 13 15. The sovereignty of people in the states of the Union are destroyed.

14 The gravely injurious effects of participating in government franchises include the following.

- 15 1. Those who participate become domiciliaries of the federal zone, “U.S. persons”, and “resident aliens” in respect to the
16 federal government.
- 17 2. Those who participate become “trustees” of the “public trust” and “public officers” of the federal government and
18 suffer great legal disability as a consequence:

19 “As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be
20 exercised in behalf of the government or of all citizens who may need the intervention of the officer. 8
21 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level
22 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor
23 under every disability and prohibition imposed by law upon trustees relative to the making of personal
24 financial gain from a discharge of their trusts. 9 That is, a public officer occupies a fiduciary relationship
25 to the political entity on whose behalf he or she serves. 10 and owes a fiduciary duty to the public. 11 It has
26 been said that the fiduciary responsibilities of a public officer cannot be less than those of a private
27 individual. 12 Furthermore, it has been stated that any enterprise undertaken by the public official which
28 tends to weaken public confidence and undermine the sense of security for individual rights is against public
29 policy. 13”
30 [63C Am.Jur.2d, Public Officers and Employees, §247]

- 31 3. Those who participate are stripped of ALL of their constitutional rights and waive their Constitutional right not to be
32 subjected to penalties and other “bills of attainder” administered by the Executive Branch without court trials. They
33 then must function the degrading treatment of filling the role of a federal “public employee” subject to the supervision
34 of their servants in the government.

35 “The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the
36 regulator of private conduct, are not the same as the restrictions that it places upon the government in its
37 capacity as employer. We have recognized this in many contexts, with respect to many different constitutional
38 guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v.
39 Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable

⁸ State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 NJ 584, 115 A.2d. 8.

⁹ 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.

¹⁰ 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.

¹¹ 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).

¹² 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.

¹³ 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).

cause, but in many circumstances government employees can. *O'Connor v. Ortega*, 480 U.S. 709, 723 (1987) (plurality opinion); *id.*, at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. *Gardner v. Broderick*, [497 U.S. 62, 95] 392 U.S. 273, 277 -278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. *Connick v. Myers*, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. *Public Workers v. Mitchell*, 330 U.S. 75, 101 (1947); *Civil Service Comm'n v. Letter Carriers*, 413 U.S. 548, 556 (1973); *Broadrick v. Oklahoma*, 413 U.S. 601, 616 -617 (1973)."
[*Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990)]

4. Those who participate may lawfully be deprived of equal protection of the law, which is the foundation of the U.S. Constitution. This deprivation of equal protection can lawfully become a provision of the franchise agreement.
5. Those who participate can lawfully be deprived of remedy for abuses in federal courts.

"These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. *United States ex rel. Dunlap v. Black*, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; *Ex parte Atocha*, 17 Wall. 439, 21 L.Ed. 696; *Gordon v. United States*, 7 Wall. 188, 195, 19 L.Ed. 35; *De Groot v. United States*, 5 Wall. 419, 431, 433, 18 L.Ed. 700; *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; *Armsen v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v. National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919. But here Congress has provided: [U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]

6. Those who participate can be directed which federal courts they may litigate in and can lawfully be deprived of a Constitutional Article III judge or Article III court and forced to seek remedy ONLY in an Article I or Article IV legislative or administrative tribunal within the Legislative rather than Judicial branch of the government.

Although *Crowell* and *Raddatz* do not explicitly distinguish between rights created by Congress and other rights, such a distinction underlies in part *Crowell's* and *Raddatz's* recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against "encroachment or aggrandizement" by Congress at the expense of the other branches of government. *Buckley v. Valeo*, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a "privilege" in this case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right.FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts. [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]

Since the founding of our country, franchises have systematically been employed in every area of government to transform a government based on equal protection into a for-profit private corporation based on privilege, partiality, and favoritism. The affects 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>

What are the mechanisms by which this corruption has been implemented by the Executive Branch? This section will detail the main mechanisms to sensitize you to how to fix the problem and will relate how it was implemented by exploiting the separation of powers doctrine.

1 The foundation of the separation of powers is the notion that the powers delegated to one branch of government by the
2 Constitution cannot be re-delegated to another branch.

3 ". . . a power definitely assigned by the Constitution to one department can neither be surrendered nor
4 delegated by that department, nor vested by statute in another department or agency. Compare *Springer v.*
5 *Philippine Islands*, 277 U.S. 189, 201, 202, 48 S.Ct. 480, 72 L.Ed. 845."
6 [*Williams v. U.S.*, 289 U.S. 553, 53 S.Ct. 751 (1933)]

7 Keenly aware of the above limitation, lawmakers over the years have used it to their advantage in creating a tax system that
8 is exempt from any kind of judicial interference and which completely destroys all separation of powers. Below is a
9 summary of the mechanism, in the exact sequence it was executed at the federal level:

- 10 1. Create a franchise based upon a "public office" in the Executive Branch. This:
 - 11 1.1. Allows statutes passed by Congress to be directly enforced against those who participate.
 - 12 1.2. Eliminates the need for publication in the Federal Register of enforcement implementing regulations for the
13 statutes. See [5 U.S.C. §553\(a\)](#) and [44 U.S.C. §1505\(a\)\(1\)](#).
 - 14 1.3. Causes those engaged in the franchise to act in a representative capacity as "public officers" of the United States
15 government pursuant to Federal Rule of Civil Procedure 17(b), which is defined in [28 U.S.C. §3002\(15\)\(A\)](#) as a
16 federal corporation.
 - 17 1.4. Causes all those engaged in the franchise to become "officers of a corporation", which is the United States,
18 pursuant to [26 U.S.C. §6671\(b\)](#) and [26 U.S.C. §7343](#).
- 19 2. Give the franchise a deceptive "word of art" name that will deceive everyone into believing that they are engaged in it.
 - 20 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
21 office". How many people know this and do they teach this in the public (government) schools or the IRS
22 publications? NOT!
 - 23 2.2. Earnings connected with the franchise are called "effectively connected with a trade or business in the United
24 States". The term "United States" deceptively means the GOVERNMENT, and not the geographical United
25 States.
- 26 3. In the franchise agreement, define the effective domicile or choice of law of all those who participate as being on
27 federal territory within the exclusive jurisdiction of the United States. [26 U.S.C. §7408\(d\)](#) and [26 U.S.C. §7701\(a\)\(39\)](#)
28 place the effective domicile of all "franchisees" called "taxpayers" within the District of Columbia. If the feds really
29 had jurisdiction within states of the Union, do you think they would need this devious device to "kidnap your legal
30 identity" or "res" and move it to a foreign jurisdiction where you don't physically live?
- 31 4. Place a excise tax upon the franchise proportional to the income earned from the franchise. In the case of the Internal
32 Revenue Code, all such income is described as income which is "effectively connected with a trade or business within
33 the United States".

34 "Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon
35 licenses to pursue certain occupations and upon corporate privileges...the requirement to pay such taxes
36 involves the exercise of [220 U.S. 107, 152] privileges, and the element of absolute and unavoidable
37 demand is lacking...

38 ...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the
39 right to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the
40 measure of taxation is found in the income produced in part from property which of itself considered is
41 nontaxable...

42 Conceding the power of Congress to tax the business activities of private corporations.. the tax must be
43 measured by some standard..."
44 [*Flint v. Stone Tracy Co.*, 220 U.S. 107 (1911)]

- 45 5. Mandate that those engaged in the franchise must have usually false evidence submitted by ignorant third parties that
46 connects them to the franchise. IRS information returns, including Forms W-2, 1042s, 1098, and 1099, are the
47 mechanism. [26 U.S.C. §6041](#) says that these information returns may ONLY be filed in connection with a "trade or
48 business", which is a code word for the name of the franchise.
- 49 6. Write statutes prohibiting interference by the courts with the collection of "taxes" (kickbacks) associated with the
50 franchise based on the idea that courts in the Judicial Branch may not interfere with the internal affairs of another
51 branch such as the Executive Branch. Hence, the "INTERNAL Revenue Service". This will protect the franchise from
52 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 Executive Branch and the United States government, not INTERNAL to the geographical United States of America.

7. Create administrative “franchise” courts in the Executive Branch which administer the program pursuant to Articles I and IV of the United States Constitution.

- 7.1. The U.S. Supreme Court calls such courts “The Fourth Branch of Government”, as indicated in:

Government Instituted Slavery Using Franchises, Form #05.030, Section 18
<http://sedm.org/Forms/FormIndex.htm>

- 7.2. U.S. Tax Court. [26 U.S.C. §7441](#) identifies the U.S. Tax Court as an Article I court.

- 7.3. 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:

- 8.1. 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.

- 8.2. Most state vehicle codes have “residence” in the state as a prerequisite to signing up for a drivers license and they also mandate supplying a Social Security Number to get a license. Hence, by signing up for a drivers license, you are signing up for the following THREE franchises:

- 8.2.1. The Vehicle code franchise.

- 8.2.2. The domicile “civil protection franchise” tied to those who are “residents”. This is what makes the applicant a “taxpayer” in the state’s income tax codes. See:

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

- 8.2.3. The Social Security Franchise. See:

Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

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 form and Social Security SS-5 form are 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, even though the following recognize their existence:

- 9.3.1. The U.S. Supreme Court in *South Carolina v. Regan*, [465 U.S. 367](#) (1984).
- 9.3.2. 26 U.S.C. §7426, which refers to them as “persons other than taxpayers”.
- 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 CFR §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:

- 10.1. 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.***

- 10.2. Creates and manages a PRIVATE company that is not part of the government. The IRS, in fact, is NOT part of the U.S. government and has no legal authority to exist, and therefore can service only those INTERNAL to the government. All agencies that interact DIRECTLY with the PRIVATE public must be authorized by Congress. Hence, “INTERNAL Revenue Service”. See:

[Origins and Authority of the Internal Revenue Service](#), Form #05.005
<http://sedm.org/Forms/FormIndex.htm>

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:

[Dept of Justice Admits under Penalty of Perjury that the IRS is Not an Agency of the Federal Government](#)
<http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

11. Create an environment that encourages omission in enforcing justice, 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, Pub.Law 105-206, Title III, Section 3706, 112 Stat. 778 and IRM 1.2.4 both authorize these pseudonyms.

11.2. Place a disclaimer on the website of this private THIEF contractor indemnifying them from liability for the truthfulness or accuracy of any of their statements or publications. See IRM 4.10.7.2.8.

"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position."
[IRM 4.10.7.2.8 (05-14-1999)]

11.3. Allow employees of the agency to operate without either identifying their full legal birthname but rather a pseudonym. IRS employees DO NOT use their real name so they can act essentially as anonymous, masked, international terrorists (the states are nations under the law of nations) sanctioned by law. See:

Notice of Pseudonym Use and Unreliable Tax Records, Form #04.206
<http://sedm.org/Forms/FormIndex.htm>

11.4. Omit the most important key facts and information from publications of the franchise administrator that would expose the proper application of the "tax" and the proper audience. See the following, which is over 2000 pages of information that are conveniently "omitted" from the IRS website about the proper application of the franchise and its nature as a "franchise":

Great IRS Hoax, Form #11.302

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

11.5. Establish precedent in federal courts that you can't trust anything that anyone in the government tells you, and especially those who administer the franchise. See:

<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

12. Use the lies and deceptions created in the previous step to promote several false perceptions in the public at large that will expand the market for the franchise. These include:

12.1. That the franchise is NOT a franchise, but a mandatory requirement that applies to ALL. In fact it can and does apply ONLY to statutory "taxpayers" and you have to VOLUNTEER to become a statutory "taxpayer" before it can have the "force of law" in your case.

12.2. That participation is mandatory for ALL, instead of only for franchisees called "taxpayers".

12.3. That the IRS is an "agency" of the United States government that has authority to interact directly with the public at large. In fact, it is a "bureau" that can ONLY lawfully service the needs of other federal agencies within the Executive Branch and which may NOT interface directly with the public at large.

12.4. That the statutes implementing the franchise are "public law" that applies to everyone, instead of "private law" that only applies to those who individually consent to participate in the franchise.

13. Create a system to service those who prepare tax returns for others whereby those who accept being "licensed" and regulated get special favors. This system created by the IRS essentially punishes those who do not participate by deliberately giving them horrible service and making them suffer inconvenience and waiting long in line if they don't accept the "privilege" of being certified. Once they are certified, if they begin telling people the truth about what the law says and encourage following the law by refusing to volunteer, their credentials are pulled. This sort of censorship is accomplished through:

13.1. IRS Enrolled Agent Program.

13.2. Certified Public Accountant (CPA) licensing.

13.3. Treasury Circular 230.

14. Engage in a pattern of "selective enforcement" and propaganda to broaden and expand the scam. For instance:

14.1. Refuse to answer simple questions about the proper application of the franchise and the taxes associated with it. See:

If the IRS Were Selling Used Cars

<http://famguardian.org/Subjects/Taxes/FalseRhetoric/IRSSellingCars.htm>

14.2. Prosecute those who submit false TAX returns, but not those who submit false INFORMATION returns. This causes the audience of "taxpayers" to expand because false reports are connecting innocent third parties to franchises that they are not in fact engaged in.

14.3. Use confusion over the rules of statutory construction and the word "includes" to fool people into believing that those who are "included" in the franchise are not spelled out in the law in their entirety. This leaves undue discretion in the hands of IRS employees to compel ignorant "nontaxpayers" to become franchisees. See the following:

Meaning of the Words "includes" and "including", Form #05.014

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

14.4. Refuse to define the words used on government forms, use terms that are not defined in the code such as "U.S. citizen", and try to confuse "words of art" found in the law with common terms in order to use the presumptuous

behavior of the average American to expand the misperception that everyone has a legal DUTY to become a “franchisee” and a “taxpayer”.

14.5. Refuse to accept corrected information returns that might protect innocent “nontaxpayers” so that they are inducted involuntarily into the franchise as well.

The above process is WICKED in the most extreme way. It describes EXACTLY how our public servants have made themselves into our masters and systematically replaced every one of our rights with “privileges” and franchises. The Constitutional prohibition against this sort of corruption are described as follows by the courts:

“It would be a palpable incongruity to strike down an act of state legislation which, by words of express divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that, as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is that it may not impose conditions which require the relinquishment of Constitutional rights. If the state may compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out of existence.”
[Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)]

“A right common in every citizen such as the right to own property or to engage in business of a character not requiring regulation CANNOT, however, be taxed as a special franchise by first prohibiting its exercise and then permitting its enjoyment upon the payment of a certain sum of money.”
[Stevens v. State, 2 Ark. 291, 35 Am. Dec. 72; Spring Val. Water Works v. Barber, 99 Cal. 36, 33 Pac. 735, 21 L.R.A. 416. Note 57 L.R.A. 416]

“The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter power to the State, but the individual’s right to live and own property are natural rights for the enjoyment of which an excise cannot be imposed.”
[Redfield v. Fisher, 292 Oregon 814, 817]

“Legislature...cannot name something to be a taxable privilege unless it is first a privilege.” [Taxation West Key 43]...“The Right to receive income or earnings is a right belonging to every person and realization and receipt of income is therefore not a ‘privilege’, that can be taxed.”
[Jack Cole Co. v. MacFarland, 337 S.E.2d. 453, Tenn.

Through the above process of corruption, the separation of powers is completely destroyed and nearly every American has essentially been “assimilated” into the Executive Branch of the government, leaving the Constitutional Republic bequeathed to us by our founding fathers vacant and abandoned. Nearly every service that we expect from government has been systematically converted over the years into a franchise using the techniques described above. The political and legal changes resulting from the above have been tabulated to show the “BEFORE” and the “AFTER” so their extremely harmful affects become crystal clear in your mind. This process of corruption, by the way, is not unique to the United States, but is found in every major industrialized country on Earth.

1 **Table 2: 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 “nationals” but not “citizens” pursuant to 8 U.S.C. §§1101(a)(21) and 1452	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	Ownership of real property is	Legal	Equitable. The government owns the land, and you rent it from them using property taxes.
6	Type of property ownership	Absolute and allodial	Qualified (shared with government). Owned by the public office and managed by the person volunteering into the office.
7	Meaning of word “rights”	Constitutional rights	Statutory privileges under a civil franchise. Constitutional rights don’t exist and are irrelevant.
8	Purpose of tax system	Fund “protection”	1. Socialism. 2. Political favors. 3. Wealth redistribution 4. Consolidation of power and control (corporate fascism) 5. Bribe PRIVATE people to join the franchise and become public officers collecting “benefits”
9	Equal protection	Mandatory	Optional
10	Nature of courts	Constitutional Article III courts in the Judicial Branch	Administrative or “franchise” courts within the Executive Branch
11	Branches within the government	Executive Legislative Judicial	Executive Legislative (Judiciary merged with Executive. See Judicial Code of 1911)
12	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.
13	Lawyers are	Unlicensed	Privileged and licensed and therefore subject to control and censorship by the government.

#	Characteristic	DE JURE CONSTITUTIONAL GOVERNMENT	DE FACTO GOVERNMENT BASED ENTIRELY ON FRANCHISES
14	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".
15	Driving is	A common right	A licensed "privilege"
16	Marriage is	A common right	A licensed "privilege"
17	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.
18	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.
19	Purpose of sex	Procreation	Recreation
20	Responsibility	The individual sovereign is responsible for all his actions and choices.	The collective "social insurance company" is responsible. Personal responsibility is outlawed.
21	Meaning of "State", "this State"	"Body politic" and NOT "body corporate"	"Body corporate" and NOT "body politic". There is no body politic and everyone is presumed to be part of the body corporate as a public officer.
22	Meaning of "in this State" or "in the State" in statutes	PHYSICALLY PRESENT within the geographic limits of the territory composing the state.	LEGALLY and NOT PHYSICALLY present within the corporation as a "person" and therefore "public officer" of the corporation.
23	Real party in interest in criminal actions filed by the state	Specific human being injured who is within the body politic	Private CORPORATION called "State of". Most actions are "penal" or "quasi criminal" rather than "criminal" in a classical sense. Such penal actions can only be associated with franchisees under a civil franchise.

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>

8 De Facto government is “The Beast” spoken of in the Holy Bible



Jesus Himself said the entire world is “in the sway of the wicked one”, meaning controlled by Satan. The world cannot be controlled by Satan unless all of its rulers are also controlled by Satan:

*“We know that we are of God, and the whole world lies under the sway of the wicked one [Satan].”
[1 John 5:19, Bible, NKJV]*

When Jesus was in the wilderness being tempted by Satan, Satan offered Him all the kingdoms of the world if he would bow down and worship Satan. Satan could not have offered these Kingdoms unless he controlled the rulers.

“Again, the devil took Him [Jesus] up on an exceedingly high mountain, and showed Him all the kingdoms of the world and their glory. And he said to Him, “All these things I will give You if You will fall down and worship me. [Satan]”

“Then Jesus said to him, “Away with you, Satan! For it is written, “You shall worship the LORD your God, and Him only you shall serve.””

*“Then the devil left Him, and behold, angels came and ministered to Him.”
[Matt. 4:8-11, Bible, NKJV]*

Satan was trying to get Jesus to commit idolatry by worshipping, serving, or subsidizing something OTHER than the one and only God. There are many forms of idolatry, including idolatry towards money, sex, power, political rulers, or even government.

God also revealed to the Prophet Samuel that it was a sin to elect a king to be above us or superior to us.

“Then all the elders of Israel gathered together and came to Samuel at Ramah, and said to him, ‘Look, you are old, and your sons do not walk in your ways. Now make us a king to judge us like all the nations [and be OVER them]’.

*“But the thing displeased Samuel when they said, ‘Give us a king to judge us.’ So Samuel prayed to the Lord. And the Lord said to Samuel, ‘Heed the voice of the people in all that they say to you; for they have rejected Me, that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served other gods—so they are doing to you also [government becoming idolatry].”
[1 Sam. 8:4-8, Bible, NKJV]*

“And when you saw that Nahash king of the Ammonites came against you, you said to me, ‘No, but a king shall reign over us,’ when the Lord your God was your king.

.....

*And all the people said to Samuel, "Pray for your servants to the Lord your God, that we may not die; for **we have added to all our sins the evil of asking a king for ourselves.**"*
[1 Sam. 12:12, 19, Bible, NKJV]

Jesus also confirmed that the only kind of government we can have is a SERVANT government that serves from below rather than rules from above:

*"You know that the rulers of the Gentiles lord it over them, and those who are great exercise authority over them. **Yet it shall not be so among you [Christians]; but whoever desires to become great among you, let him be your servant. And whoever desires to be first among you, let him be your slave---**just as the Son of Man did not come to be served, but to serve, and to give His life a ransom for many."*
[Matthew 20:25-28, Bible, NKJV]

Not only does God identify political rulers (kings) as agents and representatives of Satan, but he also identifies the cities where they rule and derive their authority as an abomination. The very first city described in the Bible, Babylon, was created by Nimrod, who the Bible described as a hunter of men. Gen. 10:8-12. Nimrod was a predator of men, not a protector of them. Hence, a "mighty hunter", as the Bible describes him. For a fascinating sermon on this subject, see:

SEDM Sermons, Section 4.1: Statism
<http://sedm.org/Sermons/Sermons.htm>

The passage below talks about what God thinks of evolutionists. Evolutionists believe that they descended from a rock or a tree through "natural selection". Notice the comment about cities being gods. In the old days, each city had a King and that king was the personification of the city and a pagan deity all his own. People could only enter his presence or the city by going through the gate of the city walls, and they had to pledge allegiance to the king to do so, which was privilege induced slavery.

*"As the thief is ashamed when he is found out,
So is the house of Israel ashamed;
They and their kings and their princes, and their priests and their prophets,
Saying to a tree, 'You are my father,'
And to a stone, 'You gave birth to me.'
For they have turned their back to Me, and not their face.
But in the time of their trouble
They will say, 'Arise and save us.'
But where are your gods that you have made for yourselves?
Let them arise,
If they can save you in the time of your trouble;
For according to the number of your cities
Are your gods, O Judah."*
[Jeremiah 2:26-28, Bible, NKJV]

The passage above is also confirmed by the following, which is an address to the King of Babylon and indirectly to Lucifer himself:

*"All the kings of the nations,
All of them, sleep in glory,
Everyone in his own house;
But you are cast out of your grave
Like an abominable branch,
Like the garment of those who are slain,
Thrust through with a sword,
Who go down to the stones of the pit,
Like a corpse trodden underfoot.
You will not be joined with them in burial,
Because you have destroyed your land
And slain your people.
The brood of evildoers shall never be named.
Prepare slaughter for his children
Because of the iniquity of their fathers,
Lest they rise up and possess the land,
And fill the face of the world with cities."*
[Isaiah 14:18-21, Bible, NKJV]

The Bible book of Revelation talks about “The Beast”, by describing it as “the kings of the earth”, which in contemporary times would simply be political rulers.

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

Notice that the Beast and the kings of the earth are both fighting against God and are on the same side. Political rulers throughout history have constantly warred against God. Isaiah 14 also reveals that these same kings and rulers are agents of Satan and not God. The message below is addressed to the King of Babylon, who is the same Beast personified above:

*“Hell from beneath is excited about you,
To meet you [the King of Babylon] at your coming;
It stirs up the dead for you,
All the chief ones of the earth;
It has raised up from their thrones
All the kings of the nations.
They all shall speak and say to you:*

*‘ Have you also become as weak as we?
Have you become like us?
Your pomp is brought down to Sheol,
And the sound of your stringed instruments;
The maggot is spread under you,
And worms cover you.’*
[Isaiah 14:9-11, Bible, NKJV]

Conclusion from the above:

1. The King of Babylon is going to hell:

“Hell from beneath is excited about you, to meet you at your coming”.

2. All kings of the nations were raised to their thrones by Hell:

“Hell from beneath...it has raised up from their thrones all the kings of the nations”.

3. All the dead kings are already in hell. That is the only way they could be raised up by Hell to speak to the King of Babylon in the first place.

A woman, Babylon the Great Harlot, is described as fornicating with this Beast and living a life of luxury. She is, in fact SATAN’S WHORE.

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

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

This woman is, in fact, conducting commerce with political rulers. Not surprisingly, Black’s Law Dictionary defines “commerce” as “intercourse”. Hence, the term “fornication” refers to commercial relations of God’s people with political rulers.

“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]

Babylon the Great Harlot is further described as follows:

1 *"And I saw a woman sitting on a scarlet beast which was full of names of blasphemy, having seven heads and*
2 *ten horns. The woman was arrayed in purple and scarlet, and adorned with gold and precious stones and*
3 *pearls, having in her hand a golden cup full of abominations and the filthiness of her fornication. And on her*
4 *forehead a name was written:*

5 *MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE*
6 *EARTH.*

7 *I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw*
8 *her, I marveled with great amazement."*
9 *[Rev. 17:3-6, Bible, NKJV]*

10 What is the "Mother ...of the abominations of the earth?". Well, the Bible says that the love of money is the root of ALL
11 EVIL. Certainly evil itself is an abomination. Hence, the Harlot loves money more than she loves truth, justice, equality,
12 or a lawful government. Included within the category of money is "government benefits":

13 ***"For the love of money [and even government "benefits", which are payments] is the root of all evil: which***
14 ***while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows.***
15 ***But thou, O man of God, flee these things: and follow after righteousness, godliness, faith, love, patience,***
16 ***meekness. Fight the good fight of faith, lay hold on eternal life, whereunto thou art also called, and hast***
17 ***professed a good profession before many witnesses."***
18 *[1 Timothy 6:5-12, Bible, NKJV]*

19 What about the phrase: "Mystery, Babylon" in Rev. 17:3-6? The mystery about this woman is that she was ignorant and
20 dependent, and that ignorance and dependence caused her to fornicate with the Beast. Most of that ignorance relates to
21 ignorance about law. Anything that an ignorant person does not understand is a "mystery" that incidentally, never gets
22 solved because laziness and dependency was the cause of the ignorance in the first place:

23 *"The hand of the diligent will rule,*
24 *But the lazy [or irresponsible] man will be put to forced labor."*
25 *[Prov. 12:24, Bible, NKJV]*

26 Babylon the Great Harlot is a slave to her own sin, and the main sin she engages in is ignorance.

27 *"Most assuredly, I say to you, whoever commits sin is a slave of sin. And a slave does not abide in the house*
28 *forever, but a son abides forever.*
29 *[John 8:34-35, Bible, NKJV]*

30 How did this woman become ignorant and dependent? By being "put to sleep" intellectually and "sleeping with the Beast"
31 in public schools run by the De Facto Government Beast.

32 *"My people are destroyed for lack of knowledge..!"*
33 *[Hosea 4:6, Bible, NKJV]*

34 Human beings are the only animal in all of nature STUPID enough to turn their own offspring over to THE ENEMY to be
35 raised, programmed, and indoctrinated:

36 *"Give me your four year-olds and in a generation I will build a socialist state..destroy the family and the society*
37 *will collapse."*
38 *[Vladimir Lenin, Communist]*

39 The Bible Book of Revelation was written by the Apostle John, while he was exiled by the Roman government on the
40 island of Patmos as a punishment for his political views. It was actually written as an encrypted condemnation of the
41 oppressors who exiled him while he was in exile. That is why he had to use so much symbolism and vague metaphors in
42 the Book of Revelation.

43 Thomas Paine, one of the men responsible for fomenting the American revolution, said:

44 *"That government is best which governs least."*
45 *[Thomas Paine]*

1 A corollary to this axiom is that the best government is SELF-GOVERNMENT under God's laws with NO external man-
2 made government, because they are ALL corrupt and love YOUR money more than they love truth or justice anyway.

3 We argue that all civil rulers who derive their authority from anything but God and His law are agents of Satan who
4 ultimately will resort to unlawful force, licensing, and compelled enumeration (666) to place the people they are supposed
5 to be protecting into compelled servitude and subjection to them. THAT is what "the Beast" is really referring to in the
6 Bible book of Revelations. To wit:

7 *So Samuel told all the words of the LORD to the people who asked him for a king. And he said, "This will be
8 the behavior of the king who will reign over you: He will take [STEAL] your sons and appoint them for his
9 own chariots and to be his horsemen, and some will run before his chariots. He will appoint captains over his
10 thousands and captains over his fifties, will set some to plow his ground and reap his harvest, and some to
11 make his weapons of war and equipment for his chariots. He will take [STEAL] your daughters to be
12 perfumers, cooks, and bakers. And he will take [STEAL] the best of your fields, your vineyards, and your
13 olive groves, and give them to his servants. He will take [STEAL] a tenth of your grain and your vintage, and
14 give it to his officers and servants. And he will take [STEAL] your male servants, your female servants, your
15 finest young men, and your donkeys, and put them to his work [as SLAVES]. He will take [STEAL] a tenth
16 of your sheep. And you will be his servants. And you will cry out in that day because of your king whom you
17 have chosen for yourselves, and the LORD will not hear you in that day."*

18 *Nevertheless the people refused to obey the voice of Samuel; and they said, "No, but we will have a king over*
19 *us, that we also may be like all the nations, and that our king may judge us and go out before us and fight our*
20 *battles."*

21 *[1 Sam. 8:4-20, Bible, NKJV]*

22 As an example of the above phenomenon of THEFT and FORCE and SLAVERY by corrupt civil rulers, every state in the
23 Union and the national government routinely confiscate and close down any business functioning in a licensed field that
24 refuses to obtain a license, and they do so AT GUNPOINT against private people who are nonresident and outside their
25 civil jurisdiction. Hence, they abuse the police powers of the state to recruit more "public officer" franchisees who are their
26 slaves and sponsors. If they really had the legal authority to enforce civilly, they wouldn't need the consent of the applicant
27 for a license as part of a civil franchise. Therefore, they are engaging in a mafia extortion and protection racket in which the
28 police are the gun wielders. Recall that:

- 29 1. Franchises are implemented with civil law and civil contracts.
- 30 2. Civil law has no force against nonresidents.
- 31 3. The jurisdiction to which one is resident as a franchisee is federal territory not within the constitutional state. MOST
- 32 PEOPLE who apply for a license do not satisfy this criteria and therefore apply ILLEGALLY and FRAUDULENTLY.
- 33 4. Those contracting with each other have an inherent right to contract the government OUT of their relationship by
- 34 agreeing that no license is needed or will be enforced. A person who doesn't want to be protected from abuses that a
- 35 license would prevent should have the right to do so, and any government that interferes with that right is impairing the
- 36 obligation of contracts and thereby undermining the purpose of its creation, which is to protect your right to contract.
- 37 5. By applying for a license, you are consenting to their jurisdiction and effectively waiving your right to claim an injury
- 38 from participating. It is a maxim of law that he who consents cannot complain of an injury. It's bad enough that de facto
- 39 governments are engaging in a criminal protection racket, but they make it MUCH worse by placing those at gunpoint
- 40 who refuse to consent to become part of it in applying for a license. Hence, they have used the point of a gun as a
- 41 means to compel people to alienate rights that are supposed to be unalienable. The result is compelled agreement
- 42 produced through fraud and duress, but not true consent. Gangster government at its finest.

43 If you bring up the content of this section with a government representative and expose the illegal duress by government,
44 they will refuse to address it in an attempt to protect their criminal and illegal and unconstitutional protection racket, and
45 later they will single you out for "selective enforcement", thus further abusing their enforcement powers to silence
46 dissidents just as the communists did. We have first hand experience with this SCAM.

47 Therefore, all civil government is "the Beast" as God calls it in Rev. 19:19 and ultimately and unavoidably produces a
48 mafia protection racket that plunders rather than truly protects those who seek protection. They create a monopoly on
49 protection for themselves, and they use that mafia to force you to become an "employee" or "officer" subject to their
50 supervision instead of a "customer" who has the right NOT to seek their services.

51 Some really good corroborating sources that confirm the conclusions of this section so far are:

1. *Devil's Advocate Movie Clip*. Al Pacino plays Satan and demonstrates how Satan is taking over the legal profession and the government to destroy you and society. Very enlightening
<http://famguardian.org/Media/DevilsAdvocate-Part13.wmv>
2. *Society is a Blessing, But Government is Evil*. Essay by Thomas Paine, who also authored Common Sense, a document that started the American Revolution.
<http://mises.org/story/2897>

9 Thomas Jefferson's Warnings and Predictions Concerning the Corruption of the Government

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

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

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

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

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

"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty."
[*The Spirit of Laws*, Baron de Montesquieu, <http://famguardian.org/Publications/SpiritOfLaws/sol-02.htm>]

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

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

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

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

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

Each Branch is Independent

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All Powers in One Branch Produces Despotism

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

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

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

Unlimited Powers are Always Dangerous

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

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

1 *"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*
2 *got an ascendancy and possessed themselves of all the resources of the nation, their revenues and offices, have*
3 *immense means for retaining their advantages."*
4 *[Thomas Jefferson to John Taylor, 1798. ME 10:44]*

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

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

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

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

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

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

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

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

43 Irregular and Censurable Decisions

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

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

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

1 Consolidating Decisions

2 "The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot
3 and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the
4 special governments into the jaws of that which feeds them."
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13 Federal Government is in the constitution of the Federal Judiciary--an irresponsible body (for impeachment is
14 scarcely a scare-crow), working like gravity by night and by day, gaining a little today and a little tomorrow,
15 and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the
16 States and the government be consolidated into one. To this I am opposed."
17 [Thomas Jefferson to Charles Hammond, 1821. ME 15:331]

18 Undermining Republican Government

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

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

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

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

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

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

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

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

De Facto Government Scam

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

"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]

Jefferson, of course, was absolutely correct in his predictions that the federal judiciary would be the source of corruption that would transform a de jure government into a de facto government. 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>

10 De Facto Officer Doctrine

A de facto officer is legally defined as:

Officer de facto. As distinguished from an officer de jure; this is the designation of one who is in the actual possession and administration of the office, under some colorable or apparent authority, although his title to the same, whether by election or appointment, is in reality invalid or at least formally questioned. Norton v. Shelby County, 6 S.Ct. 1121, 118 U.S. 425, 30 L.Ed. 78; State v. Carroll, 38 Conn. 449, 9 Am.Rep. 409. One who has the reputation of being the officer he assumes to be, and yet is not a good officer in point of law. 6 East 368; City of Terre Haute v. Burns, 69 Ind.App. 7, 116 N.E. 604, 608; Johnson v. State, 27 Ga. App. 679, 109 S.E. 526, 527.

Official acts of officer de facto are binding on others. McNatt v. State, 130 Tex.Cr.R. 42, 91 S.W.2d. 1068, 1069. A de facto officer is also distinguished from a "usurper" who has neither lawful title nor color of right. Smith v. City of Jefferson, 75 Or. 179, 146 P. 809, 812.

To constitute an officer de facto it is not a necessary prerequisite that there shall have been an attempted exercise of competent prima facie power of appointment or election; a de facto officer being one whose title is not good in law, but who is in fact in the unobstructed possession of an office and is discharging its duties in full view of the public, in such manner and under such circumstances as not to present the appearance of being an intruder or usurper. U. S. v. Royer, 45 S.Ct 519, 520, 268 U.S. 394, 69 L.Ed. 1011. A person is a "de facto officer" where the duties of the officer are exercised-First, without a known appointment or election, but under such circumstances of reputation or acquiescence as were calculated to induce people, without inquiry, to submit to or invoke his action, supposing him to be the officer he assumed to be. Second, under color of a known and valid appointment or election, but where the officer has failed to conform to some precedent requirement or condition, as to take an oath, give a bond, or the like. Third, under color of a known election or appointment, void because the officer was not eligible, or because there was a want of power in the electing or appointing body, or by reason of some defect or irregularity in its exercise, such ineligibility, want of power, or defect being unknown to the public. Fourth, under color of an election or appointment by or pursuant to a public unconstitutional law, before the same is adjudged to be such. Wendt v. Berry, 154 Ky. 586, 157 S.W. 1115, 1118, 45 L.R.A.N.S., 1101, Ann.Cas. 1915C, 493.

Officer de jure. One who is in all respects legally appointed and qualified to exercise the office. People v. Brautigan, 310 Ill. 472, 142 N.E. 208, 211.
[Black's Law Dictionary, Fourth Edition, pp. 1235-1236]

Under the de facto officer doctrine, those wishing to challenge the authority of a de facto officer must do so AT THE COMMENCEMENT OF ANY ACTION. Here is an example:

We find that the failure of the officers to take their antibribery oaths or renew their constitutional oaths and the failure of one prosecuting attorney to execute the correct oath of office does not affect their status as de facto public officers. A de facto officer is one who has the reputation of being an officer and who acts under color of a known and valid appointment, but who has failed to conform to some precedent requirement such as taking an oath, giving a bond, or the like. Williams v. State, 588 S.W.2d. 593, 595 (Tex. Crim. App. 1979) (citing Weatherford v. State, 31 Tex. Crim. 530, 21 S.W. 251 (Tex. Crim. App. 1893)); Delamora v. State, 128 S.W.3d

344, 2004 Tex. App. LEXIS 1059, No. 03-02-00557-CR, 2004 Tex. App. LEXIS 1059, at *25-33 (Tex. App.--Austin Feb. 5, 2004, no pet. h.). Here, there is evidence in the record that each DPS trooper was acting under the color of authority and had a reputation in the community as a law enforcement [*7] officer. See id. Similarly, the prosecuting attorney testified that she had held her offices for some time and had a reputation in the community as a prosecuting attorney. See Ex parte Grundy, 110 Tex. Crim. 367, 8 S.W.2d. 677, 677 (Tex. Crim. App. 1928) (validating acts of assistant prosecuting attorney who failed to take oath of office).

In addition to arguing the failure of a prosecuting attorney to execute her constitutional oath, appellant argued that her conviction is void because all three prosecuting attorneys failed to possess written certificates of office. She cites section 601.008 of the [Texas] government code for the proposition that one holding an appointed office without a written certificate of appointment cannot exercise the power of that appointment. See Tex. Gov't Code Ann. § § 601.007, .008(b), (c) (West 1994 & Supp. 2004).

Section 601.007 states:

On demand of a citizen of this state, . . . [an] officer of the state or of a municipality who is authorized by law to make, order, or audit payment to an officer of the state, of a county, or of a municipality of compensation, fees, or perquisites for official services [*8] shall, before making, ordering, or auditing the payment, require the officer to produce:

(1) the certificate of election or of appointment to the office that is required by law to be issued to the officer; . .

Id. § 601.007 (West Supp. 2004). Section 601.008 states in relevant part:

(b) A person who has not been elected or appointed to an office or has not qualified for office . . . is not entitled to:

...

(2) exercise the powers or jurisdiction of the office.

(3) The official acts of a person who claims a right to exercise the power or jurisdiction of an office contrary to this section are void.

Id. § 601.008 (West 1994).

Nothing in those sections requires a written certificate of appointment before exercising the power of the office or appointment. **To qualify for the office, an assistant prosecuting attorney need only take the constitutional oath of office.** See id. § 41.103 (West 1988); see also *State ex rel. Hill v. Pirtle*, 887 S.W.2d. 921, 929 (Tex. Crim. App. 1994) (plurality opinion) (stating that assistant prosecuting attorney qualifies by taking constitutional oath); *Gaitan v. State*, 905 S.W.2d. 703, 707 [*9] (Tex. App.--Houston [14th Dist.] 1995, pet. ref'd) (same). In *Pirtle*, the Texas Court of Criminal Appeals indicated that there was no requirement for any sort of written instrument to occupy the office of assistant prosecuting attorney. 887 S.W.2d. at 929. Execution of the constitutional oath is the only requirement to hold that office. *Id.* The record indicates that each assistant prosecuting attorney had taken the constitutional oath of office. Even if it were true that the prosecuting attorneys were required to hold some written certificate of office, their acts, as we have indicated above, were validated under the *de facto* officer doctrine.

In short, because we find that the DPS Troopers and prosecuting attorneys were acting under color of authority, any defects in their failure to qualify were validated under the *de facto* doctrine. We overrule appellant's points of error two, three and six. n3

n3 In her first point of error, appellant challenged the authority of a justice of the peace to issue the search warrant. See Tex. Code Crim. Proc. Ann. arts. 18.01, .02 (West 1989). It is undisputed that the State obtained appellant's written consent to search. Because we have determined that Trooper Wardlow was a *de facto* law enforcement officer when he secured appellant's consent to search, we need not address appellant's first point of error. We find that the State proved by clear and convincing evidence that the defendant freely and voluntarily consented. *Morton v. State*, 761 S.W.2d. 876, 878 (Tex. App.--Austin 1988, pet. ref'd).

[Amanda Sykes, Appellant v. The State of Texas, Appellee, NO. 03-02-00783-CR, COURT OF APPEALS OF TEXAS, THIRD DISTRICT, AUSTIN]

Hence, those wishing to challenge the authority of a *de facto* officer acting under color of law must:

1. Challenge the officer for legal evidence of their authority BEFORE allowing the officer to execute any action that would adversely affect their rights. The form this legal evidence must take would be a written certificate of election or appointment.
2. Not at any time consent to the actions of the de facto officer. Any act done with your consent cannot form the basis for an injury.

Volunt non fit injuria.

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

Consensus tollit errorem.

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

Melius est omnia mala pati quam malo concentire.

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

Nemo videtur fraudare eos qui sciunt, et consentiunt.

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

[Bouvier's Maxims of Law, 1856;

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

11 How you are DUPED into illegally joining the de facto government as a public officer

The U.S. Supreme Court alluded to the mechanism by which the government carries all of its powers, including its enforcement powers, into existence:

"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)]

Therefore, the only way one can become a "person" subject to government civil jurisdiction is through either a contract or consenting to occupy and being elected or appointed into a public office. An example of such a contract would be:

1. Civil Franchises. In law, all government franchises are contracts between the government grantor and the private human being. All franchises case those accepting them to become public officers.

"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.¹⁴ Conversely, a franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee.¹⁵ "

[American Jurisprudence 2d, Volume 36, Franchises, Section 6: As a Contract]

2. Domicile or residence, which are "protection franchises". Rousseau and Montesquieu call this contract a "social compact". A "compact" in fact is legally defined as a contract or agreement. Montesquieu wrote *The Spirit of Laws* upon which the founders based the constitution.

There is but one law which, from its nature, needs unanimous consent. This is the social compact; for civil association is the most voluntary of all acts. Every man being born free and his own master, no one, under any

¹⁴ 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 NJ 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.

¹⁵ Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A 836.

pretext whatsoever, can make any man subject without his consent. To decide that the son of a slave is born a slave is to decide that he is not born a man.

If then there are opponents when the social compact is made, their opposition does not invalidate the contract, but merely prevents them from being included in it. They are foreigners among citizens. When the State is instituted, residence constitutes consent; to dwell within its territory is to submit to the Sovereign.^[1]

Apart from this primitive contract, the vote of the majority always binds all the rest. This follows from the contract itself. But it is asked how a man can be both free and forced to conform to wills that are not his own. How are the opponents at once free and subject to laws they have not agreed to?

I retort that the question is wrongly put. **The citizen gives his consent to all the laws, including those which are passed in spite of his opposition, and even those which punish him when he dares to break any of them.** The constant will of all the members of the State is the general will; by virtue of it they are citizens and free^[2]. When in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects the proposal, but whether it is in conformity with the general will, which is their will. Each man, in giving his vote, states his opinion on that point; and the general will is found by counting votes. When therefore the opinion that is contrary to my own prevails, this proves neither more nor less than that I was mistaken, and that what I thought to be the general will was not so. If my particular opinion had carried the day I should have achieved the opposite of what was my will; and it is in that case that I should not have been free.

This presupposes, indeed, that all the qualities of the general will still reside in the majority: when they cease to do so, whatever side a man may take, liberty is no longer possible.

In my earlier demonstration of how particular wills are substituted for the general will in public deliberation, I have adequately pointed out the practicable methods of avoiding this abuse; and I shall have more to say of them later on. I have also given the principles for determining the proportional number of votes for declaring that will. A difference of one vote destroys equality; a single opponent destroys unanimity; but between equality and unanimity, there are several grades of unequal division, at each of which this proportion may be fixed in accordance with the condition and the needs of the body politic.

There are two general rules that may serve to regulate this relation. First, the more grave and important the questions discussed, the nearer should the opinion that is to prevail approach unanimity. Secondly, the more the matter in hand calls for speed, the smaller the prescribed difference in the numbers of votes may be allowed to become: where an instant decision has to be reached, a majority of one vote should be enough. The first of these two rules seems more in harmony with the laws, and the second with practical affairs. In any case, it is the combination of them that gives the best proportions for determining the majority necessary.
[The Social Contract or Principles of Political Right, Jean Jacques Rousseau, 1762, Book IV, Chapter 2]

“Our government is founded upon compact [consent expressed in a written contract called a Constitution]. Sovereignty was, and is, in the people [as individuals: that’s you!].”
[Glass v. The Sloop Betsey, 3 (U.S.) Dall 6]

A government that wants to become omnipotent and compete with God for the affection, obedience, and allegiance of the people to become a false idol makes EVERYONE into a public officer or de facto public officer, which in turn produces a de facto government.

Within the present de facto state and national governments, everyone is a public officer in the national government and is recruited to this status by fraud, presumption, coercion, and deception. This transformation is accomplished in order to transcend the territorial limitations of all civil law and replace it with contract law enforceable everywhere. All civil law is limited to the territory of the law making power and those domiciled on said territory while contracts with private human beings are not limited as to place:

Debitum et contractus non sunt nullius loci.

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

Locus contractus regit actum.

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

[Bouvier’s Maxims of Law, 1856;

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

People are unwittingly recruited into the status of being a public officer within the national government by:

1. Changing a statutory “U.S. citizen” under federal law into a franchise and decoupling it from one’s true domicile outside the statutory “United States”, which is federal territory. This is done in order to:
 - 1.1. Replace civil law with contract law.
 - 1.2. Transcend the territorial limits of the national government.
 - 1.3. Reach people anywhere they are located, including within foreign countries.This must be done because it is a maxim of law that debt and contract are not limited to a specific territory, while classical, common law citizenship and the domicile that makes it possible IS limited to a specific territory.
2. Using governing identifying numbers as a means to recruit people into the public office franchise.
3. Compelling or forcing the use of government identifying numbers in the following circumstances:
 - 3.1. When requesting or invoking government services.
 - 3.2. When opening financial accounts.
 - 3.3. Within employment.
 - 3.4. When obtaining government ID.
4. Unlawfully offering or enforcing federal franchises outside of the federal territory they are limited to by statute. This includes:
 - 4.1. Social Security.
 - 4.2. Federal income taxes.
 - 4.3. Medicare.
 - 4.4. Health care.
5. Using Federal Rule of Civil Procedure 17(b) as a way to change the civil choice of law in federal court of those who participate in the franchise, so that the protections of state law and the separation of powers between the state and federal governments can be dispensed with and replaced with federal law.

The first step in the above process is to turn a statutory “U.S. citizen” into a franchise. The remainder of this section will describe in detail how this is deceptive and mechanism works and give you an example of this mechanism from the U.S. Supreme Court.

Sections 3 through 3.3 of the following describe the differences between a constitutional citizen and a statutory citizen and how national franchises are used to illegally transform constitutional citizens into statutory citizens and effectively kidnap their domicile and move it to federal territory illegally.

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

It is very important to understand the following principles of law limiting federal legislative jurisdiction to federal territory and property and those domiciled on federal territory:

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

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

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

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

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

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

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

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

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

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

3. The right of the national government to enforce national law and tax law upon federal territory extends to those DOMICILED on federal territory, wherever physically situated.
3.1. Extraterritorial jurisdiction over those domiciled on federal territory and who are abroad but NOT within a state of the Union was recognized in the case of Cook v. Tait, where the U.S. Supreme Court held:

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

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

- 3.2. All tax liability is a civil liability in a de jure government which attaches to one's choice of domicile. The only way to lawfully decouple tax liability from domicile is to create a PRIVATE LAW franchise contract in which:
3.2.1. The "taxpayer" is a public officer engaged in franchises by private law contract. Since the franchise is a contract, that contract is enforceable anywhere:

Debitum et contractus non sunt nullius loci.

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

Locus contractus regit actum.

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

[Bouvier's Maxims of Law, 1856;

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

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

- 3.2.3. Information returns filed against the “taxpayer” connect them to the public office, and therefore provide evidence that the party was engaged in the franchise.
- 3.3. The right to tax those domiciled on federal territory includes those who are statutory but not constitutional “U.S. citizens” per 8 U.S.C. §1401 or “Resident aliens” per 26 U.S.C. §7701(b)(4)(B), who have in common a domicile on federal territory. Hence, they are subject to the civil laws of the United States wherever they physically are.
- 3.4. A corollary is that those born or naturalized anywhere in the Union and domiciled in a foreign state, such as either a foreign nation or a Constitutional but not statutory state of the Union, are NOT statutory “U.S. citizens” per 8 U.S.C. §1401 or “Resident aliens” per 26 U.S.C. §7701(b)(4)(B), but rather non-citizen nationals under federal law per 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452 and “stateless persons” beyond the legislative jurisdiction of Congress. Note in the ruling below that Bettison was described as “stateless” because he was not domiciled on federal territory in a statutory federal “State”, but rather in a foreign state and foreign country that is not subject to federal law, which in this case was Venezuela but could also have been a constitutional state of the Union.

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

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

4. The right of the federal government to officiate and legislate over its own chattel property extends EVERYWHERE in the Union and wherever said property is physically located.
- 4.1. Jurisdiction over government chattel property extends to every type of property owned by said government. In law:
- 4.1.1. All rights are property.
- 4.1.2. Anything that conveys rights is property.
- 4.1.3. Contracts convey rights and are therefore “property”.
- 4.1.4. All franchises are contracts between the grantor and the grantee and therefore “property”.
- 4.2. This jurisdiction over chattel property originates from Article 4, Section 3, Clause 2 of the United States Constitution.

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

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

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

We wish to elaborate further on the case of *Cook v. Tait*, 265 U.S. 47 (1924) mentioned above because it is very effective in illustrating the main thesis of this section. Ordinarily, and especially in the case of states of the Union, domicile within that state by the state "citizen" is the determining factor as to whether an income tax is owed to the state by that citizen:

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

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

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

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

Only in the case of the national government for Americans abroad are factors OTHER than domicile even relevant, as pointed out in *Cook v. Tait*. What "OTHER" matters might those be? Well, in the case of *Cook*, the thing taxed is a franchise, and that status of being a statutory but not constitutional "U.S. citizen" abroad exercising what the courts call "privileges and immunities" of the national government is the franchise. Note the language in *Cook v. Tait*, which attempted to connect the American located and domiciled "abroad" in Mexico with receipt of a government "benefit" and therefore excise taxable "privilege" and franchise.

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

"The contention was rejected that a citizen's property without the limits of the United States derives no benefit from the United States. The contention, it was said, came from the confusion of thought in 'mistaking the scope and extent of the sovereign power of the United States as a nation and its relations to its citizens and their relation to it.' And that power in its scope and extent, it was decided, is based on the presumption that government by its very nature benefits the citizen and his property wherever found, and that opposition to it holds on to citizenship while it 'belittles and destroys its advantages and blessings by denying the possession by government of an essential power required to make citizenship completely beneficial.' In other words, the principle was declared that the government, by its very nature, benefits the citizen and his property wherever found, and therefore has the power to make the benefit complete. Or, to express it another way, the basis of the power to tax was not and cannot be made dependent upon the situs of the property in all cases, it

being in or out of the United States, nor was not and cannot be made dependent upon the domicile of the citizen, that being in or out of the United States, but upon his relation as citizen to the United States and the relation of the latter to him as citizen. The consequence of the relations is that the native citizen who is taxed may have domicile, and the property from which his income is derived may have situs, in a foreign country and the tax be legal—the government having power to impose the tax.”
[Cook v. Tait, 265 U.S. 47 (1924)]

So the key thing to note about the above is that the tax liability attaches to the STATUS of BEING a statutory but not constitutional “citizen of the United States” under the Internal Revenue Code, and NOT to domicile of the party, based on the above case.

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

There are only two ways to reach a nonresident party through the civil law: Domicile and contract.¹⁶ That status of being a statutory “U.S. citizen” under the Internal Revenue Code, in turn, can only be a franchise contract that establishes a “public office” in the U.S. government, which is the property of the U.S. Government that the creator of the franchise can regulate or tax ANYWHERE under the franchise “protection” contract. All rights that attach to STATUS are, in fact, franchises, and the Cook case is no exception. This, in fact, is why falsely claiming to be a “U.S. citizen” is a crime under 18 U.S.C. §911, because the status is “property” of the national government and abuse of said property or the public rights and “benefits” that attach to it is a crime. The use of the “Taxpayer Identification Number” then becomes a de facto “license” to exercise the privilege. You can’t license something unless it is ILLEGAL to perform without a license, so they had to make it illegal to claim to be a statutory “U.S. citizen” before they could license it and tax it.

Therefore, if you are domiciled outside the statutory but not constitutional “United States”, meaning federal territory, and you wish to ensure that you are not falsely regarded as a “taxpayer” as in the case of Cook v. Tait above, then you need to ensure that you:

1. Thoroughly understand citizenship so that the court can’t play word games on you like the did in Cook. Read the following to accomplish this:

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

2. Attach evidence to your pleadings to prevent the kind of word games pulled by the U.S. Supreme Court in cook. Some good documents to attach that prevent such judicial verbicide and THEFT are the following:
 - 2.1. [Federal Pleading/Motion/Petition Attachment](http://sedm.org/Litigation/LitIndex.htm), Litigation Tool #01.002
 - 2.2. [Rules of Presumption and Statutory Interpretation](http://sedm.org/Litigation/LitIndex.htm), Litigation Tool #01.006
3. DO NOT connect yourself to the status of being a statutory “citizen of the United States” per 8 U.S.C. §1401. Note that a CONSTITUTIONAL “citizen of the United States” per the Fourteenth Amendment is NOT equivalent and mutually exclusive to that of a statutory “citizen of the United States” per 8 U.S.C. §1401. This was the MAIN mistake in the Cook case. He claimed to be domiciled abroad and yet described himself as a statutory citizen, which means that he contradicted himself. You can only have a domicile in one place and therefore be a statutory “citizen” of one place at a time. If the Plaintiff was domiciled in Mexico as he claimed, then he had no business calling himself a statutory “citizen”, but rather a non-citizen national. He, on the other hand, essentially claimed to be a statutory citizen of TWO places at a time, and therefore to have a domicile in TWO places at once, which is a theoretical impossibility.
4. Describe yourself as:
 - 4.1. A “non-citizen national” per 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452.
 - 4.2. Not a statutory “U.S. citizen” or “citizen of the United States” per 8 U.S.C. §1401.
 - 4.3. A “stateless person” not subject to federal statutory law or statutory jurisdiction.
 - 4.4. A nonresident of the statutory “United States” and a nonresident of federal territory.

¹⁶ See [Great IRS Hoax](http://sedm.org/Forms/FormIndex.htm), Form #11.302, Section 5.2.4: The Two Sources of Federal Civil Jurisdiction: “Domicile” and “Contract”;
<http://sedm.org/Forms/FormIndex.htm>.

The Plaintiff in Cook DID NOT do the above and that is why the U.S. Supreme Court picked this case to rule on: To create yet more deception about the proper application of the revenue laws that illegally manufactures more “taxpayers” and unlawfully enlarges their revenues and importance. Chances are that the Cook also filed a “resident” tax form such as the 1040 instead of more properly calling himself a nonresident alien, even though he was not domiciled in the “United States”, which left room for the Supreme Court to create BAD precedent such as Cook v. Tait. The U.S. Supreme Court, in turn, took advantage of the situation by deliberately confusing statutory citizens with constitutional citizens to create the false appearance of civil jurisdiction that did not, in fact, exist in the case of a stateless person domiciled outside the country. Forms which implement all the above and which are intended to protect you from this type of THEFT, judicial verbiage, and abuse by the courts and the government are available on our website at:

[Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001](http://sedm.org/Forms/FormIndex.htm)
<http://sedm.org/Forms/FormIndex.htm>

The severe problems with the U.S. Supreme Court’s interpretation in Cook v. Tait are that:

1. They say that state taxing authority stops at the state’s borders because it collides with adjacent states, and yet they don’t apply the same extraterritorial limitation upon United States taxing jurisdiction, even though it:
 - 1.1. Similarly collides with and interferes neighboring countries.
 - 1.2. Violates the sovereignty of adjacent nations under the law of nations.
 - 1.3. Is completely hypocritical.
2. Americans domiciled abroad ought to be able to decide when or if they want to be protected by the United States government while abroad and that method ought to be DIRECT and explicit, by expressly asking in writing to be protected and receiving a BILL for the cost of the protection. Instead, based on the outcome in Cook, the Supreme Court made the request for protection INDIRECT by associating it with the voluntary choice of calling oneself a statutory “U.S. citizen” under federal law. This caused the commission of a crime under current law and additional confusion because:
 - 2.1. 18 U.S.C. §911 makes it is a crime to claim to be a statutory “U.S. citizen” under 8 U.S.C. §1401.
 - 2.2. Under current law, you cannot be a statutory “citizen” without a domicile in a place and you can only have a domicile in one place at a time. Cook had a domicile in Mexico and therefore was a “resident” or “citizen” of Mexico, in which case he COULD NOT be a statutory “citizen of the “United States” at the same time.
3. If an American domiciled abroad doesn’t want to be protected and says so in writing, they shouldn’t be forced to be protected or to pay for said protection through “taxation”.
4. The U.S. government cannot and should not have the right to FORCE you to both be protected and to pay for such protection, because that is THEFT and SLAVERY, and especially if you regard their protection as an injury or a “protection racket”.
5. YOU and not THEY should have the right to define whether what your government provides constitutes “PROTECTION”. You can’t be sovereign if they can define their mere existence as “protection”, force you to pay for that protection, and charge whatever they want for said protection. After all, they could injure you and as long as they are the only ones who can define words in a dispute, then they can call it a “benefit” and even charge you for it!
6. If the government is going to enforce their right to force you to accept their “protection benefits” and pay for them, then by doing so they are:
 - 6.1. “Purposefully availing themselves” of commerce within your life and your private jurisdiction.
 - 6.2. Conferring upon you the same EQUAL right to tax THEM and regulate THEM that they claim they have the right to do to you under the concept of equal rights and equal protection.
 - 6.3. Conferring upon you the right to decide how much YOU get to charge THEM for invading your life, stealing your resources, time, and property, and enslaving you.The above are an unavoidable consequence of the requirements of the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97. That act applies equally to ALL governments, not just to foreign governments, under the concept of equal protection. YOU are your own “government” for your own “person”, family, and property. According to the U.S. Supreme Court, ALL the power of the U.S. government is delegated to them from YOU and “We the People”. Therefore, whatever rights they claim you must ALSO have, including the right to enforce YOUR franchises against them without THEIR consent. Hence, the same rules they apply to you HAVE to apply to them or they are nothing but terrorists and extortionists. The U.S. Supreme Court affirmed that when they tax nonresidents without their consent, it is more akin to crime and extortion than a lawful government function.

“The power of taxation, indispensable to the existence of every civilized government, is exercised upon the assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding to the value of such property, or in the creation and maintenance of public conveniences in which he shares --

1 such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the
2 taxing power be in no position to render these services, or otherwise to benefit the person or property taxed,
3 and such property be wholly within the taxing power of another state, to which it may be said to owe an
4 allegiance, and to which it looks for protection, the taxation of such property within the domicile of the owner
5 partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be
6 beyond the power of the legislature, and a taking of property without due process of law. *Railroad Company v.*
7 *Jackson*, 7 Wall. 262; *State Tax on Foreign-Held Bonds*, 15 Wall. 300; *Tappan v. Merchants' National Bank*, 19
8 Wall. 490, 499; *Delaware &c. R. Co. v. Pennsylvania*, 198 U.S. 341, 358. In *Chicago &c. R. Co. v. Chicago*,
9 166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without
10 compensation was a denial of due process within the Fourteenth Amendment. See also *Davidson v. New*
11 *Orleans*, 96 U.S. 97, 102; *Missouri Pacific Railway v. Nebraska*, 164 U.S. 403, 417; *Mt. Hope Cemetery v.*
12 *Boston*, 158 Mass. 509, 519."
13 [*Union Refrigerator Transit Company v. Kentucky*, 199 U.S. 194 (1905)]

14 Of course, the U.S. Supreme Court in *Cook v. Tait* DID NOT address any of the problems created above by their
15 hypocritical double standard and self-serving word games, and if they had reconciled the problems described, they would
16 have had to expose the FALSE presumptions they were making and the deliberate conflict of law those presumptions
17 created, and thereby reconcile them.

18 As you will eventually learn, most cases in federal court essentially boil down to a criminal conspiracy by the judge and the
19 government prosecutor to "hide their presumptions" and "hide the consent of the governed" in order to advantage the
20 government and conceal or protect their criminal conspiracy to steal from you and enslave you. This game is done by
21 quoting words out of context, confusing the statutory and constitutional contexts, and abusing "words of art" to deceive and
22 presume in a way that benefits them. They know that:

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

30 Likewise, corrupt governments frequently try to hide the prejudicial and injurious presumptions they are making because
31 having to justify and defend them would expose the conflicts and deception in their reasoning. They know that all
32 presumptions that prejudice rights protected by the Constitution are a violation of due process of law and render a void
33 judgment so they try to hide them. For instance, in the *Cook* case, the presumption the Supreme Court made was that the
34 term "citizen of the United States" made by the Plaintiff meant a STATUTORY citizen pursuant to 8 U.S.C. §1401, and
35 NOT a CONSTITUTIONAL citizen. However, the only thing the Plaintiff reasonably could have been was a
36 CONSTITUTIONAL and NOT STATUTORY citizen by virtue of being domiciled abroad. It is a fact that you can only
37 have a domicile in one place at a time, that your statutory status as a "citizen" comes from that choice of domicile, and that
38 you can therefore only be a statutory "citizen" on ONE place at a time. The Plaintiff in *Cook* was a citizen or resident of
39 Mexico and NOT of the statutory "United States". Hence, he was not a "taxpayer" because not the statutory "citizen of the
40 United States" that they allowed him to claim that he was. Allowing him to claim that status was FRAUD, but because it
41 padded their pockets they tolerated it and went along with it, and used it to deceive even more people with a vague ruling
42 describing their ruse.

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

- 44 1. Cook was NOT a statutory "citizen of the United States" under the Internal Revenue Code.
- 45 2. Cook could not truthfully claim to be a statutory "citizen of the United States" if he was domiciled in Mexico as he
46 claimed and as they accepted. He didn't have a domicile on federal territory called the "United States" therefore his
47 claim that he was such a statutory "citizen" was FRAUD that they could not condone, even if it profited them.
- 48 3. Cook was a nonresident and a "stateless person" immune from federal jurisdiction.
- 49 4. Cook did not lawfully occupy a public office in the federal government as that term is legally defined.
- 50 5. Since all public offices must be executed in the District of Columbia and not elsewhere, and since Cook wasn't in the
51 District of Columbia, then the I.R.C. could not be used to CREATE that public office and the "taxpayer" status that
52 attaches to it in Mexico where he was.

53 So the U.S. Supreme Court:

De Facto Government Scam

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Form 05.043, Rev. 3-1-2010

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EXHIBIT: _____

1. Made their ruling ambiguous and short.
2. Refused to address all the implications described above.
3. Left everyone speculating and afraid about what it meant, and how someone could owe a tax without a domicile in the United States (federal territory), even though in every other case domicile is the only reason that people owe an income tax.
4. Used the fear and speculation and presumption that uncertainty creates and compels to force people to believe things that are simply not supportable by evidence nor true about tax liability, such as that EVERYONE IN THE WORLD, regardless of where they physically are or where they are domiciled, owe a tax to the place of their birth, if that place of birth is the United States of America.

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

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

By the ruling in Cook v. Tait, the U.S. Supreme Court created a new franchise "status" called a statutory "U.S. citizen" that:

1. Exists apart from your circumstances or your domicile. Hence, they superseded the common law, which requires that statutory citizenship MUST be tied to domicile.
2. Attached a government "benefit" to the status. That "benefit" is the "consideration" needed to enforce the franchise contract, which is codified in the private law franchise contract codified in Internal Revenue Code, Subtitles A and C.
3. Implies consent to a civil franchise agreement if the status is invoked.
4. Causes a waiver of sovereign immunity in federal court.
5. Transcends the territorial limits of federal law and allows them to legislate for people ANYWHERE who claim that status.

12 General Symptoms that you are living under a de facto government

*"To oppose corruption in government is the highest obligation of patriotism."
[G. Edward Griffin]*

12.1 You have equitable rather than legal title to your property

Black's Law Dictionary defines property as follows:

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

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

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

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

REAL "ownership" and REAL "rights" over property as legally defined therefore consists of:

1. That which belongs exclusively to one.
2. Term "property" extends to every species of valuable right and interest
3. Property includes everything which is or could be the subject of ownership
4. Even RIGHTS protected by the Constitution are property
5. Includes:
 - 5.1. RIGHT to control use of it by others
 - 5.2. RIGHT to exclude everyone else from benefitting from its use in any way
 - 5.3. RIGHT to penalize others for unauthorized use
6. Use and control over your property in no way depends on another's discretion or courtesy
7. You can give your property rights away WITHOUT EVEN REALIZING IT. Here's how you do it....
 - 7.1. Contracting them away in writing to a PRIVATE (not government) third party in exchange for a PRIVILEGE
 - 7.2. Implied consent through inaction or acquiescence
 - 7.3. Accepting a government "benefit"
 - 7.4. Being exploited by lawyers because of legal ignorance
8. Real possession and ownership of your property, your rights, your life, your land, buildings, objects, and so forth, depend on NO ONE'S courtesy or patronage or whim (unless you turn your rights in for privileges, which this course will help you avoid)

QUESTION: Do you own:

1. Your real property?
2. Your own labor? (are you a SLAVE?)
3. Your land?

ANSWER: Not if someone can charge you a fee or a tax on your property you don't! A "property tax" means the government is the REAL owner and you pay 'rent' to live on THEIR property. If you don't pay the tax, the REAL government owners CLAIM the right to take the property from you because, as stated earlier, the word property implies the right to exclude non-owners (you, for example) from the use or enjoyment of the property

In fact, most of what you think you "own" you only have an equitable interest in, and the government is the REAL owner, and a trust indenture called the public trust connects the two of you. How? Because if you connected it with government property such as a government license number called a Social Security Number:

1. You donated it to a public use, public purpose, and public office in the U.S. government in order to procure the "benefits" of the socialism franchise.
2. The real owner is the government, and the property is held in trust. That trust is the U.S. government and the trust indenture is the United States constitution. That trust is called a "public trust".
3. You are a trustee over the property who claims an equitable interest in the formerly private property, and that interest is the "compensation" you receive as trustee.
4. The position of trustee is called a "public office". That "public office" and the "res" or "corpus" of the trust are domiciled in the District of Columbia per the franchise agreement and Federal Rule of Civil Procedure 17(b). The franchise agreement dictates choice of law (see 26 U.S.C. §7408(d) and 26 U.S.C. §7701(a)(39)) and places the trust and the officer who is surety for the trust in the District of Columbia, outside the protections of the Constitution.
5. The public office and the trust are also a statutory and not constitutional "citizen of the United States" per 8 U.S.C. §1401, because the owner of the office and the franchise trust is a corporation called the "United States" and all corporations are statutory "citizens and residents" within the jurisdiction where they were created.

"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]

1 Don't believe us? Read the following and PLEASE prove us wrong:

Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

2 In fact, you will learn in the next section that every franchise offered by the government, which is a "public trust" is ALSO
3 implemented as a trust.

4 **12.2 Fiat currency not backed by substance**

5 *"All the perplexities, confusion and distress in America rise, not from defects in their Constitution or*
6 *Confederation, not from want of honor or virtue, so much as from downright ignorance of the nature of coin,*
7 *credit, and circulation."*
8 *[John Adams in a letter to Thomas Jefferson, 1787]*

9 Upon the founding of this country, all money was denominated in gold and silver. Our constitution itself recognized only
10 gold and silver as lawful money:

11 *United States Constitution*
12 *Article 1, Section 10, Clause 1*

13 *No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin*
14 *Money; emit Bills of Credit; make any Thing but gold and silver Coin as Tender in Payment of Debts; pass*
15 *any Bill of Attainder, ex post facto Law, Law impairing the Obligation of Contracts, or grant any Title of*
16 *Nobility."*

17 The power of Congress to coin money is found in Article 1, Section 8, Clause 5 of the U.S. Constitution:

18 *U.S. Constitution*
19 *Article 1, Section 8, Clause 5*

20 *The Congress shall have Power To . . .*

21 *To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures*

22 The first definition of money appeared in the United States of America Money Act, April 2, 1792, 1 Stat. 246.

23 The gold standard was suspended as a national emergency in 1933 by the Emergency Bank Relief Act, 48 Stat. 1. That
24 state of national emergency continues to this day and renders everything the government does in relation to commerce as
25 "de facto".

26 In a monetary system not backed by substance, the value of currency is regulated by two factors:

- 27 1. The supply of currency in circulation.
28 2. The endless borrowing of corrupted governments and the inevitable inflationary affect of both the borrowing and the
29 desire to inflate away the debt itself.

30 No system of national currency can be stable without a method to retire excess currency from circulation. That purpose, in
31 fact, is the main purpose behind the creation of the income tax and the Internal Revenue Service itself. Before the Federal
32 Reserve could be created, a national income tax had to be ratified by the fraudulent ratification of the Sixteenth Amendment
33 in February 1913. The history of this fraudulent ratification is covered in the following two volume series of books:

The Law that Never Was, Bill Benson
<http://www.thelawthatneverwas.com/>

34 Once the de facto politicians had gotten that amendment ratified by fraud in February of 1913, then and only then could
35 they enact the Federal Reserve Act and use the Federal Reserve as the equivalent of a counterfeiting franchise for fiat
36 currency. In December of 1913, that same year of the fraudulent ratification of the Sixteenth Amendment, during
37 Christmas recess and with only SIX votes, Congress enacted the Federal Reserve Act that allowed them to counterfeit

unlimited supplies of fiat currency unlawfully. The income tax had to be in place before the Federal Reserve could be created because a method had to be provided to retire excess fiat currency from circulation in order that the value of currency could be stable while the specie (gold and silver) was debased.

Ever since the enactment of the Federal Reserve Act in December, 1913, Americans have been plagued with becoming involuntary surety to regulate the supply of currency by being compelled, ILLEGALLY, to pay a national income tax based upon franchises that it is UNCONSTITUTIONAL to offer or enforce within a constitutional state of the Union. The Internal Revenue Code itself is not unconstitutional, but the way it is MISREPRESENTED and ILLEGALLY ENFORCED in violation of itself is unconstitutional and criminal. For an exhaustive treatment of the ENFORCEMENT hoax that illegally expands tax revenues, see:

Great IRS Hoax, Form #11.302
<http://sedm.org/Forms/FormIndex.htm>

12.3 A perpetual state of emergency is instituted in any aspect of the way government functions

As we explained earlier in section 4, de facto government expand their power by creating contrived states of national emergency. Most of the corruption of the government has been introduced during a times of national emergency. Types of national emergencies include financial depressions and wars. Examples of this phenomenon:

1. The first income tax was instituted in 1862 to fund the Civil War. See Revenue Act of 1862, 12 Stat. 432. It was later repealed in 1872, but then reemerged after the passage of the Sixteenth Amendment in 1913, which again was a period of World War.
2. The suspension of redeemability of Federal Reserve Notes in gold and silver was introduced during a time of financial emergency following the Great Depression of 1929.
 - 2.1. Redeemability was suspended as part of the Emergency Bank Relief Act of 1933, 48 Stat. 1. That state of national emergency continues to this day.
 - 2.2. This violation of our Constitution is being perpetuated in the name of an ongoing national emergency under the authority of 12 U.S.C. §95b.
 - 2.3. 12 U.S.C. §95b is legislation that unconstitutionally delegates to the President of the United States the authority to decree law, and thus it violates the separation of powers doctrine.

Not even a national emergency justifies suspension of any portion of the United States Constitution:

***"No emergency justifies the violation of any of the provisions of the United States Constitution."**¹⁷ An emergency, however, while it cannot create power, increase granted power, or remove or diminish the restrictions imposed upon the power granted or reserved, may allow the exercise of power already in existence, but not exercised except during an emergency.¹⁸*

The circumstances in which the executive branch may exercise extraordinary powers under the Constitution are very narrow.¹⁹ The danger must be immediate and impending, or the necessity urgent for the public service, such as will not admit of delay, and where the action of the civil authority would be too late in providing the means which the occasion calls for.²⁰ For example, there is no basis in the Constitution for the seizure of steel

¹⁷ As to the effect of emergencies on the operation of state constitutions, see § 59.

¹⁸ 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).

¹⁹ 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).

²⁰ Mitchell v. Harmony, 54 U.S. 115, 13 How. 115, 14 L.Ed. 75 (1851).

mills during a wartime labor dispute, despite the President's claim that the war effort would be crippled if the mills were shut down. ²¹"
[16 Am.Jur.2d, Constitutional Law, §52]

The outcome of ending redeemability of currency in gold and silver is to "debase the currency", which is an act punishable by DEATH under the original United States of America Money Act, 1 Stat. 246-251, Section 19. That act is still in force and has NEVER been repealed.

United States of America Money Act, 1 Stat. 246-251

Section 19. And be it further enacted, That if any of the gold or silver coins which shall be struck or coined at the said mint shall be debased or made worse as to the proportion of the fine gold or fine silver therein contained, or shall be of less weight or value than the same out to be pursuant to the directions of this act, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall at any time be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer or person who shall commit any or either of the said offenses, shall be deemed guilty of felony, and shall suffer death.

Hence, socialist President Franklin Delano Roosevelt should have been tried for treason and sentenced to DEATH for starting the government on the road to what amounts to transforming our money system into the equivalent of a counterfeiting franchise that makes the government completely unaccountable to the people and legalizes THEFT. If you would like to learn more about this SCAM and ORGANIZED CRIME on the part of the de facto government, see:

[The Money Scam, Form #05.041](http://sedm.org/Forms/FormIndex.htm)
<http://sedm.org/Forms/FormIndex.htm>

12.4 Government employees able to deceive with anonymity and impunity

The Internal Revenue Manual published online by the Internal Revenue Service, admits that you CANNOT TRUST anything they write or publish and therefore, that they are NOT RESPONSIBLE for anything they say to the public. .

"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position."
[\[IRM 4.10.7.2.8 \(05-14-1999\)\]](#)

At the same time, the IRS hypocritically:

1. Goes after anyone who puts anything untrue on their tax forms by prosecuting them for perjury.
2. Penalizes people for relying on the advice or recommendations of ITS OWN EMPLOYEES!

Why on earth would anyone want to sign any government form under penalty of perjury that even the government refuses to accept accountability for the accuracy of? This is not only hypocrisy, but it is a violation of the requirement for equal protection and equal treatment that is the cornerstone of the United States Constitution.

The IRS itself further protects their racketeering and fraud ring by conveniently "omitting" the most important key facts and information from their publications that would expose the proper and lawful application of the "tax" and the proper audience. See the following, which is over 2,000 pages of information that are conveniently "omitted" from the IRS website about the proper application of the franchise and its nature as a "franchise":

[Great IRS Hoax, Form #11.302](http://sedm.org/Forms/FormIndex.htm)
<http://sedm.org/Forms/FormIndex.htm>

Even worse, the Internal Revenue Service openly conceals the real identities of its own employees from access by the public in order to encourage them to lie to the public with impunity. They do this by giving themselves "pseudonyms" so

²¹ 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).

that they can disguise their identity and be indemnified from liability for their own fraud and criminal acts. The IRS Restructuring and Reform Act, Pub.Law 105-206, Title III, Section 3706, 112 Stat. 778 and IRM 1.2.4 both authorize these and regulate the use of these “pseudonyms”. How come we are NOT EQUALLY protected in using pseudonyms on all tax forms to protect OUR identity and OUR liability for what we say?

Even the federal courts are in on this form of racketeering, fraud, and extortion, because they have established legal case precedents warning the public that you can’t trust anything that anyone in the government tells you, and especially those who administer the income tax franchise. See:

1. *Reasonable Belief About Income Tax Liability*, Form #05.007
<http://www.thelawthatneverwas.com/>
2. *Federal Courts and the IRS’ Own IRM Say IRS is NOT RESPONSIBLE for Its Actions or Its Words or For Following Its Own Written Procedures*
<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

Hence, you can count on the fact that the IRS and the courts will continue to LIE to and deceive the public about the proper very limited application of the Internal Revenue Code and what the law actually requires the average American to do, and the reason they will do it is because there is NO DOWNSIDE and no punishment for doing so, and because they enforce UNEQUAL standards against themselves than they do against the public. Hence, they have implemented the equivalent of an unconstitutional “Title of Nobility” and privilege for themselves that causes the enslavement of every American in what we call “the new white slavery”.

12.5 Your Identity is Routinely and Illegally Kidnapped and connected to domicile in a foreign jurisdiction: federal territory

Based on the foregoing discussion, it ought to be obvious that the government doesn't want you to know any of the following facts:

1. That all civil jurisdiction originates from your choice of domicile.
2. That all income taxation is a civil liability that originates from your choice of domicile.
3. That domicile requires your consent and is the equivalent of your consent to be civilly governed as required by the Declaration of Independence.
4. That because they need your consent to choose a domicile, they can't tax or even govern you civilly without your consent.
5. That domicile is based on the coincidence of physical presence and intent/consent to permanently remain in a place.
6. That unless you choose a domicile within the jurisdiction of the government that has general jurisdiction where you live, they have no authority to institute income taxation upon you.
7. That no one can determine your domicile except you.
8. That if you don't want the protection of government, you can fire them and handle your own protection, by changing your domicile to a different place or group or government or choosing no domicile at all. This then relieves you of an obligation to pay income taxes to support the protection that you no longer want or need.

Therefore, governments have a vested interest in hiding the relationship of “domicile” to income taxation by removing it or at least obfuscating it in their “codes”. A number of irreconcilable conflicts of law are created by COMPELLING EVERYONE to have either a specific domicile or an earthly domicile. For instance:

1. If the First Amendment recognizes our universal right to freely associate and also implies a right to DISASSOCIATE, how can we be compelled to associate with a “state” or the people in the locality where we live without violating the First Amendment? It may not be presumed that we moved to a place because we wanted to associate with the people there.
2. Domicile creates a duty of allegiance, according to the cite above. All allegiance MUST be voluntary. How can the state compel allegiance by compelling a person to have or to choose an earthly domicile? What gives them the right to insist that the only legitimate type of domicile is associated with a government? Why can’t it be a church, a religious group, or simply an association of people who want to have their own police force or protection service separated from the state? Since the only product that government delivers is “protection”, why can’t people have the right to fire the government and provide their own protection with the tax money they would have paid the government?

3. When one chooses a domicile, they create a legal or contractual obligation to support a specific government, based on the above. By compelling everyone to choose an earthly domicile whose object is a specific government or state, isn't the state interfering with our right to contract by compelling us to contract with a specific government for our protection? The Constitution, Article 1, Section 10 says no state shall make any law impairing the obligation of contracts. Implicit in this right to contract is the right NOT to contract. Every right implies the opposite right. Therefore, how can everyone be compelled to have a domicile without violating their right to contract?
4. The U.S. Supreme Court also said that income taxation based on domicile is "quasi-contractual" in nature.

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

*8 S.Ct. 1370, compare Fautleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** United States v. Chamberlin, 219 U.S. 250, 31 S.Ct. 155; Price v. United States, 269 U.S. 492, 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. This was the rule established in the English courts before the Declaration of Independence. Attorney General v. Weeks, Bunbury's Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury's Exch. Rep. 225; Attorney General v. Hatton, Bunbury's Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. —, 2 Ans.Rep. 558; see Comyn's Digest (Title 'Dett,' A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77.*

[Milwaukee v. White, 296 U.S. 268 (1935)]

The "quasi-contract" they are referring to above is your voluntary choice of "domicile", no doubt. How can they compel such a contract if the person who is the object of the compulsion refuses to "do business" with the state and also refuses to avail themselves of any of the benefits of membership in said state? Wouldn't that amount to slavery, involuntary servitude, and violate the Thirteenth Amendment prohibition against involuntary servitude?

Do you see how subtle this domicile thing is? It's a very sneaky way to draw you into the world system and force you to adopt and comply with earthly laws and a government that are hostile towards and foreign to God's laws. All of the above deceptions and ruses are designed to keep you enslaved and entrapped to support a government that does nothing for you and which you may even want to abandon or disassociate with.

12.5.1 Domicile on government forms

You should view every opportunity to complete a government form or any form that indicates a "domicile", "residence", or "permanent address" as:

1. A waiver of sovereign immunity under 28 U.S.C. §1603(b)(3) and 28 U.S.C. §1605(b)(2).
2. A change in status from "foreign" to "domestic" in relation to the government that created the form.
3. An agreement to become a "customer" of government protection called a "citizen", "resident", and/or "inhabitant" within a specific jurisdiction.
4. The conveyance of "consent to be governed" as the Declaration of Independence indicates.
5. An attempt to nominate a protector and delegate to them the authority to supervise and even penalize your activities under the authority of the civil law.
6. An agreement to pay for the protection of the specific government you have nominated to protect you.
7. A voluntary attempt on your part to surrender rights recognized in the Constitution in exchange for privileges and "benefits" under a franchise agreement and to change your status from a "transient foreigner" to a "person" subject to federal statutes. The most privileged status you can be in is to be a resident alien participating in federal franchises. The Declaration of Independence says that rights protected by the Constitution are "unalienable", meaning that they CAN'T be sold, transferred, or bargained away in relation to any government by any commercial process, including a government franchise or application. Therefore, you are recognizing that the grantor of the benefit is not a government, but a private corporation.
8. An attempt to destroy equal protection mandated by the Constitution and make a specific government your "parens patriae", or government parent.

In short, anyone who asks you to fill out a government form or indicate a “domicile”, “residence”, or “permanent address” on their own private form is asking you the following question:

“Who’s your daddy and where does he live? We want to notify him that you have selected him as your protector and agreed to become liable to subsidize his protection racket and his supervision of your otherwise private affairs. We don’t trust you so we want you to agree to sign this protection contract, nominate a protector, and agree to become his privileged employee or officer so he will ensure you won’t become a burden, bother, or injury to us.”

There are several ways that you are often deceived into inadvertently declaring a domicile on federal territory on government forms.

1. By declaring that you maintain a domicile or live in the “United States”, which is defined as federal territory and excludes states of the Union pursuant to [26 U.S.C. §7701](#)(a)(9) and (a)(10) and 4 U.S.C. §110(d). This is done by filling out anything in the block labeled “permanent address” or “residence” and indicating anything in that block other than the de jure republic you were born within or the Kingdom of Heaven on Earth.

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

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

(9) United States

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

(10) State

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

[TITLE 4 > CHAPTER 4 > § 110](#)
[CHAPTER 4—THE STATES](#)
[§ 110. Same; definitions](#)

As used in sections 105–109 of this title—

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

People born and domiciled within the de jure states of the Union are domiciled in the “United States of America” or in the name of their state. For instance, under “country” put “California Republic” instead of “United States”.

2. By filling out a government form and indicating that you are a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or “resident” or “permanent resident” pursuant to 26 U.S.C. §7701(b)(4)(B). All such persons have a legal domicile on federal territory. Collectively, these people are called statutory “U.S. persons” pursuant to [26 U.S.C. §7701](#)(a)(30).
3. By filling out a form that presumes you are a “U.S. person”, such as IRS Form 1040. That form is ONLY for use by “U.S. persons” pursuant to [26 U.S.C. §7701](#)(a)(30) who have a legal domicile on federal territory. If you are not domiciled on federal territory, the only correct form to use is the IRS Form 1040NR.

1040A 11327A Each
U.S. Individual Income Tax Return

Annual income tax return filed by citizens and residents of the United States. There are separate instructions available for this item. The catalog number for the instructions is 12088U.

W:CAR:MP:FP:F:I Tax Form or Instructions
[2003 IRS Published Products Catalog, p. F-15;
SOURCE: <http://fanguardian.org/TaxFreedom/Forms/IRS/IRSDoc7130.pdf/>

4. By requesting or using a Social Security Number on any government form. Social Security Numbers can only lawfully be issued to persons with a legal domicile on federal territory. 20 CFR §422.104 says the number can only be issued to statutory “U.S. citizens” pursuant to [8 U.S.C. §1401](#) or statutory “permanent residents”, both of whom have in common a domicile on federal territory.

[26 CFR § 301.6109-1\(g\)](#)

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

(1) *General rule—*

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

TITLE 20--EMPLOYEES' BENEFITS
CHAPTER III--SOCIAL SECURITY ADMINISTRATION
PART 422_ORGANIZATION AND PROCEDURES--Table of Contents
Subpart B_General Procedures
Sec. 422.104 Who can be assigned a social security number.

(a) **Persons eligible for SSN assignment.**

We can assign you a social security number if you meet the evidence requirements in Sec. 422.107 and you are:

(1) **A United States citizen;** or

(2) **An alien lawfully admitted to the United States for permanent residence** or under other authority of law permitting you to work in the United States (Sec. 422.105 describes how we determine if a nonimmigrant alien is permitted to work in the United States); or

5. By requesting or using a Taxpayer Identification Number on any government form, you create a presumption that you are engaged in the “trade or business” franchise and are a “resident” of federal territory. The only people who need them are “taxpayers” who are engaged in a “trade or business”/“public office” in the District of Columbia and therefore partaking of federal franchises. All such persons have an effective domicile in the District of Columbia because they are representing a federal corporation, the “United States” pursuant to 28 U.S.C. §3002(15)(A) and are officers of that corporation. 26 U.S.C. §7701(a)(39), 26 U.S.C. §7408(d), and Fed.R.Civ.Proc. 17(b) all place their effective domicile in the District of Columbia and not within the place they physically occupy by virtue of the fact that they are acting in a representative capacity as a “public officer”.

[26 CFR §301.7701-5 Domestic, foreign, resident, and nonresident persons.](#)

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. **A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation.** A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.**
[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]
[SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>]

We will now spend the rest of the section talking about how to avoid the problem described in item 1 above. There are many occasions on government forms, and especially tax forms, where we will be asked if we are “residents” and what our “residence” is and we must be very careful what we put on these forms. If a “residence” must be established on a government form for any reason, the safest way to handle this situation as a Christian is as follows:

1. Line out the word “residence” and replace it with “domicile”.
2. In the block declaring “residence” or “permanent address”, put one of the following:

- 2.1. "Kingdom of Heaven on Earth (not within any man made government)".
- 2.2. A geographical place that has no owner and no government, such as the middle of the ocean.
3. At the end of the address line put in parenthesis: "Not a domicile or residence."
4. If they ask you if you are a "resident", simply say "NO".
5. Put a note at the bottom saying:

"See and rebut the following web address for details, if you disagree:
<http://famguardian.org/TaxFreedom/Forms/Emancipation/ChangeOfAddressAttachment.htm> "

Any location of "residence" other than "Kingdom of Heaven on Earth" or a place not within the jurisdiction of any man-made government, however, will prejudice your rights, violate the Bible, and result in idolatry towards man/government. In fact, we believe the word "residence" and "resident" were invented by the legal profession as a way to separate intent from the word "domicile" so that people would no longer have a choice of their legal home. Christians should be very wary of this devious legal trap and avoid it as indicated above.

"And have no fellowship with the unfruitful works of darkness, but rather expose [rebut] them."
[Eph. 5:11, Bible]

There are also BIG advantages to declaring our domicile as being outside of federal jurisdiction in either the Kingdom of Heaven on Earth or a state of the Union, which is "foreign" with respect to the federal government. For instance, one's domicile determines the rules of decision of every court in which a person is sued. Below is an excerpt from the Federal Rule of Civil Procedure 17(b) which proves this:

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

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

- (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;**
(2) for a corporation, by the law under which it was organized; and
(3) for all other parties, by the law of the state where the court is located, except that:
(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.
[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

The above may not seem like a big deal, until you consider that if a person declares "heaven" as their domicile, then the court has to use God's laws in the Holy Bible as the only rules of decision! They cannot quote ANY federal statute or even court ruling as authority for what they are doing. The only thing they can apply is God's law and the rulings of ecclesiastical courts on the subject. We would LOVE to see this in a tax trial. The government would get CREAMED! This tactic is what we affectionately call "courtroom evangelism".

Below is an example of how to fill out a Change of Address for the state of California to remove any presumptions about "residence". If you don't do this, the state will essentially legally "presume" that you are an "alien", a "resident", and a "taxpayer", and this will grossly prejudice your Constitutional rights:

<http://famguardian.org/TaxFreedom/Forms/Emancipation/ChangeOfAddressAttachment.htm>

A number of legal factors are used in determining one's domicile. The following facts and circumstances, although not necessarily conclusive, have probative value to support a claim of domicile within a particular state:

1. Continuous presence in the state.
2. Payment of ad valorem (property) taxes.
3. Payment of personal income taxes.
4. Reliance upon state sources for financial support.
5. Domicile in the state of family, or other relatives, or persons legally responsible for the person.

6. Former domicile in the state and maintenance of significant connections therein while absent.
7. Ownership of a home or real property.
8. Admission to a licensed practicing profession in the state.
9. Long term military commitments in the state.
10. Commitments to further education in the state indicating an intent to stay here permanently.
11. Acceptance of an offer of permanent employment in the state.
12. Location of spouse's employment, if any.
13. Address of student listed on selective service (draft or reserves) registration.

Other factors indicating an intent to make a state one's domicile may be considered. Normally, the following circumstances do not constitute evidence of domicile sufficient to effect classification as a domiciliary:

1. Voting or registration for voting.
2. The lease of living quarters.
3. A statement of intention to acquire a domicile in state.
4. Automobile registration; address on driver's license; payment of automobile taxes.
5. Location of bank or saving accounts.

To conclude this section, you may wish to look at a few of the government's forms that effectively ask you what your "domicile" is, so you can see what we are talking about in this section. Before we do, we must emphasize that in some cases, the version of a form we choose to file, even if it says nothing on the form about domicile, may determine our "residence"! This is VERY important. For instance, if we file a 1040NR form, we are claiming that we are not a "resident alien" and that we do not maintain a domicile in the District of Columbia. Whereas, if we file a 1040 form, we are claiming that we are either a "resident" with a domicile in the District of Columbia, or are a "U.S. citizen" who is described as a "alien" coming under a tax treaty with the United States if we attach a form 2555 to the 1040 form. Also keep in mind that only a "resident" can have a "residence", and that all "residents" are aliens under the tax code, as far as we understand it. This is confirmed by our quote of [26 CFR §1.871-2](#) earlier in this section, which you may want to go back and read. With these important considerations, below are a few of the forms that determine our "domicile":

Table 3: Example forms that determine domicile

#	Issuing agency	Form number	Form name	"Domicile"	Blocks that determine domicile	Amplification
1	IRS	1040 , 1040EZ, 1040A	U.S. Individual Income Tax Return	District of Columbia (only)	None. Just filing the form does this.	
2	IRS	1040NR	U.S. Nonresident Alien Income Tax Return	State of the Union or foreign country	None. Just filing the form does this.	
3	IRS	2555	Foreign Earned Income Exclusion	Abroad (foreign country)	None. Just filing the form does this.	
4	IRS	W-8BEN		Place indicated in Block 4	Block 4: "Permanent address"	Make sure you put "Heaven" here!
5	Dept. of State	DS-11	Application for U.S. Passport or Registration	Place indicated in Block 13.	Block 13: "Permanent address"	Make sure you put "Heaven" here!
6	States	Change of address	Example: California DMV-14 form	Place indicated in "New Correct Residence Address"	"New Correct residence address"	Make sure you put "Heaven" here!
7	States	Voter registration	Voter registration	State where filed		
8	States	Driver's license application	Driver's license application	State where filed (some states, not all)		In Oregon, you declare yourself to be a "resident" just by getting a state Driver's License. However, not all states do this.

When you fill out government forms to reflect a domicile that is in the Kingdom of Heaven on Earth, some ignorant or wicked or atheist clerks may decide to argue with you. Below are the three most popular arguments you will hear, which are each accompanied by tactics that are useful in opposing them:

1. If you submit the government form to a private company or organization, they may say that they have an unofficial “policy” of not accepting such forms. In response to such tactics, find another company that will accept it. If all companies won't accept it, then sue the companies for discrimination and violation of First Amendment rights.
2. They may say that “domicile” is based on a physical place and that Heaven is not a physical place. In response to this, we must remember that the [First Amendment](#) prevents the government from “establishing a religion”. Because of this prohibition, the government can't even “define” what a religion is:

A problem common to both religion clauses of the First Amendment is the dilemma of defining religion. To define religion is in a sense to establish it--those beliefs that are included enjoy a preferred constitutional status. For those left out of the definition, the definition may prove coercive. Indeed, it is in this latter context, which roughly approximates the area covered by the free exercise clause, where the cases and discussion of the meaning of religion have primarily centered. Professor Kent Greeawalt challenges the effort, and all efforts, to define religion: “No specification of essential conditions will capture all and only the benefits, practices, and organizations that are regarded as religious in modern culture and should be treated as such under the Constitution.”

[[First Amendment Law](#), Barron-Dienes, West Publishing, ISBN 0-314-22677-X, p. 432]

To even define what “Heaven” is or to say that it doesn't physically exist is effectively to establish a religion. In order to determine that “Heaven” is not a physical place, they would be violating the separation of church and state and infringing upon your [First Amendment](#) right to practice your religion.

3. They may say that no place can qualify as a domicile that you didn't occupy at one point or another. When they do this, the proper response is to say that they are interfering with your [First Amendment](#) religious rights and then to quote them the following scriptures, which suggest that we had an existence in Heaven before we ever came to earth and before time began:

“But God, who is rich in mercy, because of His great love with which He loved us, even when we were dead in trespasses, made us alive together with Christ (by grace you have been saved), and raised us up together, and made us sit together in the heavenly places in Christ Jesus,”
[[Eph. 2:4-6](#), Bible, NKJV]

*“Before I formed you in the womb I knew you;
Before you were born I sanctified you;
I ordained you a prophet to the nations.”*
[[Jeremiah 1:5](#), Bible, NKJV]

“Therefore do not be ashamed of the testimony of our Lord, nor of me His prisoner, but share with me in the sufferings for the gospel according to the power of God, who has saved us and called us with a holy calling, not according to our works, but according to His own purpose and grace which was given to us in Christ Jesus before [earthly] time began.”
[[2 Tim. 1:8-9](#), Bible, NKJV]

“For we are His workmanship, created in Christ Jesus for good works, which God prepared beforehand that we should walk in them.”
[[Eph. 2:10](#), Bible, NKJV]

*I will praise You, for I am fearfully and wonderfully made;
Marvelous are Your works,
And that my soul knows very well.
My frame was not hidden from You,
When I was made in secret,
And skillfully wrought in the lowest parts of the earth.
Your eyes saw my substance, being yet unformed,
And in Your book they all were written,
The [earthly] days fashioned for me,
When as yet there were none of them.
How precious also are Your thoughts to me, O God!
How great is the sum of them!*
[[Psalm 139:14-17](#), Bible, NKJV]

Another approach that is useful against this tactic is to point out that the federal courts have ruled that:

1 "Similarly, when a person is prevented from leaving his domicile by circumstances not of his doing and
2 beyond his control, he may be relieved of the consequences attendant on domicile at that place. In *Roboz*
3 *(USDC D.C. 1963)* [*Roboz v. Kennedy*, 219 F.Supp. 892 (D.D.C. 1963), p. 24], a federal statute was involved
4 which precluded the return of an alien's property if he was found to be domiciled in Hungary prior to a certain
5 date. It was found that Hungary was Nazi-controlled at the time in question and that the persons involved
6 would have left Hungary (and lost domicile there) had they been able to. Since they had been precluded from
7 leaving because of the political privations imposed by the very government they wanted to escape (the father
8 was in prison there), the court would not hold them to have lost their property based on a domicile that
9 circumstances beyond their control forced them to retain."
10 [*Conflicts in a Nutshell*, David D. Siegel and Patrick J. Borchers, West Publishing, p. 24]

11 We should always remember that we never chose to come here to earth, and our presence is involuntary. Therefore,
12 everything we do while here is a matter of compulsion rather than true choice. This subject is covered more
13 thoroughly in sections 4.11.6 through 4.11.6.4 of the Great IRS Hoax, Form #11.302 if you wish to investigate.
14 Therefore, we can be relieved of the consequences attendant to domicile if we do not wish to have one here.

15 If all the above arguments are ineffective or when the government refuses to recognize your choice of Heaven as a
16 domicile, remember also that the First Amendment STILL prevents them from compelling you to associate with any group,
17 including a state, and that they can't compel you to belong to or consent to any earthly government or law, to accept or pay
18 for protection you don't want and don't need, and which you can even prove is harmful to you. In effect, they cannot violate
19 the very reason for their establishment, which is protecting you the way YOU, not THEM want to be protected.

20 **12.5.2 How the tax code compels choice of domicile**

21 The government has compelled domicile or interfered with receiving the benefits of your choice by any of the following
22 means:

- 23 1. Nowhere in Internal Revenue Code is the word "domicile" admitted to be the source of the government's jurisdiction
24 to impose an income tax, even though the U.S. Supreme Court admitted this in *Miller Brothers Co. v. Maryland*, [347](#)
25 [U.S. 340](#) (1954). The word "domicile", in fact, is only used in two sections of the entire 9,500 page Internal Revenue
26 Code, Title 26. This is no accident, but a very devious way for the government to avoid getting into arguments with
27 persons who it is accusing of being "taxpayers". It avoids these arguments by avoiding showing Americans the easiest
28 way to challenge federal jurisdiction, which is demanding proof from the government required by 5 U.S.C. §556(d),
29 who is the moving party, that you maintain a domicile in the District of Columbia. The two sections below are the only
30 places where domicile is mentioned:
31 1.1. 26 U.S.C. §7448(j)(1)(B)(vi): Annuities to surviving spouses and dependent children of judges.
32 1.2. 26 U.S.C. §6091: Defines where returns shall be submitted in the case of deceased "taxpayers", which is the
33 "domicile" of the decedent when he died.
- 34 2. They renamed the word "domicile" on government tax forms. They did this so that income taxation "appears" to be
35 based entirely on physical presence, when in fact is also requires voluntary consent as well. If you knew that the
36 government needed your consent to become a "taxpayer", then probably everyone would "un-volunteer" and the
37 government would be left scraping for pennies. Below are some examples of other names they gave to "domicile":
38 2.1. "permanent address"
39 2.2. "permanent residence"
40 2.3. "residence": defined above, and only applying to nonresident aliens. There is no definition of "residence"
41 anywhere in the I.R.C. in the case of a "citizen". Below is how Corpus Juris Secundum (C.J.S.), Volume 28,
42 Domicile, §4, describes the distinction between "residence" and "domicile":

43 *Corpus Juris Secundum*
44 *Domicile*
45 *§4 Domicile and Residence Distinguished*

46 *b. Use of Terms in Statutes*

47
48 *The terms "domicile" and "residence," as used in statutes, are commonly, although not necessarily, construed*
49 *as synonymous. Whether the term "residence," as used in a statute, will be construed as having the meaning of*
50 *"domicile," or the term "domicile" construed as "residence," depends on the purpose of the statute and the*
51 *nature of the subject matter, as well as the context in which the term is used. 32 It has been declared that the*
52 *terms "residence" and "domicile" are almost universally used interchangeably in statute, and that since*
53 *domicile and legal residence are synonymous, the statutory rules for determining the place of residence are the*
54 *rules for determining domicile.³⁴ However, it has been held that "residence," when used in statutes, is*
55 *generally interpreted by the courts as meaning "domicile," but with important exception.*

Accordingly, whenever the terms “residence” and “domicile” are used in connection with subjects of domestic policy, the terms are equivalent, as they also are, generally, where a statute prescribes residence as a qualification for the enjoyment of a privilege or the exercise of a franchise. “Residence” as used in various particular statutes has been considered synonymous with “domicile.” 39 However, the terms are not necessarily synonymous.⁴⁰

[28 Corpus Juris Secundum (C.J.S.), Domicile, §4 Domicile and Resident Distinguished]

3. By telling you that you MUST have a “domicile”. For instance, the Corpus Juris Secundum (C.J.S.), Volume 28 section on “Domicile” says the following on this subject:

Corpus Juris Secundum
§5 Necessity and Number

“It is a settled principle that every person must have a domicile somewhere.³ The law permits no individual to be without a domicile.⁴² and an individual is never without a domicile somewhere.¹³ Domicile is a continuing thing, and from the moment a person is born he must, at all times, have a domicile .”
[28 Corpus Juris Secundum (C.J.S.), Domicile, §5 Necessity and Number]

Corpus Juris Secundum
§9 Domicile by Operation of Law

“Whenever a person does not fix a domicile for himself, the law will fix one for him in accordance with the facts and circumstances of the case; 12 and an infant's domicile will be fixed by operation of law where it cannot be determined from that of the parents.⁷³”
[28 Corpus Juris Secundum (C.J.S.), Domicile, §9 Domicile by Operation of Law]

Indirectly, what they are suggesting in the above by FORCING you to have a domicile is that:

- 3.1. You cannot choose God as your sole Protector, but MUST have an earthly protector who cannot be yourself.
 - 3.2. Although the First Amendment gives you the right to freely associate, it does not give you the right to disassociate with ALL governments. This is an absurdity.
 - 3.3. Government has a monopoly on protection and that individuals are not allowed to fire the government and provide their own protection, either individually or collectively.
4. By inventing new words that allow them to avoid mentioning “domicile” in their vague “codes” while giving you the impression that an obligation exists that actually is consensual. For instance, in 26 U.S.C. §911 is the section of the I.R.C. entitled “Citizens or residents of the United States living abroad”. This section identifies the income tax liabilities of persons domiciled in the “United States” (federal zone) who are living temporarily abroad. We showed earlier that if they have a domicile abroad, then they cannot be either “citizens” or “residents” under the I.R.C., because domicile is a prerequisite for being either. In that section, they very deceptively:
- 4.1. Use the word “abode” in 26 U.S.C. §911(d)(3) to describe one’s domicile so as to remove the requirement for “intent” and “consent” from consideration of the subject, even though they have no authority to ignore this requirement for consent in the case of anything but an “alien”.
 - 4.2. Don't even use the word “domicile” at all, and refuse to acknowledge that what “citizens” or “residents” both have in common is a “domicile” within the United States. They did this to preserve the illusion that even after one changes their domicile to a foreign country while abroad, the federal tax liability continues, when in fact, it legally is not required to. After domicile is changed, those Americans who changed it while abroad then are no longer called “citizens” under federal law, but rather “nationals” and “nonresident aliens”.
 - 4.3. They invented a new word called a “tax home”, as if it were a substitute for “domicile”, when in fact it is not. A “tax home” is defined in 26 U.S.C. §911 as a place where a person who has a temporary presence abroad treats himself or herself as a privileged “resident” in the foreign country but still also maintains a privileged “resident” and “domicile” status in the “United States”.

TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART III > Subpart B > § 911
§ 911. Citizens or residents of the United States living abroad

(d) Definitions and special rules For purposes of this section—

(3) Tax home

The term “**tax home**” means, with respect to any individual, such individual’s home for purposes of section 162 (a)(2) (relating to traveling expenses while away from home). **An individual shall not be treated as having a tax home in a foreign country for any period for which his abode [domicile] is within the United States [federal zone].**

The only way the government can maintain your status as a “taxpayer” is to perpetuate you in a “privileged” state, so they simply don’t offer any options to leave the privileged state by refusing to admit to you that the terms “citizen” and “resident” presume you made a voluntary choice of domicile within their jurisdiction. I.R.C. section 162 mentioned above is the section for privileged deductions, and the only persons who can take deductions are those engaged in the privileged “trade or business” excise taxable franchise. Therefore, the only person who would derive any benefit from deductions is a person with a domicile in the “United States” (District of Columbia) and who has earnings from that place which are connected with a “trade or business”, which means U.S. government (corporation) source income as a “public officer”.

12.5.3 How the Legal Encyclopedia compels choice of domicile

Even the legal encyclopedia tries to hide the nature of domicile. For instance, Corpus Juris Secundum (C.J.S.), Volume 28 at:

<http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>

which we quoted in the previous section does not even mention the requirement for “allegiance” as part of domicile or the fact that allegiance must be voluntary and not compelled, even though the U.S. Supreme Court said this was an essential part of it:

“Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature and measure is largely a political matter.”
[Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

The legal encyclopedia in the above deliberately and maliciously omits mention of any of the following key concepts, even though the U.S. Supreme Court has acknowledged elements of them as we have shown:

1. That allegiance that is the foundation of domicile must be voluntary and cannot be coerced.
2. That external factors such as the withdrawal of one’s right to conduct commerce for failure to give allegiance causes domicile choice to no longer be voluntary.
3. That a choice of domicile constitutes an exercise of your First Amendment right of freedom of association and that a failure to associate with a specific government is an exercise of your right of freedom from compelled association.
4. That you retain all your constitutional rights even WITHOUT choosing a domicile within a specific government because rights attach to the land you are standing on and not the civil status you choose by exercising your right to associate and becoming a member of a “state” or municipality.

The result of maliciously refusing to acknowledge the above concepts is a failure to acknowledge the foundation of all just authority of every government on earth, which is the consent of the governed mentioned in our Declaration of Independence.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”
[Declaration of Independence]

A failure to acknowledge that requirement for “consent of the governed” results in a complete destruction of the sovereignty of the people, because the basis of all your sovereignty is that no one can do anything to you without your consent, unless you injured the equal rights of others. This concept is exhaustively described in the following document:

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

12.5.4 How governments compel choice of domicile: Government ID

In order to do business within any jurisdiction, and especially with the government and financial institutions, one usually needs identification documents. Such documents include:

1. State driver's license. Issued by the Dept. of Motor Vehicles in your state.
2. State ID card. Issued by the Dept. of Motor Vehicles in your state.
3. Permanent resident green card.
4. National passport. Issued by the U.S. Dept. of State.
5. U.S. Citizen Card. Issued by the Dept. of State. These are typically used at border crossings.

All ID issued by the state governments, and especially the driver's license, requires that the applicant be a "resident" of the "State of ____". If you look up the definition of "resident" and "State of" or "State" or "in this State" within the state tax code, these terms are defined to mean a privileged alien with a domicile on federal territory not protected by the Constitution.

USA passports also require that you provide a domicile. The Dept. of State Form DS-11 in Block 17 requires you to specify a "Permanent Address", which means domicile. See:

<http://famguardian.org/Subjects/Taxes/Citizenship/DOS-DS11-20080320.pdf>

Domicile within the country is not necessary in order to be issued a national passport. All you need is proof of birth within that country. If you would like tips on how to obtain a national passport without a domicile within a state and without government issued identifying numbers that connect you to franchises, see:

How to Apply for a Passport as a "non-citizen national", Form #09.007
<http://sedm.org/Forms/FormIndex.htm>

State ID, however, always requires domicile within the state in order to be issued either a state driver's license or a state ID. Consequently, there is no way to avoid becoming privileged if you want state ID. This situation would seem at first to be a liability until you also consider that they can't lawfully issue a driver's license to non-residents. Imagine going down to the DMV and telling them that you are physically on state land but do not choose a domicile here and that you can't be compelled to and that you would like for them to certify that you came in to request a license and that you were refused and don't qualify. Then you can show that piece of paper called a "Letter of Disqualification" to the next police officer who stops you and asks you for a license. Imagine having the following dialog with the police officer when you get stopped:

Officer: May I see your license and registration please?

You: I'm sorry, officer, but I went down to the DMV to request a license and they told me that I don't qualify because I am a non-resident of this state. I have a Letter of Disqualification they gave me while I was there stating that I made application and that they could not lawfully issue a license to me as a nonresident. Here it is, officer.

Officer: Well, then do you have a license from another state?

You: My domicile is in a place that has no government. Therefore, there is no one who can issue licenses there. Can you show me a DMV office in the middle of the ocean, which is where my domicile is and where my will says my ashes will be PERMANENTLY taken to when I die. My understanding is that domicile or residence requires an intention to permanently remain at a place and I am not here permanently and don't intend to remain here. I am a perpetual traveler, a transient foreigner, and a vagrant until I am buried.

Officer: Don't get cute with me. If you don't produce a license, then I'm going to cite you for driving without a license.

You: Driving is a commercial activity and I am not presently engaged in a commercial activity. Do you have any evidence to the contrary? Furthermore, I'd love to see you explain to the judge how you can punish me for refusing to have that which the government says they can't even lawfully issue me. That ought to be a good laugh. I'm going to make sure the whole family is there for that one. It'll be better than Saturday Night Live!

We allege that the purpose of the vehicle code in your state is NOT the promotion of public safety, but to manufacture “residents” and “taxpayers”. The main vehicle by which states of the Union, in fact, manufacture “residents”, who are privileged “public officers” that are “taxpayers” and aliens with respect to the government is essentially by compelling everyone to obtain and use state driver’s licenses. This devious trap operates as follows:

1. You cannot obtain a state driver’s license without being a “resident”. If you go into any DMV office and tell them you are not a “resident”, then they are not allowed to issue you a license. You can ask from them what is called a “Letter of Disqualification”, which states that you are not eligible for a driver’s license. You can keep that letter and show it to any police officer who stops you and wants your “license”. He cannot then cite you for “driving without a license” that the state refuses to issue you, nor can he impound your car for driving without a license!

California Vehicle Code

“14607.6. (a) Notwithstanding any other provision of law, and except as provided in this section, **a motor vehicle is subject to forfeiture as a nuisance if it is driven on a highway in this state by a driver with a suspended or revoked license, or by an unlicensed driver, who is a registered owner of the vehicle at the time of impoundment and has a previous misdemeanor conviction for a violation of subdivision (a) of Section 12500 or Section 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5.**”

(b) A peace officer shall not stop a vehicle for the sole reason of determining whether the driver is properly licensed.

(c) (1) If a driver is unable to produce a valid driver's license on the demand of a peace officer enforcing the provisions of this code, as required by subdivision (b) of Section 12951, the vehicle shall be impounded regardless of ownership, unless the peace officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to impounding a vehicle, a peace officer shall attempt to verify the license status of a driver who claims to be properly licensed but is unable to produce the license on demand of the peace officer.

(2) A peace officer shall not impound a vehicle pursuant to this subdivision if the license of the driver expired within the preceding 30 days and the driver would otherwise have been properly licensed.

(3) A peace officer may exercise discretion in a situation where the driver without a valid license is an employee driving a vehicle registered to the employer in the course of employment. A peace officer may also exercise discretion in a situation where the driver without a valid license is the employee of a bona fide business establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose. In this event, if the vehicle can be returned to or be retrieved by the business establishment or registered owner, the peace officer may release and not impound the vehicle.

(4) A registered or legal owner of record at the time of impoundment may request a hearing to determine the validity of the impoundment pursuant to subdivision (n).

(5) If the driver of a vehicle impounded pursuant to this subdivision was not a registered owner of the vehicle at the time of impoundment, or if the driver of the vehicle was a registered owner of the vehicle at the time of impoundment but the driver does not have a previous conviction for a violation of subdivision (a) of Section 12500 or Section 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5, the vehicle shall be released pursuant to this code and is not subject to forfeiture.

(d) (1) This subdivision applies only if the driver of the vehicle is a registered owner of the vehicle at the time of impoundment. Except as provided in paragraph (5) of subdivision (c), if the driver of a vehicle impounded pursuant to subdivision (c) was a registered owner of the vehicle at the time of impoundment, the impounding agency shall authorize release of the vehicle if, within three days of impoundment, the driver of the vehicle at the time of impoundment presents his or her valid driver's license, including a valid temporary California driver's license or permit, to the impounding agency. The vehicle shall then be released to a registered owner of record at the time of impoundment, or an agent of that owner authorized in writing, upon payment of towing and storage charges related to the impoundment, and any administrative charges authorized by Section 22850.5, providing that the person claiming the vehicle is properly licensed and the vehicle is properly registered. A vehicle impounded pursuant to the circumstances described in paragraph (3) of subdivision (c) shall be released to a registered owner whether or not the driver of the vehicle at the time of impoundment presents a valid driver's license.

(2) If there is a community property interest in the vehicle impounded pursuant to subdivision (c), owned at the time of impoundment by a person other than the driver, and the vehicle is the only vehicle available to the

1 driver's immediate family that may be operated with a class C driver's license, the vehicle shall be released to a
2 registered owner or to the community property interest owner upon compliance with all of the following
3 requirements:

4 (A) The registered owner or the community property interest owner requests release of the vehicle and the
5 owner of the community property interest submits proof of that interest.

6 (B) The registered owner or the community property interest owner submits proof that he or she, or an
7 authorized driver, is properly licensed and that the impounded vehicle is properly registered pursuant to this
8 code.

9 (C) All towing and storage charges related to the impoundment and any administrative charges authorized
10 pursuant to Section 22850.5 are paid.

11 (D) The registered owner or the community property interest owner signs a stipulated vehicle release
12 agreement, as described in paragraph (3), in consideration for the nonforfeiture of the vehicle. This
13 requirement applies only if the driver requests release of the vehicle.

14 (3) A stipulated vehicle release agreement shall provide for the consent of the signator to the automatic future
15 forfeiture and transfer of title to the state of any vehicle registered to that person, if the vehicle is driven by a
16 driver with a suspended or revoked license, or by an unlicensed driver. The agreement shall be in effect for
17 only as long as it is noted on a driving record maintained by the department pursuant to Section 1806.1.

18 (4) The stipulated vehicle release agreement described in paragraph (3) shall be reported by the impounding
19 agency to the department not later than 10 days after the day the agreement is signed.

20 (5) No vehicle shall be released pursuant to paragraph (2) if the driving record of a registered owner
21 indicates that a prior stipulated vehicle release agreement was signed by that person.

22 (e) (1) The impounding agency, in the case of a vehicle that has not been redeemed pursuant to subdivision
23 (d), or that has not been otherwise released, shall promptly ascertain from the department the names and
24 addresses of all legal and registered owners of the vehicle.

25 (2) The impounding agency, within two days of impoundment, shall send a notice by certified mail, return
26 receipt requested, to all legal and registered owners of the vehicle, at the addresses obtained from the
27 department, informing them that the vehicle is subject to forfeiture and will be sold or otherwise disposed of
28 pursuant to this section. The notice shall also include instructions for filing a claim with the district attorney,
29 and the time limits for filing a claim. The notice shall also inform any legal owner of its right to conduct the
30 sale pursuant to subdivision (g). If a registered owner was personally served at the time of impoundment with a
31 notice containing all the information required to be provided by this paragraph, no further notice is required to
32 be sent to a registered owner. However, a notice shall still be sent to the legal owners of the vehicle, if any. If
33 notice was not sent to the legal owner within two working days, the impounding agency shall not charge the
34 legal owner for more than 15-days' impoundment when the legal owner redeems the impounded vehicle.

35 (3) No processing charges shall be imposed on a legal owner who redeems an impounded vehicle within 15
36 days of the impoundment of that vehicle. If no claims are filed and served within 15 days after the mailing of
37 the notice in paragraph (2), or if no claims are filed and served within five days of personal service of the notice
38 specified in paragraph (2), when no other mailed notice is required pursuant to paragraph (2), the district
39 attorney shall prepare a written declaration of forfeiture of the vehicle to the state. A written declaration of
40 forfeiture signed by the district attorney under this subdivision shall be deemed to provide good and sufficient
41 title to the forfeited vehicle. A copy of the declaration shall be provided on request to any person informed of
42 the pending forfeiture pursuant to paragraph (2). A claim that is filed and is later withdrawn by the claimant
43 shall be deemed not to have been filed.

44 (4) If a claim is timely filed and served, then the district attorney shall file a petition of forfeiture with the
45 appropriate juvenile, municipal, or superior court within 10 days of the receipt of the claim. The district
46 attorney shall establish an expedited hearing date in accordance with instructions from the court, and the court
47 shall hear the matter without delay. The court filing fee, not to exceed fifty dollars (\$50), shall be paid by the
48 claimant, but shall be reimbursed by the impounding agency if the claimant prevails. To the extent practicable,
49 the civil and criminal cases shall be heard at the same time in an expedited, consolidated proceeding. A
50 proceeding in the civil case is a limited civil case."

51 [California Vehicle Code, Section 14607.6, Sept. 20, 2004]

52 Below is evidence showing how one person obtained a "Letter of Disqualification" that resulted in being able to drive
53 perpetually without having a state -issued driver's license.

54 <http://famguardian.org/Subjects/Taxes/Articles/DomicileBasisTaxationDL-20060522.pdf>

2. Most state vehicle codes define “resident” as a person with a domicile in the “State”. Below is an example from the California Vehicle Code:

California Vehicle Code

516. “**Resident**” means any person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Presence in the state for six months or more in any 12-month period gives rise to a rebuttable presumption of residency.

The following are evidence of residency for purposes of **vehicle** registration:

- (a) Address where registered to vote.
- (b) Location of employment or place of business.
- (c) Payment of **resident** tuition at a public institution of higher education.
- (d) Attendance of dependents at a primary or secondary school.
- (e) Filing a homeowner's property tax exemption.
- (f) Renting or leasing a home for use as a residence.
- (g) Declaration of residency to obtain a license or any other privilege or benefit not ordinarily extended to a nonresident.
- (h) Possession of a California driver's license.
- (i) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=49966114921+5+0+0&WAIAction=retrieve>]

California Vehicle Code

12505. (a) (1) For purposes of this division only and notwithstanding Section 516, **residency shall be determined as a person's state of domicile. “State of domicile” means the state where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has manifested the intention of returning whenever he or she is absent.**

Prima facie evidence of residency for driver's licensing purposes includes, but is not limited to, the following:

(A) Address where registered to vote.

(B) Payment of resident tuition at a public institution of higher education.

(C) Filing a homeowner's property tax exemption.

(D) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.

(2) California residency is required of a person in order to be issued a commercial driver's license under this code.

(b) The presumption of residency in this state may be rebutted by satisfactory evidence that the licensee's primary residence is in another state.

(c) Any person entitled to an exemption under Section 12502, 12503, or 12504 may operate a motor **vehicle** in this state for not to exceed 10 days from the date he or she establishes residence in this state, except that he or she shall obtain a license from the department upon becoming a **resident** before being employed for compensation by another for the purpose of driving a motor **vehicle** on the highways.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=49860512592+2+0+0&WAIAction=retrieve>]

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(d) Attendance of dependents at a primary or secondary school.

(e) Filing a homeowner's property tax exemption.

(f) Renting or leasing a home for use as a residence.

(g) Declaration of residency to obtain a license or any other privilege or benefit not ordinarily extended to a nonresident.

(h) Possession of a California driver's license.

(i) Other acts, occurrences, or events that indicate presence in the state is more than temporary or transient.

[SOURCE: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=veh&group=00001-01000&file=100-680>]

3. The term “State” is then defined in the revenue codes to mean the federal areas within the exterior limits of the state. Below is an example from the California Vehicle Code:

California Revenue and Taxation Code

17017. “United States,” when used in a geographical sense, includes the states, the District of Columbia, and the possessions of the United States.

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

4. You must surrender all other state driver’s licenses in order to obtain one from most states. Below is an example from the California Vehicle Code:

California Vehicle Code

12805. The department shall not issue a driver's license to, or renew a driver's license of, any person:

[. . .]

(f) Who holds a valid driver's license issued by a foreign jurisdiction unless the license has been surrendered to the department, or is lost or destroyed.

12511. No person shall have in his or her possession or otherwise under his or her control more than one driver's license.

Consequently, the vehicle code in most states, in the case of individuals not involved in “commercial activity”, applies mainly to “public officers” who are effectively “residents” of the federal zone with an effective “domicile” or “residence” there:

[26 U.S.C. §7701](#)

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

(39) Persons residing outside United States

If any citizen or resident of the United States does not reside in (and is not found in) any United States judicial district, such citizen or resident shall be treated as residing in the District of Columbia for purposes of any provision of this title relating to—

(A) jurisdiction of courts, or

(B) enforcement of summons.

[SOURCE: http://www4.law.cornell.edu/uscode/html/uscode26/usc_sec_26_00007701----000-.html]

These persons are “taxpayers”. They are Americans who have contracted away their Constitutional rights in exchange for government “privileges” and they are the only “persons” who inhabit or maintain a “domicile” or “residence” in the “State” as defined above. Only people with a domicile in such “State” can be required to obtain a “license” to drive on the “highways”. While they are exercising “agency” on behalf of or representing the government corporation, they are

“citizens” of that corporation and “residents”, because the corporation itself is a “citizen” and therefore a person with a domicile in the place where the corporation was formed, which for the “United States” is the District of Columbia:

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

“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]

Federal Rules of Civil Procedure
IV. PARTIES > Rule 17.
Rule 17. Parties Plaintiff and Defendant; Capacity

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
(2) for a corporation/or one REPRESENTING a PUBLIC CORPORATION called the government as a “public officer”, by the law under which it was organized; and
(3) for all other parties, by the law of the state where the court is located, except that:
(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.
[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

If you don’t want to be a “public officer” who has an effective “domicile” or “residence” in the District of Columbia, then you have to divorce the state, create your own “state”, and change your domicile to that new “state”. For instance, you can form an association of people and choose a domicile within that association. This association would be referred to as a “foreign jurisdiction” within the vehicle code in most states. The association can become the “government” for that group, and issue its own driver’s licenses and conduct its own “courts”. In effect, it becomes a competitor to the de facto state for the affections, allegiance, and obedience of the people. This is capitalism at its finest, folks!

California Vehicle Code

12502. (a) The following persons may operate a motor vehicle in this state without obtaining a driver's license under this code:

(1) A nonresident over the age of 18 years having in his or her immediate possession a valid driver's license issued by a foreign jurisdiction of which he or she is a resident, except as provided in Section 12505.
[SOURCE:
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=veh&group=12001-13000&file=12500-12527>]

As long as the driver’s licenses issued by the government you form meet the same standard as those for the state you are in, then it doesn’t matter who issued it.

California Vehicle Code

12505. (a) (1) For purposes of this division only and notwithstanding Section 516, residency shall be determined as a person's state of domicile. "State of domicile" means the state where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has manifested the intention of returning whenever he or she is absent.

[...]

(e) Subject to Section 12504, a person over the age of 16 years who is a resident of a foreign jurisdiction other than a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada, having a valid driver's license issued to him or her by any other foreign jurisdiction having licensing standards deemed by the Department of Motor Vehicles equivalent to those of this state, may operate a motor vehicle in this state without obtaining a license from the department, except that he or she shall obtain a license before being employed for compensation by another for the purpose of driving a motor vehicle on the highways.

[SOURCE:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=veh&group=12001-13000&file=12500-12527>]

As long as you take and pass the same written and driver's tests as the state uses, even your church could issue it! As a matter of fact, below is an example of a church that issues "Heaven Driver's Licenses" called "Embassy of Heaven":

<http://www.embassyofheaven.com/>

You can't be compelled by law to grant to your public "servants" a monopoly that compels you into servitude to them as a "public officer". In the United States, WE THE PEOPLE are the government, and not their representatives and "servants" who work for them implementing the laws that they pass. Consequently, you and your friends or church, as a "self-governing body" can make your own driver's license and in fact and in law, those licenses will by definition be "government-issued". To wit:

"The words 'people of the United States' and 'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives [they are the government, not their servants]. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. ..."

[Boyd v. State of Nebraska, 143 U.S. 135 (1892)]

"From the differences existing between feudal sovereignties and Government founded on compacts, it necessarily follows that their respective prerogatives must differ. Sovereignty is the right to govern; a nation or State-sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally ascribed to the Prince; here it rests with the people; there, the sovereign actually administers the Government; here, never in a single instance; our Governors are the agents of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns. Their Princes have personal powers, dignities, and pre-eminences, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens."

[Chisholm, Ex'r. v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 454, 457, 471, 472 (1794)]

Anyone who won't accept such a driver's license should be asked to contradict the U.S. Supreme Court and to prove that you AREN'T part of the government as a person who governs his own life and the lives of other members of the group you have created. The following article also emphasizes that "We The People" are the government, and that our servants have been trying to deceive us into believing otherwise:

We The People Are The American Government, Nancy Levant

<http://famguardian.org/Subjects/LawAndGovt/Articles/WeAreGovernment.pdf>

If you would like to know more about this fascinating subject, see the following book:

Defending Your Right to Travel, Form #06.010

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

Chances are good that you as a reader at one time or another procured government ID without knowing all the legal consequences described in this document. The existence of that ID and the evidence documenting your request for it can and probably will be used by the government against you as evidence that you are subject to their civil laws and a customer

of their "protection racket". The best technique for rebutting such evidence is that appearing in the following document. The submission of this document is a MANDATORY part of becoming a Member of this fellowship, and hopefully you now understand why it is mandatory:

Legal Notice of Change in Domicile/Citizenship and Divorce from the "United States", Form #10.001
<http://sedm.org/Forms/FormIndex.htm>

In particular, see the following sections in the above document:

1. Section 9: Affidavit of Duress, Government ID Scam.
2. Section 10.8: Criminal Complaint Against Those Engaged in the Government ID Scam

12.5.5 Private employers and financial institutions compelling FALSE choice of domicile

Whenever you open a financial account or start a new job these days, most employers, banks, or investment companies will require you to produce "government ID". Their favorite form of ID is the state issued ID. Unfortunately, unless you are an alien domiciled on federal territory within the exterior limits of the state who is not protected by the Constitution, you don't qualify for state ID or even a state driver's license. By asking for "government ID", employers and financial institutions indirectly are forcing you to do the following as a precondition of doing business with them:

1. Surrender the benefits and protections of being a "citizen" in exchange for being a privileged alien, and to do so WITHOUT consideration and without recourse.
2. Become a statutory "resident alien" pursuant to 26 U.S.C. §7701(b)(1)(A) domiciled on federal territory and subject to federal jurisdiction, who is a public officer within the federal government engaged in the "trade or business" franchise.

See:

The "Trade or Business" Scam, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>

3. Become a privileged "resident alien" franchisee who is compelled to participate in what essentially amounts to a "protection racket".

"Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their [intention of] dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizenship. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children."
[*The Law of Nations*, p. 87, E. De Vattel, Volume Three, 1758, Carnegie Institution of Washington; emphasis added.]

4. Serving two masters and being subject simultaneously to state and federal jurisdiction. The federal government has jurisdiction over aliens, including those within a state.

"No one can serve two masters [two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government]."
[Luke 16:13, Bible, NKJV. Written by a tax collector]

One thing you can show financial institutions as an alternative to state ID or a state driver's license that doesn't connect you to the "protection franchise" and a domicile on federal territory is a USA passport. What they do to deal with "difficult" people like that is say that they need TWO forms of government ID in order to open the account. Here is an example of what you might hear on this subject:

"I'm sorry, but the Patriot Act [or some other obscure regulation] requires you to produce TWO forms of government issued ID to open an account with us."

Most people falsely presume that the above statement means that they ALSO need state ID in addition to the passport but this isn't true. It is a maxim of law that the law cannot require an impossibility. If they are going to impose a duty upon you under the color of law by saying that you need TWO forms of ID, they must provide a way to comply without:

1. Compelling you to politically associate with a specific government in violation of the First Amendment.
2. Compelling you to participate in government franchises by providing an identifying number.
3. Misrepresenting your status as a privileged “resident alien”.
4. Violating your religious beliefs by nominating an Earthly protector and thereby firing God as your only protector.

There are lots of ways around this trap. For instance, the U.S. Supreme Court said WE are the government and that we govern ourselves through our elected representatives.

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

So what does “government id” really mean? A notary public is also a public officer and therefore part of the 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](#)]

If you hand the financial institution any of the following, you have satisfied their requirement for secondary ID without violating the law or being compelled to associate with or contract with the government:

1. Notarized piece of paper with your picture and your birth certificate on it. The notary is a government officer and therefore it is government ID.
2. Certified copy of your birth certificate by itself. The certification is from the government so its government ID.
3. ID issued by a government you formed and signed by the “Secretary of State” of that government. The people are the government according to the Supreme Court, so you can issue your own ID.

You have to be creative at times to avoid the frequent attempts to compel you to sign up for government franchises, but it is still doable.

Another thing that nearly all financial institutions and private employers habitually do is PRESUME, usually wrongfully, that:

1. You are a “citizen” or a “resident” of the place you live or work. What citizens and residents have in common is a domicile within a jurisdiction. Otherwise, you would be called “nonresidents” or “transient foreigners”.
2. Whatever residence or mailing address you give them is your domicile.

By making such a false presumption, employers and financial institutions in effect are causing you to make an “invisible election” to become a citizen or resident or domiciliary and to provide your tacit consent to be governed without even realizing it.

If you want to prevent becoming a victim of the false presumption that you are a “citizen”, “resident”, and therefore domiciliary of the place you live or work, you must take special precautions to notify all of your business associates by providing a special form to them describing you as a “nonresident” of some kind. At the federal level, that form is the IRS Form W-8BEN or a suitable substitute, which identifies the holder as a “nonresident alien”. IRS does not make a form for “nonresidents” who are not “aliens”, unfortunately, so you must therefore modify their form or make your own form. For an article on how to fill out tax forms to ensure that you are not PRESUMED, usually prejudicially and falsely, to be a resident or citizen or domiciliary, see the following article:

About IRS Form W-8BEN, Form #04.202
<http://sedm.org/Forms/FormIndex.htm>

Sometimes, those receiving your declaration of nonresident status may try to interfere with that choice. For such cases, the following pamphlet proves that the only one who can lawfully declare or establish your civil status, including your “nonresident” status, is you. If anyone tries to coerce you to declare a civil status for yourself that you don’t want to accept and don’t consent to, you should provide an affidavit indicating that you were under duress and that they threatened to financially penalize you or not contract with you if you don’t LIE on government forms and declare a status you don’t want. The following pamphlet is also useful in proving that they have no authority to coerce you to declare any civil status you don’t want:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
<http://sedm.org/Forms/FormIndex.htm>

We should always keep in mind that whenever a financial institution or employer asks for a tax form, they are doing so under the color of law as a “withholding agent” (26 U.S.C. §7701(a)(16)) who is a public officer of the government. Because they are a public officer of the government in their capacity as a withholding agent, they still have a legal duty not to violate your rights, even if they otherwise are a private company. The Constitution applies to all officers and agents of the government, including “withholding agents” while acting in that capacity. Financial institutions especially are aware of this fact, which is why if you ask them to give you their criteria for what ID they will accept in writing, they will say that it is a confidential internal document that they can’t share with the public. They know they are discriminating unlawfully as a public officer by rejecting your ID and they want to limit the legal liability that results from this by preventing you from having evidence to prove that they are officially discriminating. They keep such policies on their computer, protected by a password, and they will tell you that the computer doesn’t let them print it out or that there isn’t a field in their system for them to accept the type of ID that you have. THIS is a SCAM!

12.6 Widespread ignorance of the law by populace manufactured in the public/government school system

The law of the Lord is perfect converting the soul;
The testimony of the Lord is sure, making wise the simple;
The statutes of the Lord are right, rejoicing the heart.
The commandment of the Lord is pure, enlightening the eyes.
The fear of the Lord is clean, enduing forever;
The judgments of the Lord are true and righteous altogether.
10 More to be desired are they than gold.
Yea, than much fine gold;
Sweeter also than honey and the honeycomb.

Moreover by them Your servant is warned,
And in keeping them there is great reward.
Who can understand his errors?
Cleanse me from secret faults.
Keep back Your servant from presumptuous sins;
Let them not have dominion over me.
Then I shall be blameless,
And I shall be innocent of great transgression.
14 Let the words of my mouth and the meditation of my heart
Be acceptable in Your sight,
O Lord, my strength and my Redeemer.
[Psalm 19:7-14, Bible, NKJV]

In America, your liberty derives from and is protected by education about a wide variety of subjects:

"Only the educated are free."
[Epicetus, Discourses]

"...the greatest menace to freedom is an inert [passive, ignorant, and uneducated] people [who refuse, as
jurists and voters and active citizens, to expose and punish evil in the government]"
[Whitney v. California, 274 U.S. 357 (1927)]

"The American people have always regarded education and acquisition of knowledge as matters of supreme importance which should be diligently promoted [in order to maintain and protect their [liberty](#)]. The Ordinance of 1787 declares: **Religion, morality and knowledge being necessary to good government and the happiness [and liberty] of mankind, schools and the means of education shall forever be encouraged.**"
[Meyer v. State of Nebraska, [262 U.S. 390](#) (1923)]

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

Knowledge, in fact, is what distinguishes the GOVERNED from those who GOVERN:

"Knowledge will forever govern ignorance, and people who mean to be their own governors, must arm themselves with the power which knowledge gives."
[James Madison]

The result of not being educated is that you will be injured and exploited and oppressed.

"My [God's] people are destroyed [and enslaved] for lack of knowledge [and the lack of education that produces it]."
[[Hosea 4:6](#), Bible, NKJV]

The most important subject to learn is law. The Bible makes it the DUTY of Christians to "know the law":

"And thou shalt teach them ordinances and laws [of both [God](#) and [man](#)], and shalt shew them the way wherein they must walk, and the work [of obedience to God] that they must do."
[[Exodus 18:20](#), Bible, NKJV]

"But this crowd that does not know [and quote and follow and use] the law is accursed."
[John 7:49, Bible, NKJV]

"Salvation is far from the wicked, For they do not seek [Your statutes](#)."
[Psalm 119:155, Bible, NKJV]

The courts universally say the SAME thing:

"All persons in the United States are chargeable with knowledge of the Statutes-at-Large....[I]t is well established that anyone who deals with the government assumes the risk that the agent acting in the government's behalf has exceeded the bounds of his authority,"
[Bollow v. Federal Reserve Bank of San Francisco, 650 F.2d. 1093 (9th Cir. 1981)]

"Of course, ignorance of the law does not excuse misconduct in any one, least of all in a sworn officer of the law"
[In re McCowan , 177 Cal. 93, 170 P. 1100 (1917)]

In fact, if we as Christians DO NOT learn the law, not only our entire life, but our prayers to God, in fact, become a hateful ABOMINATION:

"One who turns his ear from hearing the law [[God's law](#) or [man's law](#)], even his prayer is an abomination."
[[Prov. 28:9](#), Bible, NKJV]

Some deluded Christians argue that the "law" spoken of by scripture above means God's law and excludes man's law. We argue otherwise. Why? Because the foundation of all law, and the place that law derives ALL of its authority from is the "consent of the governed", as the Declaration of Independence indicates.

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>]

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

4 All of God's laws were summarized by Jesus in only two great commandments: 1. Love your God; 2. Love Your
5 Neighbor.

6 *"If ye fulfill the royal law according to the scripture, Thou shalt love thy neighbor as thyself, ye do well."*
7 *[James 2:8, Bible, NKJV]*

8 *"Therefore all things whatsoever ye would that men should do to you, do ye also to them: this is the law."*
9 *[Matthew 7:12, Bible, NKJV]*

10 *"Master, which is the greatest commandment in the law? Jesus said to him, Thou shalt love the Lord thy God*
11 *with all thy heart, and with all thy soul and with all thy mind [See. Exodus 20:3-11]. This is the first and great*
12 *commandment. (39) And the second is like unto it, Though shalt love thy neighbor as thyself. (40) On these*
13 *two commandments hang all law..."*
14 *[Matthew 22:36-40, Bible, NKJV]*

15 The Bible commands Christians to love their neighbor. By "love" is technically meant to "NOT HURT" your neighbor.

16 *"Love does no harm to a neighbor; therefore love is the fulfillment of the law."*
17 *[Romans 13:9-10, Bible, NKJV]*

18 *"Do not strive with a man without cause, if he has done you no harm."*
19 *[Prov. 3:30, Bible, NKJV]*

20 *"Those who forsake the law praise the wicked, but such as keep the law contend with them."*
21 *[Prov. 28:4, Bible, NKJV]*

22 Law is therefore the collective expression and societal definition of what constitutes "harm" and the punishment for said
23 harm against those who commit it. Governments are created mainly to PREVENT harm to PRIVATE rights using the
24 authority of law, and therefore to protect us. Law is therefore the "schoolmaster", as the Apostle Paul put it, of how we
25 LEARN to love our neighbor. To wit:

26 *"Therefore the law was our tutor to bring us to Christ, that we might be justified by faith. 25 But after faith has*
27 *come, we are no longer under a tutor."*
28 *[Gal. 3:24-25, Bible, NKJV]*

29
30 *Schoolmaster — the law so designated by Paul (Gal. 3:24, 25). As so used, the word does not mean teacher, but*
31 *pedagogue (shortened into the modern page), i.e., one who was intrusted with the supervision of a family,*
32 *taking them to and from the school, being responsible for their safety and manners. Hence the pedagogue was*
33 *stern and severe in his discipline. Thus the law was a pedagogue to the Jews, with a view to Christ, i.e., to*
34 *prepare for faith in Christ by producing convictions of guilt and helplessness. The office of the pedagogue*
35 *ceased when "faith came", i.e., the object of that faith, the seed, which is Christ.*
36 *[Easton, M.G.: Easton's Bible Dictionary. Oak Harbor, WA : Logos Research Systems, Inc., 1996, c1897]*

37 Those who advocate that we should not learn or that we should remain willfully ignorant of either man's law or God's law
38 therefore:

- 39 1. Don't care about learning how to love their neighbor and therefore are violating the second of the two great
- 40 commandments to love their neighbor as themselves.
- 41 2. Aren't interested in what their neighbor classifies as "harm" that must be avoided.
- 42 3. Couldn't possibly avoid violating the commandment to love your neighbor because they refuse to learn HOW their
- 43 neighbor wants to be loved.
- 44 4. Are advocating "lawlessness".

45 The law is also the source of all of the authority of those who work in government.

46 *"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance*
47 *with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and*

are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives," 106 U.S., at 220. "Shall it be said... that the courts cannot give remedy when the Citizen has been deprived of his property by force, his estate seized and converted to the use of the government **without any lawful authority, without any process of law**, and without any compensation, because the president has ordered it and his officers are in possession? **If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights**," 106 U.S., at 220, 221.
[United States vs. Lee, 106 U.S. 196, 1 S.Ct. 240 (1882)]

No one can therefore claim to be a good or responsible citizen capable of supervising their public servants as a jurist or a voter who does not in fact know the limits imposed by law upon the authority of said public servants. The result of public servants who go unsupervised is that they take over the house and oppress their master, which is We the People. The Bible describes how disobedient servants should be governed by their masters, but you can't enforce it unless you know the limits on their authority. The result is that you are violating the law.

"But if that servant says in his heart 'My master is delaying his coming,' and begins to beat the male and female servants, and to eat and drink and be drunk, **the master** of that servant will come on a day when he is not looking for him, and at an hour when he is not aware, and **will cut him in two and appoint him his portion with the unbelievers**. **And that servant who knew his master's will, and did not prepare himself or do according to his will, shall be beaten with many stripes.**"
[Luke 12:45-47, Bible, NKJV]

Your public servants know all of these things, and they have taken great pains to ensure that their master is put to sleep so they could take over the house:

The kingdom of heaven is like a man who sowed good seed in his field; **but while men slept, his enemy [corrupt government] came and sowed tares [weeds] among the wheat and went his way**. But when the grain had sprouted and produced a crop, then the tares also appeared. So the servants of the owner came and said to him, "Sir, did you not sow good seed in your field? How then does it have tares?" He said to them, "An enemy has done this." The servants said to him, "Do you want us then to go and gather them up?" But he said, "No, lest while you gather up the tares you also uproot the wheat with them. Let both grow together until the harvest, and at the time of harvest I will say to the reapers, 'First gather together the tares and bind them in bundles to burn them, but gather the wheat into my barn.'"
[Matt 13:24-30]

You covetous public servants bind you, the Sovereign, by taking away the source of your strength, which is knowledge about the law:

"No one can enter a strong man's house and plunder his goods, unless he first binds the strong man. And then he will plunder his house."
[Mark 3:27, Bible, NKJV]

Very few schools teach Constitutional law, basics of law for the average American. The reason is that judges want to have great latitude to substitute their will for what the law actually says using the following criminal activities:

1. Presumptions not supported by evidence, such as that the litigant before them is a franchisee subject to statutory law that only is enforceable against the government.
2. Omission in protecting private rights or refusal to recognize such rights.
3. Protecting the judge's government coworkers engaging in criminal violation of private rights.
4. Abuse of "words of art" to encourage false presumption. See:
5. Legislating from the bench by adding things to statutory definitions that cannot be and are not included. This is called "judicial verbiage".

We'll talk about the above deceptive judicial and government tactics later in this memorandum. If there is even one person sitting on a jury who knows the law, they can usually spoil the plan of a judge who wants to enforce not what the law says, but what his whim and private interest dictates.

To make things worst, many Christians have been trained by their pastors not only NOT to learn the law, but to shun those who insist on learning and obeying it as being "legalistic". The entire Bible, in fact, is a law book. That, in fact, is what God Himself calls it:

1 "And now, Israel [believers/Christians], what does the Lord your God require of you, but to fear the Lord your
2 God, to walk in all His ways [by obeying His Holy Laws] and to love Him, to serve [ONLY] the Lord your God
3 with all your heart and with all your soul, and to keep the commandments of the Lord and His statutes which I
4 command you today for your good?"
5 [Deut. 10:12-13, Bible, NKJV]

6 "Ye shall do My judgments, and keep Mine ordinances, to walk therein: I [am] the LORD your God."
7 [Leviticus 18:4, Bible, NKJV]

8 "And the statutes, and the ordinances, and the law, and the commandment, which he wrote for you, ye shall
9 observe to do for evermore; and ye shall not fear other gods."
10 [2 Kings 17:37, Bible, NKJV]

11 "And I will give them one heart, and I will put a new spirit within you; and I will take the stony heart out of
12 their flesh, and will give them an heart of flesh: That they may walk in My statutes, and keep Mine
13 ordinances, and do them: and they shall be My people, and I will be their God."
14 [Ezekiah 11:19-20, Bible]

15 The reason God permits or allows us to go through trials, in fact, is to FORCE US to learn His law!

16 "The proud have forged a lie against me, but I will keep Your precepts with my whole heart. Their heart is as
17 fat as grease, but I delight in Your law. It is good for me that I have been afflicted, that I may learn Your
18 statutes. The law of Your mouth is better to me than thousands of coins of gold and silver."
19 [Psalm 119:69-72, Bible, NKJV]

20 In conclusion: De facto governments can only flourish where there is widespread ignorance of the law by those sitting on
21 juries and acting as voters.

22 **12.7 Legal Profession Fascism**

23 Another important characteristic of a de facto government is that:

- 24 1. The legal profession acts as an extension of and officer of the government instead of independently.
- 25 2. All lawyers are licensed to practice law and hence gagged from telling the truth about government corruption in the
26 court record for fear of having their license pulled.
- 27 3. They will not act as adversaries of the government within an "adversarial court system", but instead will act as allies
28 and recruiters for government franchises that are being illegally enforced.
- 29 4. The main function of lawyers are as priests of the civil religion of socialism who impute, perpetuate, and protect an
30 unequal relationship between the sovereign People, and a government that is supposed to serve them but instead rules
31 and abuses them.

32 To give you an example of how lawyers act as an extension of an organized crime ring and as the organizers of such
33 government crime, consider what happens when one tries to submit the correct withholding paperwork with a private
34 employer as a nonresident alien nontaxpayer not engaged in a "trade or business" and not required by law to have or use a
35 Taxpayer Identification Number:

- 36 1. You submit the following withholding forms:
 - 37 1.1. About IRS Form W-8BEN, Form #04.202
38 <http://sedm.org/Forms/FormIndex.htm>
 - 39 1.2. W-8 Attachment: Citizenship, Form #04.219
40 <http://sedm.org/Forms/FormIndex.htm>
 - 41 1.3. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001
42 <http://sedm.org/Forms/FormIndex.htm>
 - 43 1.4. Tax Form Attachment, Form #04.201
44 <http://sedm.org/Forms/FormIndex.htm>
- 45 2. The payroll department at your usually corporate company hands the forms to the legal department and won't give you
46 the name or phone number of anyone in the department to speak with.
- 47 3. The legal department uses anonymity and the fact that you can't contact them as a means to hide from the duty to:
 - 48 3.1. Disclose what, if anything, in the paperwork you submitted is incorrect or inconsistent with prevailing law.
 - 49 3.2. Respond to your phone calls, because they won't give you their number.

3.3. Respond to your mail. Even if you send them a certified mail, they will not respond by telling you what is incorrect, because they KNOW you are correct, but if they admitted it, they would have to admit that they have been handling withholding and reporting ILLEGALLY for everyone else in the company.

4. If you tell them they have ten days to deny and a failure to deny under Federal Rule of Civil Procedure 8(b)(6) constitutes an admission, they may tell the payroll clerk and the boss to have you either not hired or fired because having you around would ultimately mean they could be prosecuted for violating and mal-administering the Internal Revenue Code within the company.

Hence, lawyers, like the government, use omission and presumption and the ignorance of the average American about law as a method to:

1. Force people to submit and sign under penalty of perjury withholding paperwork UNDER UNLAWFUL DURESS that is clearly false, perjurious, and criminal and hence, to engage in a willful criminal conspiracy to defraud workers within the company and the government. This causes the legal counsel at the company to be engaged in criminal witness tampering in violation of 18 U.S.C. §1512, because perjury statements on tax forms constitute "testimony of a witness".
2. Protect their illegal activities by forcing you to either SHUT UP about the crime they are committing or be fired/not hired after becoming a whistleblower.
3. Force people ultimately to become indentured servants and public officers against their will and in violation of the Thirteenth Amendment prohibition against involuntary servitude.
4. Not only NOT protect the rights of EVERYONE in the company, but to be the WORST abusers of private rights.

In short, they only care about limiting risk to themselves and the company they work for. TO HELL WITH THE WORKERS AND OBEYING THE LAW! They become priests of a Satanic civil religion and cult that worships black robed judges with a financial conflict of interest and a corrupt government. They hold "human sacrifices" to their pagan deity and YOU are the sacrifice. The blood they spill is yours when they won't hire you or have you fired because you won't worship SATAN as they do. If they REALLY cared about balancing their perspective, they would at least tell you, using the written law, why you are wrong and strictly observe the rules of statutory construction and interpretation when doing so. Instead, all they offer you are unconstitutional presumptions that add things to definitions that are CLEARLY excluded, and which unlawfully and unconstitutionally enlarge government power. This is their way of turning the legal profession into a priesthood, and substituting UNCONSTITUTIONAL PRESUMPTION in the place of religious faith, thus creating as state-sponsored religion.

"It is apparent 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."
[Bailey v. Alabama, 219 U.S. 219 (1911)]

"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colautti v. Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed in other legislation, has no pejorative connotation.[19] As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it."
[Meese v. Keene, 481 U.S. 465, 484 (1987)]

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning." Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."
[Stenberg v. Carhart, 530 U.S. 914 (2000)]

In exchange for their satanic allegiance, these "deacons" of the state sponsored civil religion and church, the corrupt legal profession is paid more highly than any other profession. Many lawyers charge \$400/hour or more for their services and in the end, they NEVER serve the client, but the government and their own pocket book. They sold your liberty for 20 pieces of silver to the highest bidder.

- 1 1. To what or whom is an attorney's first duty? We consult the latest 7 Corpus Juris Secundum (C.J.S.), Attorney &
2 Client, §4 for the answer below:

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→ His first duty is to the courts and the public, not to the client,⁵⁵ and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter.⁵⁶

The office of attorney is indispensable to the administration of justice and is intimate and

peculiar in its relation to, and vital to the well-being of, the court.⁵⁷ An attorney has a duty to aid the court in seeing that actions and proceedings in which he is engaged as counsel are conducted in a dignified and orderly manner, free from passion and personal animosities, and that all causes brought to an issue are tried and decided on their merits only;⁵⁸ to aid the court

- 3
4 2. What is the legal relationship between an attorney and his/her client?

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and the term is synonymous with "attorney."¹⁴ Therefore, anyone advertising himself as a lawyer holds himself out to be an attorney, an attorney at law, or counselor at law.¹⁵

If one appears before any court in the interest of another and moves the court to action with respect to any matter before it of a legal nature, such person appears as an "advocate", as that term is generally understood.¹⁶ The phrase "as an advocate in a representative capacity," as used in the statute regulating the practice of law, implies a representation distinct from officer or other regular administrative corporate employee representation.¹⁷

In England and her colonies a "barrister" is a person entitled to practice as an advocate or counsel in the superior courts.¹⁸ A "solicitor" is a person whose business it is to be employed in the care and management of suits depending in courts of chancery.¹⁹ In the great majority of the states of the Union, where law and equity are both administered by the same court, it has naturally come about that the two offices of attorney at law and solicitor in chancery have practically been consolidated, although in the federal equity practice the term "solicitor" is in

general use; but in some states the office of solicitor in chancery is a distinct and separate office from that of attorney at law.²⁰

→ A client is one who applies to a lawyer or counselor for advice and direction in a question of law, or commits his cause to his management in prosecuting a claim or defending against a suit in a court of justice;²¹ one who retains the attorney, is responsible to him for his fees, and to whom the attorney is responsible for the management of the suit;²² one who communicates facts to an attorney expecting professional advice.²³ Clients are also called "wards of the court" in regard to their relationship with their attorneys.²⁴

ward
of
court

§ 3. Nature of Right to Practice

While it has been broadly stated that the right to practice law is not a natural or constitutional right, but is in the nature of a privilege or franchise, the practice of law is not a matter of grace but of right for one who is qualified by his learning and moral character.

Library References

Attorney and Client ⇨14.

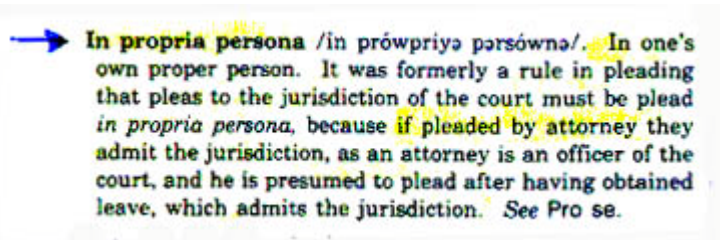
The right to practice law is not a natural or constitutional right.²⁵ Nor is the right to practice

- 5
6 3. What is a ward of the court?

→ Wards of court. Infants and persons of unsound mind placed by the court under the care of a guardian. Davis' Committee v. Loney, 290 Ky. 644, 162 S.W.2d 189, 190. Their rights must be guarded jealously. Montgomery v. Erie R. Co., C.C.A.N.J., 97 F.2d 289, 292. See Guardianship.

(Are you an infant or person of unsound mind?)

- 7
8
9 4. Do you need to challenge jurisdiction? Better read the following, particularly "...because if pleaded by an attorney....."



Conclusions of law:

1. When you hire an attorney, you become a ward of the court and a second class citizen and you admit the jurisdiction of the court in the matter at hand.
2. You can't hire an attorney if you want to challenge jurisdiction.
3. If you want to challenge jurisdiction, the only way you can do it is as a "sui juris" and/or "in propria persona".

Should you hire an attorney? What do you think?

ABSOLUTELY NOT!

13 Evidence of a de facto legislature

*"No man's property is safe while Congress is in session."
[Mark Twain]*

13.1 Undefined or ambiguous legal "terms" in acts of Congress delegate undue discretion to government employees and judges

*"When words lose their meaning, people will lose their liberty."
[Confucius, 500 B.C.]*

*"[J]udicial 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, of Watergate hearing fame]*

*"It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules [of statutory construction and interpretation] and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them."
[Federalist Paper No. 78, Alexander Hamilton]*

A statute enacted by the legislative branch which is deliberately vague and impermissibly delegates undue discretion in its interpretation by another branch of government is the method of choice by which the legislative branch "winks" at another branch, encourages, and sanctions abuses of discretion and violation of the principles of equal protection by the other branch.

In response to deliberately vague statutes and laws, a favorite tactic of judges and executive branch employees who wish to usurp authority and violate their oath is unlawfully enlarge the definition of words found in statutes to include things that the law does not expressly allow. It is a maxim of law that when a statutory definition is provided, that definition SUPERSEDES and REPLACES rather than ENLARGES the ordinary meaning of the word.

"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be

inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”
[Black’s Law Dictionary, Sixth Edition, p. 581]

“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term ‘means’ . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”
[Stenberg v. Carhart, 530 U.S. 914 (2000)]

What criminal and de facto state officers will do is violate the rules of statutory construction by abusing the word “includes” as a way to add ANYTHING they want to a definition. Below is an example of an invitation from the legislative branch to a franchise court in the Executive Branch to engage in this criminal activity. It is the equivalent of a “winking eye” of one branch authorizing the other branch to violate the private rights of people it is supposed to be protecting:

[TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)
[§ 7701. Definitions](#)

(c) Includes and including

The terms “includes” and “including” when used in a definition contained in this title **shall not be deemed to exclude other things otherwise within the meaning of the term defined.**

This tactic of government verbicide is accomplished using the following techniques, descending order of frequency.

1. Violating the rules of statutory construction using the word “includes”. This is exhaustively covered in the following pamphlet:

[Meaning of the Words “includes” and “including”, Form #05.014](http://sedm.org/Forms/FormIndex.htm)
<http://sedm.org/Forms/FormIndex.htm>

2. Refusing to address arguments of counsel surrounding the definitions of specific words. Instead, they remain silent and ignore such arguments. This can be turned into a default judgment against the court if done properly. See the following for details:

[Silence as a Weapon and a Defense in Legal Discovery, Form #05.021](http://sedm.org/Forms/FormIndex.htm)
<http://sedm.org/Forms/FormIndex.htm>

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 [Great IRS Hoax](#), Form #11.302, where a judge threatened an attorney with disbarment for discussing the law in the courtroom within hearing of a jury.
4. Refusing to discuss the rules of statutory construction and the rules for WHEN and WHY exceptions apply. It is a requirement that all the rules for interpreting statutes must be uniform THROUGHOUT all statutes and that people must receive “reasonable notice” in advance before they can be held accountable for a different interpretation of the statute. This is covered in:

[Requirement for Reasonable Notice, Form #05.022](http://sedm.org/Forms/FormIndex.htm)
<http://sedm.org/Forms/FormIndex.htm>

If you are faced with litigation and the judge or government prosecutor is using any of the above tactics, you have been warned that you are dealing with a DE FACTO officer and that the purpose of such tactics is to involuntarily induct you into a public office, donate all your private property to a public use, public office, and public purpose, and STEAL it from you. They are THIEVES.

We provide extensive materials for combating government verbicide both administratively and during litigation with the following tools, which we encourage you to use throughout your interactions with the government:

1. Rules of Presumption and Statutory Interpretation, Litigation Tool #01.006-Use this document during your litigation to prevent government verbiage
<http://sedm.org/Litigation/LitIndex.htm>
2. Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017-whenver government officers make presumptions about what is in a definition that do no appear in the definition, they are establishing a religion and violating due process of law.
<http://sedm.org/Forms/FormIndex.htm>
3. Meaning of the Words "includes" and "including", Form #05.014-Use this document and information in this document to prove that due process of law is violated whenever things are included in definitions that do not expressly appear somewhere in the statutes.
<http://sedm.org/Forms/FormIndex.htm>

Former State Supreme Court Justice of Alabama Roy Moore, alluded to this destruction of the separation of powers as and the rules of statutory construction in the following news article we downloaded from the internet:

"THE PEOPLE'S IGNORANCE"

SPOKANE, Wash. -- At a press conference before an event sponsored by the Constitution Party of Washington June 26, Judge Roy Moore stated in three words exactly why Americans are experiencing judicial anarchy.

Former Alabama Supreme Court Justice Moore, who has gained a lot of notoriety in recent years for his refusal to remove the Ten Commandments from his courthouse, was at Shadle Park High School with Constitution Party presidential candidate Mike Peroutka. Judge Moore had been explaining how judges' common practice of changing the meaning of words in their courtrooms is legislating from the bench. He described how this flagrant violation of the separation of powers clause in the Constitution has been institutionalized in the courts of the nation and explains how judges are able to justify unjust rulings.

Idaho Observer editor Don Harkins asked, "What is the power behind all this?"

"The people's ignorance," said Judge Moore.

[SOURCE: Idaho Observer, July 2004: <http://www.proliberty.com/observer/20040724.htm>]

13.2 Manipulation and Oppression of the Judicial Branch

Congress are the ones responsible for creating courts other than the U.S. Supreme Court. A Congress that wishes to consolidate all power into its own hands or that of the Executive Branch will:

1. Create only legislative courts.
2. Not invoke Article III of the Constitution in creating the courts so that the court ends up being a franchise court and a property court that cannot rule on issues of rights.
3. Gag the judges from ruling on constitutional violations relating to tax issues using the Declaratory Judgment Act.

United States Code
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART VI - PARTICULAR PROCEEDINGS
CHAPTER 151 - DECLARATORY JUDGMENTS
Sec. 2201. Creation of remedy

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

4. Force judges to have a conflict of interest relating to tax issues by forcing them to be "taxpayers". See section 14.4 later.
5. Using the IRS to terrorize judges who will not do what they want by using tax enforcement to destroy honest judges who rule righteously.

6. Force the judges in the court to be individually at their mercy for their pay, so that they can be individually controlled. For instance, instead of budgeting for the ENTIRE judicial department and letting the department pay the judges individually, the Executive pays each judge personally and individually. This puts them at the mercy of the Executive Branch.

*"In the general course of human nature, **A POWER OVER A MAN'S SUBSISTENCE [of the license or certificate that makes his subsistence possible] AMOUNTS TO A POWER OVER HIS WILL.**"*
[Alexander Hamilton, *Federalist paper No. 79*]

13.3 No Constitutional courts and only franchise courts for settling disputes

As we have repeatedly pointed out throughout this document, all franchises:

1. Are civil and not criminal law.
2. Are contracts between the government grantor and the (formerly) private human being. As contracts, they:
 - 2.1. Convey rights. All rights are property.
 - 2.2. Create agency on the part of BOTH parties in relation to the other party.
3. Require that all those who participate are public offices and public officers within the government.
4. Assume that the franchisee is a public officer who:
 - 4.1. Is surety for the actions of the office he occupies.
 - 4.2. Acting in a representative capacity over a government business trust under the authority of Federal Rule of Civil Procedure 17(b).
 - 4.3. Representing a federal corporation as such public officer, and hence is a statutory but not constitutional "U.S. citizen" pursuant to 8 U.S.C. §1401.
 - 4.4. May only serve in the District of Columbia as required by 4 U.S.C. §72, in the case of federal/national franchises.
5. Define the choice of law and the forum(s) governing all disputes under the franchise.
6. Can and often do relegate disputes under the franchise to a specialized administrative tribunal/body that is not a constitutional court and which is NOT in the judicial branch, but usually the executive branch of the government.

The above facts are significant, because they essentially make the government into little more than an employer in relation to all those who participate. The so-called "benefits" of the franchise constitute the requisite consideration which forms the basis for making the franchise/employment contract binding against both parties to it. The U.S. Supreme Court has held that the government is NOT bound by the constitution among its own "employees" and public officers and that it essentially can place any demand it wants upon its own officers without encroaching on their Constitutional rights:

"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O'Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277-278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm'n v. Letter Carriers, 413 U.S. 548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616-617 (1973)."
[Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]

Hence, franchise courts behave as the equivalent of administrative, binding arbitration boards for disputes internal to the government among government "employees" and public officers, but NOT ordinary common law employees or workers. We must remember that under the common law, anything you consent to, including binding arbitration under an "employment" agreement, cannot form the basis for an injury. No one, at least in theory can force you to occupy a public office in the government and thereby become a franchisee. Hence, you are presumed to have become a franchisee with your full knowledge and consent and participation, and once you become a franchisee, you can't complain how they administer so-called "justice" within the meaning of the franchise under the franchise contract.

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/BouviersMaxims.htm>]

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

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

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

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

There are significant differences between the way a Constitutional court and an administrative franchise court operate. Below is a tabular comparison of some of those differences:

Table 4: Comparison of Franchise Court to Constitutional Court

#	Characteristic	Franchise Court	Constitutional Court
1	Clause of federal Constitution under which authorized	Article I Article IV	Article III
2	Statutes establishing the court must expressly invoke the Constitutional provision authorizing their creation?	No	Yes
3	Type of right officiated over	Public right	Private right
4	Property that may form the basis of the dispute	Public property	Private property
5	How property became "public property" under the franchise agreement	Donating it to a public use, public purpose, and public office by voluntarily connecting it with a government identifying number (e.g. TIN, EIN, etc)	Not applicable
6	Authority for deciding dispute	Federal statutory franchise agreement such as I.R.C. Subtitles A or C	Constitution Common law
7	"Due process" defined by	The franchise agreement	The Constitution
8	Presumptions permitted during proceeding without violating "due process of law"? ²²	Yes	No
9	Term of "judges" in the court	Definite, fixed period	Life
10	Jury required?	No (depends on what franchise contract says)	Yes
11	Legal "person" who is party to the dispute	Public office Public officer who is surety for the office	Private human being
12	Jurors	All statutory "U.S. citizens" pursuant to 8 U.S.C. §1401 participating in government franchises as public officers	Private human beings who are Constitutional but not statutory "U.S. citizens" and who MAY NOT participate in said franchises because of criminal conflicts of interest. See 18 U.S.C. §§201, 208.

²² See: *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017; <http://sedm.org/Forms/FormIndex.htm>.

1 A court that is functioning as a franchise court or binding arbitration court is called a “assize” court in Black’s Law
2 Dictionary:

3 *Assize, or assise (obsolete). An ancient species of court, consisting of a certain number of men, usually twelve,*
4 *who were summoned together to try a disputed cause, performing the functions of a jury, **except that they gave***
5 ***a verdict from their own investigation and knowledge and not upon evidence adduced.** From the fact that*
6 *they sat together (assideo), they were called the “assize”. **A court composed of an assembly of knights and***
7 ***other substantial men, with the baron or justice, in a certain place, at an appointed time.** The verdict or*
8 *judgment of the jurors or recognitors of assize. 3 bl. Comm. 57, 59.*

9 *In later English law, the name “assizes” or “assises” was given to the court, time, or place where the judges of*
10 *assize and nisi prius, who were **sent by special commission from the crown on circuits through the kingdom,***
11 *proceeded to take indictments, and to try such disputed causes issuing out of the courts at Westminster as were*
12 *then ready for trial, with the assistance of a jury from the particular county. These judges of assize were the*
13 *successors of the ancient “justices in eyre.” They sat by virtue of four separate authorities: (1) Commission of*
14 *Oyer and Terminer, (2) of goal delivery, (3) of nisi prius, and (4) Commission of Peace. In 1971 the Crown*
15 *Court was established which superseded the criminal jurisdiction of courts of assize and all the jurisdiction of*
16 *quarter sessions. The assize courts were accordingly abolished.*

17 *Anything reduced to certainty in respect to time, number, quantity, weight, measure, etc.*

18 *A species of writ, or real action, said to have been invented by Glanville, chief justice to Henry II, and having*
19 *for its object to determine the right of possession of lands, and to recover the possession. 3 Bl.Comm. 184, 185.*

20 *The whole proceedings in court upon a writ of assize. The verdict or finding of the jury upon such a writ. 3*
21 *Bl.Comm. 57.*
22 *[Black’s Law Dictionary, Sixth Edition, pp. 120-121]*

23 Note the chief characteristics of an assize court, based on the above definition are:

- 24 1. The jurors are in a privileged, unequal status in relation to those being tried. This is the status of all those participating
25 in government franchises, which are the equivalent of “Titles of Nobility” prohibited by the Constitution on land
26 protected by the Constitution.
- 27 2. The decision is not based on “evidence”, but upon presumption and discretion. Under the Constitution, all such
28 presumption is a violation of the Constitution in matters involving PRIVATE rather than PUBLIC property.
- 29 3. The jurors are sent by commission from the crown.
- 30 4. The “assize” functions as the equivalent of what has been called the “star chamber”.
- 31 5. The judge of the assize filters evidence heard by the assize.
- 32 6. The proceeding omits the original writ required by the common law. Ergo, every assize court is not operating under
33 the rules of the common law.

34 Franchise courts function as “assize” courts by virtue of the fact that:

- 35 1. The judge is not domiciled on federal territory within the district as required by the Statutes at Large, and therefore
36 must travel into the place he works just like the “assize”.

37 *Every district judge shall reside in the district or one of the districts for which he is appointed, and **for***
38 ***offending against this provision shall be deemed guilty of a high misdemeanor.** (Mar. 3, 1911, ch. 231, §1, 36*
39 *Stat. 1087 as amended July 30, 1914, ch. 216, 38 Stat. 580 and supplemented Mar. 3, 1915, ch. 100; § 1, 38*
40 *Stat. 961; Apr. 11, 1916, ch. 64, § 1, 39 Stat. 48; Feb. 26, 1917, ch. 938, 39 Stat. 938; Feb. 26, 1919, ch. 50, §§*
41 *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,*
42 *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.*
43 *1346; Mar. 3, 1927, ch. 298, 44 Stat. 1347; Mar. 3, 1927, ch. 300, 44 Stat. 1348; Mar. 3, 1927, ch. 332, 44 Stat.*
44 *1370; Mar. 3, 1927, ch. 336, §§ 1, 2, 44 Stat. 1372; Mar. 3, 1927, ch. 338, 44 Stat. 1374; Mar. 3, 1927, ch. 344,*
45 *44 Stat. 1380; Apr. 21, 1928, ch. 393, § 5, 45 Stat. 439; May 29, 1928, ch. 882, 45 Stat. 974; Jan. 17, 1929, ch.*
46 *72, 45 Stat. 1081; Feb. 26, 1929, ch. 334, 45 Stat. 1317; Feb. 26, 1929, ch. 337, 45 Stat. 1319; Feb. 28, 1929,*
47 *ch. 358, 45 Stat. 1344; Feb. 28, 1929, ch. 380, 45 Stat. 1409; May 28, 1930, ch. 346, 46 Stat. 431; June 27,*
48 *1930, ch. 633, 46 Stat. 819; June 27, 1930, ch. 635, 46 Stat. 820; July 3, 1930, ch. 852, 46 Stat. 1006; Feb. 20,*
49 *1931, ch. 244, 46 Stat. 1196; Feb. 20, 1931, ch. 245, 46 Stat. 1197; Feb. 25, 1931, ch. 296, 46 Stat. 1417; May*
50 *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,*
51 *49 Stat. 659; Aug. 28, 1935, ch. 793, 49 Stat. 945; June 5, 1936, ch. 515, §§ 1-3, 49 Stat. 1476, 1477; June 15,*
52 *1936, ch. 544, 49 Stat. 1491; June 16, 1936, ch. 585, § 1, 49 Stat. 1523; June 22, 1936, ch. 693, 49 Stat. 1804;*
53 *June 22, 1936, ch. 694, 49 Stat. 1804; June 22, 1936, ch. 696, 49 Stat. 1806; Aug. 25, 1937, ch. 771, § 1, 50*
54 *Stat. 805; Mar. 18, 1938, ch. 47, 52 Stat. 110; May 31, 1938, ch. 290, §§ 4, 6, 52 Stat. 585; June 20, 1938, ch.*

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, ch. 282, 54 Stat. 253; Nov. 27, 1940, ch. 920, § 1, 54 Stat. 1216.)
[Judicial Code of 1940, Section 1, pp. 2453-2454, Exhibit 3]

2. The judge himself/herself is also in possession of royal/privileged status by virtue of:
 - 2.1. His participation in the franchises at issue before the court.
 - 2.2. His status as a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 rather than a constitutional citizen.This privileged status makes the judge have a criminal conflict of interest in violation of 18 U.S.C. §§201, 208 and 28 U.S.C. §§144 and 455.
3. The jurors do not maintain a domicile in the place where they serve and therefore “travel” into the place they serve, just like the “assize” described above. For instance, all federal trials require the jurors to reside on federal territory without the outer limits of the district per 28 U.S.C. §1865(b). 18 U.S.C. §1865(b)(1) says that jurors must be statutory “U.S. citizens” pursuant to 8 U.S.C. §1401 and you can’t be such a “citizen” without a domicile on federal territory that is NO PART of any state of the Union.
 - 3.1. Very few juries in fact satisfy this criteria and therefore MUST be recused for cause. In practice, the franchise judges unlawfully dismiss challenges to jury qualifications based on this requirement and in effect appoints those domiciled in a foreign jurisdiction by “special privilege” to serve in federal trials in violation of 28 U.S.C. §1865.
 - 3.2. In this context, the judge represents “the crown” or “parens patriae” government who then establishes the “assize” from people outside his territorial jurisdiction, and all those who are appointed are carefully chosen to be privileged participants in federal franchises and therefore in receipt of a “title of nobility”.In the above circumstance, jurors no longer represent the “State” which is defined as the Sovereign People whom the government serves. Instead, these privileged jurors function mainly to protect the commercial privilege they are in receipt of and maintain the flow of plunder into their checking accounts in criminal violation of 18 U.S.C. §201 and 208.
4. Judges in franchise courts routinely and maliciously exclude evidence presented by the accused, leaving nothing but opinion, presumption, bias, and personal belief as the only deciding factors. In many if not the majority of cases, they prejudicially exclude ALL evidence of the accused in violation of due process and thus producing a void judgment.
5. Only licensed attorneys, meaning those in receipt of privileges and therefore possessing an unconstitutional “title of nobility”, are allowed by the franchise judge to “practice law” in the context of the proceeding.
6. The franchise judge PRESUMES, usually falsely, that you consented to his jurisdiction by making an “appearance”.

appearance. A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The **voluntary submission** to a court's jurisdiction.

In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many stages of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his behalf. See e.g., Fed.R.Crim.P. 43.

An appearance may be either **general** or **special**; the former is a simple and unqualified or unrestricted submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific purpose only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting to the sufficiency of service or the jurisdiction of the court over defendant without submitting to such jurisdiction; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction of court. *Insurance Co. of North America v. Kunin*, 175 Neb. 260, 121 N.W.2d. 372, 375, 376.
[Black's Law Dictionary, Sixth Edition, p. 97]

There is nothing inherently wrong or immoral about franchise courts so long as the following limits are strictly imposed upon their operation and all government participants:

1. Their rulings or precedents are not invoked, cited, or used against any of the following because this would be an abuse of legal process for political and propaganda purposes:
 - 1.1. PRIVATE HUMAN BEINGS.
 - 1.2. Those not lawfully engaged in federal franchises.
 - 1.3. Those domiciled/resident outside of federal territory and therefore NOT statutory “U.S. citizens” (8 U.S.C. §1401), “U.S. residents” (26 U.S.C. §7701(b)(4)), or “U.S. persons” (26 U.S.C. §7701(a)(30)).
 - 1.4. Those protected by the Constitution.

2. They do not rely on false reports that connect people with government franchises. For instance, they do NOT rely on false information returns (e.g. IRS Forms W-2, 1042-S, 1098, and 1099) as a justification for why they have jurisdiction to entertain the dispute.
3. They do not interfere with correcting false reports connecting innocent private parties to franchises and do not interfere with the introduction of evidence that such reports are false.
4. They immediately dismiss all cases before them involving false reports or false evidence connecting the participants with federal franchises.
5. They do not pretend that they are a REAL court and do not call those who properly identify them as a franchise court “frivolous” or try to penalize them.
6. They do not operate outside of their territorial jurisdiction. For instance, all federal franchises must be executed ONLY in the District of Columbia pursuant to 4 U.S.C. §72 and the U.S. Tax Court, which is an Article I franchise court, has offices in the District of Columbia but ALSO travels (ILLEGALLY, we might add) around the country hearing cases of parties domiciled elsewhere.

A franchise court judge who violates the above requirements is essentially:

1. Acting as a co-prosecutor in conspiracy with the government prosecutor.
2. Actively involved, with the prosecutor, in a conspiracy against rights protected by the Constitution in criminal violation of 18 U.S.C. §241.
3. Breaching their fiduciary duty as public officers to protect PRIVATE PROPERTY. Instead, they are abusing their authority as a judge or prosecutor to criminally convert PRIVATE property into a public use, public purpose, and public office in violation of 18 U.S.C. §654.
4. Proceeding with a criminal conflict of interest in violation of 18 U.S.C. §201, 208 and 28 U.S.C. §§144, 455. It is a conflict of interest because their pay and benefits derive DIRECTLY from the property that is the subject of the proceeding.
5. Engaged in a conspiracy to defraud the “United States” in criminal violation of 18 U.S.C. §287, because:
 - 5.1. The jurors are public officers of the “United States” under 18 U.S.C. §201.
 - 5.2. The defendant is a “public officer” as a “taxpayer”. 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>
 - 5.3. Both of these groups are being willfully deceived by the judge and prosecutor into believing that they are liable for a tax that doesn’t actually apply to them.
6. Involved in a “confidence game”. This is also called a “Ponzi scheme”. To wit:

“Confidence game. Obtaining money or property by means of some trick, device, or swindling operation in which advantage is taken of the confidence which the victim reposes in the swindler. The elements of the crime of “confidence game” are: (1) an intentional false representation to the victim as to some present fact, (2) knowing it to be false, (3) with the intent that the victim rely on the representation, (4) the representation being made to obtain the victim’s confidence and thereafter his money and property, (5) which confidence is then abused by defendant. U.S. v. Brown, D.C.App., 309 A.2d 256, 257.

For distinction between false pretenses and confidence game, see False pretenses. See also Flim-flam.”
[Black’s Law Dictionary, Sixth Edition, p. 297]

13.4 Statutory Presumptions that Injure Rights

A statutory presumption is a presumption which is mandated by a statute. Below is an example of such a presumption:

26 U.S.C. Sec. 7701(c) INCLUDES AND INCLUDING.

The terms ‘include’ and ‘including’ when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.”

What Congress is attempting to create in the above is the following false presumption:

“Any definition which uses the word ‘includes’ shall be construed to imply not only what is shown in the statute and the code itself, but also what is commonly understood for the term to mean or whatever any government employee deems is necessary to fulfill what he believes is the intent of the code.”

We know that the above presumption is unconstitutional and if applied as intended, would violate the Void for Vagueness Doctrine described. It would also violate the rules of statutory construction that say:

1. The purpose for defining a word within a statute is so that its ordinary (dictionary) meaning is not implied or assumed by the reader.
2. When a term is defined within a statute, that definition is provided usually to supersede and not enlarge other definitions of the word found elsewhere, such as in other Titles or Codes.

The U.S. Supreme Court has ruled many times that statutory presumptions which prejudice or threaten constitutional rights are unconstitutional. Below are a few of its rulings on this subject to make the meaning perfectly clear:

"Legislation declaring that proof of one fact of group of facts shall constitute prima facie evidence of an ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be inferred. A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary, or that operates to deny a fair opportunity to repel it, violates the due process clause of the Fourteenth Amendment. Legislative fiat may not take the place of fact in the judicial determination of issues involving life, liberty, or property. Manley v. Georgia, 279 U.S. 1, 49 S.Ct. 215, 73 L.Ed. , and cases cited."
[Western and Atlantic Railroad v. Henderson, 279 U.S. 639 (1929)]

"[I]t is unconstitutional for a legislature to remove from the jury the assessment of facts that increase the prescribed range of penalties to which a criminal defendant is exposed. It is equally clear that such facts must be established by proof beyond a reasonable doubt."
[McMillan v. Pennsylvania, 477 U.S. 79 (1986)]

It has always been recognized that the guaranty of trial by jury in criminal cases means that the jury is to be the factfinder. This is the only way in which a jury can perform its basic constitutional function of determining the guilt or innocence of a defendant. See, e. g., United States ex rel. Toth v. Quarles, 350 U.S. 11, 15-19; Reid v. Covert, 354 U.S. 1, 5-10 (opinion announcing judgment). And of course this constitutionally established power of a jury to determine guilt or innocence of a defendant charged with crime cannot be taken away by Congress, directly or indirectly, in whole or in part. Obviously, a necessary part of this power, vested by the Constitution in juries (or in judges when juries are waived), is the exclusive right to decide whether evidence presented at trial is sufficient to convict. I think it flaunts the constitutional power of courts and juries for Congress to tell them what "shall be deemed sufficient evidence to authorize conviction." And if Congress could not thus directly encroach upon the judge's or jury's exclusive right to declare what evidence is sufficient to prove the facts necessary for conviction, it should not be allowed to do so merely by labeling its encroachment a "presumption." Neither Tot v. United States, 319 U.S. 463, relied [380 U.S. 63, 78] on by the Court as supporting this presumption, nor any case cited in Tot approved such an encroachment on the power of judges or juries. In fact, so far as I can tell, the problem of whether Congress can so restrict the power of court and jury in a criminal case in a federal court has never been squarely presented to or considered by this Court, perhaps because challenges to presumptions have arisen in many crucially different contexts but nevertheless have generally failed to distinguish between presumptions used in different ways, treating them as if they are either all valid or all invalid, regardless of the rights on which their use may impinge. Because the Court also fails to differentiate among the different circumstances in which presumptions may be utilized and the different consequences which will follow, I feel it necessary to say a few words on that subject before considering specifically the validity of the use of these presumptions in the light of the circumstances and consequences of their use.

In its simplest form a presumption is an inference permitted or required by law of the existence of one fact, which is unknown or which cannot be proved, from another fact which has been proved. The fact presumed may be based on a very strong probability, a weak supposition or an arbitrary assumption. The burden on the party seeking to prove the fact may be slight, as in a civil suit, or very heavy - proof beyond a reasonable doubt - as in a criminal prosecution. This points up the fact that statutes creating presumptions cannot be treated as fungible, that is, as interchangeable for all uses and all purposes. The validity of each presumption must be determined in the light of the particular consequences that flow from its use. When matters of trifling moment are involved, presumptions may be more freely accepted, but when consequences of vital importance to litigants and to the administration of justice are at stake, a more careful scrutiny is necessary. [380 U.S. 63, 79]

In judging the constitutionality of legislatively created presumptions this Court has evolved an initial criterion which applies alike to all kinds of presumptions: that before a presumption may be relied on, there must be a rational connection between the facts inferred and the facts which have been proved by competent evidence, that is, the facts proved must be evidence which is relevant, tending to prove (though not necessarily conclusively) the existence of the fact presumed. And courts have undoubtedly shown an

inclination to be less strict about the logical strength of presumptive inferences they will permit in civil cases than about those which affect the trial of crimes. The stricter scrutiny in the latter situation follows from the fact that the burden of proof in a civil lawsuit is ordinarily merely a preponderance of the evidence, while in a criminal case where a man's life, liberty, or property is at stake, the prosecution must prove his guilt beyond a reasonable doubt. See *Morrison v. California*, 291 U.S. 82, 96 -97. The case of *Bailey v. Alabama*, 219 U.S. 219, is a good illustration of this principle. There Bailey was accused of violating an Alabama statute which made it a crime to fail to perform personal services after obtaining money by contracting to perform them, with an intent to defraud the employer. The statute also provided that refusal or failure to perform the services, or to refund money paid for them, without just cause, constituted "prima facie evidence" (i. e., gave rise to a presumption) of the intent to injure or defraud. This Court, after calling attention to prior cases dealing with the requirement of rationality, passed over the test of rationality and held the statute invalid on another ground. Looking beyond the rational-relationship doctrine the Court held that the use of this presumption by Alabama against a man accused of crime would amount to a violation of the Thirteenth Amendment to the Constitution, which forbids "involuntary [380 U.S. 63, 80] servitude, except as a punishment for crime." In so deciding the Court made it crystal clear that rationality is only the first hurdle which a legislatively created presumption must clear - that a presumption, even if rational, cannot be used to convict a man of crime if the effect of using the presumption is to deprive the accused of a constitutional right. [\[United States v. Gainly, 380 U.S. 63 \(1965\)\]](#)

The reason a statutory presumption that injures rights is unconstitutional was also revealed in the Federalist Papers, which say on the subject:

"No legislative act [including a statutory presumption] contrary to the Constitution can be valid. To deny this would be to affirm that the deputy (agent) is greater than his principal; that the servant is above the master; that the representatives of the people are superior to the people; that men, acting by virtue of powers may do not only what their powers do not authorize, but what they forbid...[text omitted] It is not otherwise to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A Constitution is, in fact, and must be regarded by judges, as fundamental law. If there should happen to be an irreconcilable variance between the two, the Constitution is to be preferred to the statute." [Alexander Hamilton, *Federalist Paper # 78*]

The implication of the prohibition against statutory presumptions is that:

1. No natural person who is domiciled within a state of the Union and protected by the Bill of Rights may be victimized or injured in any way by any kind of statutory presumption.
2. Statutory presumptions may only lawfully be applied against legal "persons" who do not have Constitutional rights, which means corporations or those natural persons who are domiciled in the federal zone, meaning on land within exclusive federal jurisdiction that is not protected by the First Ten Amendments to the United States Constitution. See *Downes v. Bidwell*, 182 U.S. 244 (1901).
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 of Rights is involved in a conspiracy against rights:
 - 3.1. Imposes a statutory or judicial presumption.
 - 3.2. Extends or enlarges any definition in the Internal Revenue Code based on any arbitrary criteria.
 - 3.3. Invokes an interpretation of a definition within a code which may not be deduced directly from language in the code itself.

The above inferences help establish who the only proper audience for the Internal Revenue Code is, which is federal corporations, agents, and employees and those domiciled within the federal zone, and excluding those within states of the Union. The reason is that those domiciled in the federal zone are not protected by the Bill of Rights. The only exception to this rule is that any natural person who is domiciled in a state of the Union but who is exercising agency of a federal corporation or legal "person" which has a domicile within the federal zone also may become the lawful subject of statutory presumptions, but only in the context of the agency he is exercising. For instance, this is demonstrated in the document below:

[Resignation of Compelled Social Security Trustee](http://sedm.org/Forms/FormIndex.htm), Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

that those participating in the Social Security program are deemed to be "agents", "employees", and "fiduciaries" of the federal corporation called the United States, which has a "domicile" in the federal zone (District of Columbia) under [4](#)

1 U.S.C. §72. Therefore, unless and until they eliminate said agency using the above document, statutory presumptions may
2 be used against them without an unconstitutional result, but only in the context of the agency they are exercising.

3 **14 Evidence of de facto courts**

4 **14.1 De Facto Judges**

5 A “de facto” judge is one who is serving inconsistent with the statutes or other authority from which he is authorized to
6 serve. Absent a timely objection to the judge's authority to serve, the acts of a de facto judge are valid;²³ although, while
7 not void, they may be merely voidable.²⁴ Generally, the right of a de facto judge to hold office can be challenged only
8 through procedures instituted for that purpose, such as quo warranto proceedings.²⁵ Furthermore, state courts generally
9 hold that the right of a de facto judge to hold office cannot be attacked collaterally.²⁶ Similarly, a timely objection to a de
10 facto judge's authority is necessary to void his or her acts,²⁷ and failure to so object generally results in waiver of any such
11 objection for appellate purposes,²⁸ although, again, there is authority which holds to the contrary, on the basis that a defect
12 by way of lack of judicial authority is jurisdictional, and can be raised for the first time on appeal despite the de facto
13 doctrine.²⁹

14 Thus, generally, the de facto judge's title and authority may not be questioned in a proceeding to obtain a writ of prohibition
15 to prevent him from doing an official act,³⁰ or in a suit to enjoin the performance of the duties of the office,³¹ or in a
16 habeas corpus proceeding to procure the release of a person convicted of a crime before the judge³² or in a direct
17 proceeding for the purpose of vacating a judgment.³³ Nor may a party attack the title or authority of one acting under color
18 of right as the duly elected or appointed regular judge of a court, in litigation pending therein, either by motion in limine or
19 plea or general objections,³⁴ nor by motion in arrest of judgment or by similar motion after trial.³⁵

²³ Stein v. Foster (Fla) 557 So.2d. 861, 15 FLW S 31, cert den 498 U.S. 847, 112 L.Ed.2d. 101, 111 S.Ct. 134. The decrees of a de facto chancellor are valid and do not require a nunc pro tunc order to sustain their validity. Pope v. Pope, 213 Ark. 321, 210 S.W.2d. 319. A criminal defendant's conviction was valid despite the invalidity of the judge's appointment where counsel conceded that the judge had de facto authority. In re Application of Eng, 113 Wash 2d 178, 776 P.2d. 1336.

²⁴ Card v. State (Fla) 497 So.2d. 1169, 11 FLW 521, cert den 481 U.S. 1059, 95 L.Ed.2d. 858, 107 S.Ct. 2203.

²⁵ People v. Larry C. (3rd Dist) 234 Cal App 3d 405, 286 Cal Rptr 52, 91 CDOS 7715, 91 Daily Journal DAR 11736, review den, op withdrawn by order of ct (Cal) 92 CDOS 247, 91 Daily Journal DAR 15745; Commonwealth v. Di Stasio, 297 Mass 347, 8 N.E.2d. 923, 113 A.L.R. 1133, cert den 302 U.S. 683, 82 L.Ed. 527, 58 S.Ct. 50 and cert den 302 U.S. 759, 82 L.Ed. 587, 58 S.Ct. 370; State ex rel. McGaughey v. Grayston, 349 Mo. 700, 163 S.W.2d. 335; In re Santillanes, 47 N.M. 140, 138 P.2d. 503; In re Wingler, 231 N.C. 560, 58 S.E.2d. 372; State ex rel. Madden v. Crawford, 207 Or. 76, 295 P.2d. 174.

²⁶ People v. Larry C. (3rd Dist) 234 Cal App 3d 405, 286 Cal Rptr 52, 91 CDOS 7715, 91 Daily Journal DAR 11736, review den, op withdrawn by order of ct (Cal) 92 CDOS 247, 91 Daily Journal DAR 15745; Rodgers v. Rodgers (Ind App) 503 N.E.2d. 1255; In re Wingler, 231 N.C. 560, 58 S.E.2d. 372; Sheldon v. Green, 182 Okla 208, 77 P.2d. 114; State ex rel. Madden v. Crawford, 207 Or. 76, 295 P.2d. 174; State ex rel. Jugler v. Grover, 102 Utah 459, 132 P.2d. 125.

²⁷ Stein v. Foster (Fla) 557 So.2d. 861, 15 FLW S 31, cert den 498 U.S. 847, 112 L.Ed.2d. 101, 111 S.Ct. 134. A challenge to a judge's authority to act should be made at the time any irregularities in the judge's appointment arises. Rodgers v. Rodgers (Ind App) 503 N.E.2d. 1255.

²⁸ Stein v. Foster (Fla) 557 So.2d. 861, 15 FLW S 31, cert den 498 U.S. 847, 112 L.Ed.2d. 101, 111 S.Ct. 134. A challenge to a judge's authority to act may not be raised for the first time on appeal. Rodgers v. Rodgers (Ind App) 503 N.E.2d. 1255.

²⁹ Glidden Co. v. Zdanok, 370 U.S. 530, 8 L.Ed.2d. 671, 82 S.Ct. 1459, 50 BNA LRRM 2693, 45 CCH LC ¶ 17685 (involving the power of so called Article I judges to participate in or render decisions of a court created under Article III of the Constitution).

³⁰ Clapp v. Sandidge, 230 Ky. 594, 20 S.W.2d. 449; Walcott v. Wells, 21 Nev. 47, 24 P. 367. It has, however, been held that although a writ of prohibition is not the proper remedy to test the authority of a special judge or a de facto judge, a court may, within its discretion, choose to determine the authority of such a judge in a prohibition proceeding. State ex rel. McGaughey v. Grayston, 349 Mo. 700, 163 S.W.2d. 335 (relying on the urgency of the question presented and the demand of the public interest for its speedy determination).

³¹ Chambers v. Adair, 110 Ky. 942, 62 S.W. 1128.

³² 39 Am Jur 2d, Habeas Corpus § 34.

³³ Sheldon v. Green, 182 Okla 208, 77 P.2d. 114.

³⁴ Butler v. Phillips, 38 Colo 378, 88 P 480.

³⁵ Linehan v. Travelers Ins. Co., 370 Ill. 157, 18 N.E.2d. 178; In re Pardee's Estate, 259 App Div 101, 18 N.Y.S.2d. 413; Snow v. State, 134 Tex.Crim. 263, 114 S.W.2d. 898.

1 [28 U.S.C. §134](#)(b) requires that all federal judges must reside within the district in which they serve.

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

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

8 The Judicial Code of 1940, found in What Happened to Justice?, Form #06.012, Evidence Book, Vol. 1, Exhibit 3 states the
9 following about the residency requirements of federal judges:

10 Every district judge shall reside in the district or one of the districts for which he is appointed, and for
11 offending against this provision shall be deemed guilty of a high misdemeanor. (Mar. 3, 1911, ch. 231, §1, 36
12 Stat. 1087 as amended July 30, 1914, ch. 216, 38 Stat. 580 and supplemented Mar. 3, 1915, ch. 100; § 1, 38
13 Stat. 961; Apr. 11, 1916, ch. 64, § 1, 39 Stat. 48; Feb. 26, 1917, ch. 938, 39 Stat. 938; Feb. 26, 1919, ch. 50, §§
14 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,
15 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.
16 1346; Mar. 3, 1927, ch. 298, 44 Stat. 1347; Mar. 3, 1927, ch. 300, 44 Stat. 1348; Mar. 3, 1927, ch. 332, 44 Stat.
17 1370; Mar. 3, 1927, ch. 336, §§ 1, 2, 44 Stat. 1372; Mar. 3, 1927, ch. 338, 44 Stat. 1374; Mar. 3, 1927, ch. 344,
18 44 Stat. 1380; Apr. 21, 1928, ch. 393, § 5, 45 Stat. 439; May 29, 1928, ch. 882, 45 Stat. 974; Jan. 17, 1929, ch.
19 72, 45 Stat. 1081; Feb. 26, 1929, ch. 334, 45 Stat. 1317; Feb. 26, 1929, ch. 337, 45 Stat. 1319; Feb. 28, 1929,
20 ch. 358, 45 Stat. 1344; Feb. 28, 1929, ch. 380, 45 Stat. 1409; May 28, 1930, ch. 346, 46 Stat. 431; June 27,
21 1930, ch. 633, 46 Stat. 819; June 27, 1930, ch. 635, 46 Stat. 820; July 3, 1930, ch. 852, 46 Stat. 1006; Feb. 20,
22 1931, ch. 244, 46 Stat. 1196; Feb. 20, 1931, ch. 245, 46 Stat. 1197; Feb. 25, 1931, ch. 296, 46 Stat. 1417; May
23 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,
24 49 Stat. 659; Aug. 28, 1935, ch. 793, 49 Stat. 945; June 5, 1936, ch. 515, §§ 1-3, 49 Stat. 1476, 1477; June 15,
25 1936, ch. 544, 49 Stat. 1491; June 16, 1936, ch. 585, § 1, 49 Stat. 1523; June 22, 1936, ch. 693, 49 Stat. 1804;
26 June 22, 1936, ch. 694, 49 Stat. 1804; June 22, 1936, ch. 696, 49 Stat. 1806; Aug. 25, 1937, ch. 771, § 1, 50
27 Stat. 805; Mar. 18, 1938, ch. 47, 52 Stat. 110; May 31, 1938, ch. 290, §§ 4, 6, 52 Stat. 585; June 20, 1938, ch.
28 528, 52 Stat. 780; Jan. 20, 1940, ch. 11, 54 Stat. 16; May 24, 1940, Ch. 209, § 2 (C), 54 Stat. 220; June 8, 1940,
29 ch. 282, 54 Stat. 253; Nov. 27, 1940, ch. 920, § 1, 54 Stat. 1216.)
30 [Judicial Code of 1940, Section 1, pp. 2453-2454, Exhibit 3]

31 The above section of the Judicial Code of 1940 does not appear in the current version of Title 48 of the U.S. Code, but it is
32 still in effect today. If you quote it against your judge, the judge may try to deceive you into believing that it has been
33 repealed. However, the following provision of Title 28 confirms that it is still in effect, which you can read in What
34 Happened to Justice?, Form #06.012, Evidence Book, Vol. 2, Exhibit 6 at the beginning of the Judicial Code of 2000, Title
35 28 U.S.C.:

36 TITLE 28 AS CONTINUATION OF EXISTING LAW; CHANGE OF NAME OF CIRCUIT COURTS OF
37 APPEALS

38 Section 2(b) of act June 25, 1948, ch. 646, 62 Stat. 985, provided that: "The provision of Title 28, Judiciary
39 and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the
40 organization of each of the several courts therein provided for and of the Administrative Office of the United
41 States Courts, shall be construed as continuations of existing law, and the tenure of the judges, officers, and
42 employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office
43 on the effective date of this Act [Sept. 1, 1948, shall not be affected by its enactment, but each of them shall
44 continue to serve in the same capacity under the appropriate provisions of title 28, as set out in section 1 of this
45 Act, pursuant to his prior appointment: Provided, however, That each circuit court of appeals shall, as in said
46 title 28 set out, hereafter be known as a United States court of appeals. No loss of rights. interruption of
47 jurisdiction, or prejudice to matters pending in any of such Courts on the effective date of this Act shall result
48 from its enactment."

49 [Judicial Code of 2000, Title 28, Evidence Book, Vol. 2, Exhibit 6, p. 26]

50 The Judiciary Act of 1789 in Section 2 establishes the federal territory within a State or territory as the judicial district and
51 makes a judge's failure to reside within the district a high misdemeanor. Failure to reside within the district remains a high
52 misdemeanor in all subsequent versions of the United States Judiciary Codes including the Judicial Code of 1940 upon
53 which the Judiciary Code of 1948 is based. The judicial district includes ONLY federal property and cannot include any
54 part of a state under the exclusive jurisdiction of the state. This is a requirement of the Separation of Powers Doctrine:
55 Federal judges cannot be subject to state jurisdiction, because state and federal courts are both territorial.

If you can prove that a district judge lives on other than land under exclusive jurisdiction, then he is a “de facto judge”, meaning a judge who does not satisfy the requirements to sit on the bench. In that circumstance, he has no lawful authority to issue ANY ruling. Federal judges know this, and so:

1. They are very protective of information about their residence.
2. Many of them will have the Courthouse on file as their only mailing address.
3. It is difficult to find a private investigator who will tell you where they live, because then they will think you are stalking the judge or wish to do him harm. Most private investigators you will talk to about getting information about a judge will tell you that they have to report your inquiry to the Federal Marshal Service, so it doesn’t look like they are helping you retaliate against or terrorize the judge.
4. The Federal Marshall Service keeps track of the judge’s home address, but will not give it out, even if you send them a Freedom of Information Act Request demanding the information.
5. Federal judges typically will also interfere with the use of legal discovery in your particular case from being used to subpoena information about the judge or any of the other court officers or employees.
6. The Federal Protective Service (FPS), an entity within the Department of Homeland Security, is responsible along with the Federal Marshall Service for protecting federal judges. If you attempt to observe a judge to verify that he lives on federal territory in a district, he may summons the FPS on you and accuse you of being a terrorist. For details, see the CD version of this book under “Federal Government Free Resources” entitled “Personal Security Guide for State Judges”.

If you wish to investigate more thoroughly the limitations upon de facto judges, you may wish to search the U.S. Supreme Court rulings for the term “De facto officer doctrine”. Below is a recent U.S Supreme Court case that describes this doctrine:

The de facto officer doctrine, we have explained,

confers validity upon acts performed by a person acting under the color of official title even though it is later discovered that the legality of that person's appointment or election to office is deficient.

Ryder v. United States, 515 U.S. 177, 180 (1995). Whatever the force of the de facto officer doctrine in other circumstances, an examination of our precedents concerning alleged irregularities in the assignment of judges does not compel us to apply it in these cases.

Typically, we have found a judge's actions to be valid de facto when there is a "merely technical" defect of statutory authority. Glidden Co. v. Zdanok, 370 U.S. 530, 535 (1962) (plurality opinion of Harlan, J.). In McDowell v. United States, 159 U.S. 596, 601-602 (1895), for example, the Court declined to notice alleged irregularities in a Circuit Judge's designation of a District Judge for temporary service in another district. See also Ball v. United States, 140 U.S. 118, [539 U.S. 78] 128-129 (1891) (assigned judge had de facto authority to replace a deceased judge even though he had been designated to replace a disabled judge). We observed in McDowell, however, that the judge whose assignment had been questioned was otherwise qualified to serve, because he was "a judge of the United States District Court, having all the powers attached to such office," and because the Circuit Judge was otherwise empowered to designate him. 159 U.S. at 601.

By contrast, we have agreed to correct at least on direct review, violations of a statutory provision that "embodies a strong policy concerning the proper administration of judicial business" even though the defect was not raised in a timely manner. Glidden, 370 U.S. at 536 (plurality opinion). In American Constr. Co. v. Jacksonville, T. & K. W. R. Co., 148 U.S. 372 (1893), the case Justice Harlan cited for this proposition in Glidden, a judgment of the Circuit Court of Appeals was challenged because one member of that court had been prohibited by statute from taking part in the hearing and decision of the appeal.[10] This Court succinctly observed:

If the statute made him incompetent to sit at the hearing, the decree in which he took part was unlawful, and perhaps absolutely void, and should certainly be set aside or quashed by any court having authority to review it by appeal, error or certiorari.

Id. at 387. The American Constr. Co. rule was again applied in William Cramp & Sons Ship & Engine Building Co. v. International Curtiss Marine Turbine [539 U.S. 79] Co., 228 U.S. 645 (1913), even though the parties had consented in the Circuit Court of Appeals to the participation of a District Judge who was not permitted by statute to consider the appeal. Id. at 650. Rather than sift through the underlying merits, we remanded to the Circuit Court of Appeals "so that the case may be heard by a competent court, [organized] conformably to the requirements of the statute." Id. at 651. See also Moran v. Dillingham, 174 U.S. 153, 158 (1899) ("[T]his court, without considering whether that decree was or was not erroneous in other respects, orders the Decree of the Circuit Court of Appeals to be set aside and quashed, and the case remanded to that

court to be there heard and determined according to law by a bench of competent judges" (emphasis deleted)). We are confronted in petitioners' cases with a question of judicial authority more fundamental than whether "some effort has been made to conform with the formal conditions on which [a judge's] particular powers depend." *Johnson v. Manhattan R. Co.*, 61 F.2d. 934, 938 (CA2 1932) (L. Hand, J.). The difference between the irregular judicial designations in *McDowell* and *Ball* and the impermissible panel designation in the instant cases is therefore the difference between an action which could have been taken, if properly pursued, and one which could never have been taken at all. Like the statutes in *William Cramp & Sons, Moran, and American Constr. Co.*, § 292(a) embodies weighty congressional policy concerning the proper organization of the federal courts.{11} [539 U.S. 80] Section 292(a) does not permit any assignment to service on the courts of appeals of a district judge who does not enjoy the protections set forth in Article III. Congress' decision to preserve the Article III character of the courts of appeals is more than a trivial concern, cf. *Northern Pipeline Constr. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 57-60 (1982) (plurality opinion), and is entitled to respect. The Chief Judge of the Northern Mariana Islands did not purport to have "all the powers attached to" the position of an Article III judge, *McDowell*, 159 U.S. at 601, nor was the Chief Judge of the Ninth Circuit otherwise permitted by § 292(a) to designate him for service on an Article III court. Accordingly, his participation contravened the statutory requirements set by Congress for the composition of the federal courts of appeals. For essentially the same reasons, we think it inappropriate to accept the Government's invitation to assess the merits of petitioners' convictions or whether the fairness, integrity, or public reputation of the proceedings were impaired by the composition of the panel. It is true, as the Government observes, that a failure to object to trial error ordinarily limits an appellate court to review for plain error. See 28 U.S.C. §2111; Fed.Rule Crim.Proc. 52(b). But to ignore the violation of the designation statute in these cases would incorrectly suggest that some action (or inaction) on petitioners' part could create authority Congress has quite carefully withheld. Even if the parties had expressly stipulated to the participation of a non-Article III judge in the consideration [539 U.S. 81] of their appeals, no matter how distinguished and well qualified the judge might be, such a stipulation would not have cured the plain defect in the composition of the panel.{12} See *William Cramp & Sons*, 228 U.S. at 650. More fundamentally, our enforcement of § 292(a)'s outer bounds is not driven so much by concern for the validity of petitioners' convictions at trial but for the validity of the composition of the Court of Appeals. As a general rule, federal courts may not use their supervisory powers to circumvent the obligation to assess trial errors for their prejudicial effect. See *Bank of Nova Scotia v. United States*, 487 U.S. 250, 254-255 (1988). Because the error in these cases involves a violation of a statutory provision that "embodies a strong policy concerning the proper administration of judicial business," however, our exercise of supervisory power is not inconsistent with that general rule.{13} *Glidden*, 370 U.S. at 536 (plurality opinion). Thus, we invalidated the judgment of a Court of Appeals without assessing prejudice, even though urged to do so, when the error alleged was the improper composition of that court. See *United States v. American-Foreign S.S. Corp.*, 363 U.S. 685, 690-691 (1960) (vacating judgment of en banc Court of Appeals because participation by Senior Circuit Judge was not provided by statute). [539 U.S. 82] [*Nguyen v. United States*, 539 U.S. 69 (2003)]

Of de facto judges, the Supreme Court of California has said the following:

"It has been stated, and said to be the majority rule, that there cannot be a de facto officer where there is no de jure office or, as to judges, there can be no de facto judge where there is no de jure court. (*People v. Hecht*, 105 Cal. 621, 629 [38 P. 941, 45 Am.St.Rep. 96, 27 L.R.A. 203], dictum; *Oakland Pav. Co. v. Donovan*, 19 Cal. App. 488, 494 [126 P. 388], dictum; *Malaley v. City of Marysville*, 37 Cal. App. 638, 640 [174 P. 367], dictum; *Kitts v. Superior Court*, 5 Cal. App. 462, 468 [90 P. 977], dictum; *People v. Toal*, 85 Cal. 333, 338 [24 P. 603]; *Ex parte Giambonini*, 117 Cal. 573 [49 P. 732]; *Buck v. City of Eureka*, 109 Cal. 504, 512 [30 L.R.A. 409, 42 P. 243]; see cases from other jurisdictions collected, 99 A.L.R. 294.)." [*Pickens v. Johnson*, 42 Cal. 2d 399, 267 P.2d. 801 (Cal. 03/01/1954)]

14.2 Judges giving themselves discretion to substitute their will for what the law says

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

The U.S. Supreme Court has described America as a "society of law and not men", meaning that written law and not political whim must regulate all the affairs of government:

"The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve that high appellation, if the laws furnish no remedy for the violation of a vested legal right."
[*Marbury v. Madison*, 5 U.S. 137; 1 Cranch 137, 2 L.Ed. 60 (1803)]

The purpose of courts is to enforce the written law, and NOT to substitute the whims or policies of a judge or prosecutor in the place of the law. By law we mean both the Constitution, and all laws passed in furtherance of it.

1 *"No legislative act contrary to the Constitution can be valid. To deny this would be to affirm that the deputy*
2 *(agent) is greater than his principal; that the servant is above the master; that the representatives of the*
3 *people are superior to the people; that men, acting by virtue of powers may do not only what their powers do*
4 *not authorize, but what they forbid...*[text omitted] *It is not otherwise to be supposed that the Constitution*
5 *could intend to enable the representatives of the people to substitute their will to that of their constituents. It*
6 *is far more rational to suppose, that the courts were designed to be an intermediate body between the people*
7 *and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority.*
8 *The interpretation of the laws is the proper and peculiar province of the courts. A Constitution is, in fact, and*
9 *must be regarded by judges, as fundamental law.* If there should happen to be an irreconcilable variance
10 *between the two, the Constitution is to be preferred to the statute."*
11 *[Alexander Hamilton, [Federalist Paper No. 78](#)]*

12 There are actually two types of statutes that courts enforce, one of which is "law" in a classical sense, and the other is
13 actually a contract and a franchise cleverly disguised to "look" like law for everyone:

- 14 1. Positive law. This includes the following titles of the U.S. Code.
15 1.1. Title 1: General Provisions.
16 1.2. Title 5: Government Organization and Employees
17 1.3. Title 18: Crimes and Criminal Procedure
18 1.4. Title 28: Judiciary and Judicial Procedure
19 2. Prima facie law. These types of statutes implement federalism and comity and function as voluntary franchises.
20 2.1. Title 26: Internal Revenue
21 2.2. Title 42: The Public Health and Welfare
22 2.3. Title 50: War and National Defense

23 The nature of the titles of the U.S. Code as either "positive law" or "prima facie law" is established by the legislative notes
24 under 1 U.S.C. §204. The difference between a positive law and a prima facie law is that:

- 25 1. Positive law: Statutes that have already been consented to as the will of the people within the jurisdiction and is
26 admissible as evidence in court under the rules of evidence.
27 2. Not positive law: That which is not positive law is "prima facie evidence", which simply means it is "presumed" to be
28 evidence/law but may be proven NOT to be.

29 That which is "prima facie" is simply a presumption:

30 *"Prima facie evidence. Evidence good and sufficient on its face. Such evidence as, in the judgment of the law,*
31 *is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense, and*
32 *which if not rebutted or contradicted, will remain sufficient. Evidence which, if unexplained or uncontradicted,*
33 *is sufficient to sustain a judgment in favor of the issue which it supports, but which may be contradicted by*
34 *other evidence. State v. Haremza, 213 Kan. 201, 515 P.2d. 1217, 1222.*

35 *That quantum of evidence that suffices for proof of a particular fact until the fact is contradicted by other*
36 *evidence; once a trier of fact is faced with conflicting evidence, it must weigh the prima facie evidence with all*
37 *the other probative evidence presented. Godesky v. Provo City Corp., Utah, 690 P.2d. 541, 547. Evidence*
38 *which, standing alone and unexplained, would maintain the proposition and warrant the conclusion to support*
39 *which it is introduced. An inference or presumption of law, affirmative or negative of a fact, in the absence of*
40 *proof, or until proof can be obtained or produced to overcome the inference. See also Presumptive evidence."*
41 *[Black's Law Dictionary, Sixth Edition, p. 1190]*

42 Presumptions:

- 43 1. Are very injurious to your rights and liberty.
44 2. Violate the [separation of powers](#) by allowing otherwise constitutional courts to unlawfully entertain "political
45 questions".
46 3. Cause a violation of [due process of law](#) because decisions are not based on legally admissible evidence. Instead,
47 presumptions unlawfully and prejudicially turn beliefs into evidence in violation of [Federal Rule of Evidence 610](#) and
48 the [Hearsay Rule, Rule 802](#).
49 4. Turn judges into "priests" of a [civil religion](#).
50 5. Turn legal pleadings into "prayers" to the priest.
51 6. Turn legal process into an act of religion.
52 7. Transform "attorneys" into deacons of a [state-sponsored religion](#).
53 8. Turn the courtroom into a church building.

- 1 9. Turn court proceedings into a "worship service" akin to that of a church.
- 2 10. Turn statutes into a state-sponsored bible upon which "worship services" are based.
- 3 11. Turn "taxes" into tithes to a state-sponsored church, if the controversy before the court involves taxation.

4 Hence, that which is "prima facie" cannot be cited without at least proof on the record of the proceeding that the party who
5 is injured by the presumption consented to the franchise or statute in question IN WRITING, just as the government must
6 consent when you want to sue them. This is a fundamental requirement, in fact, of equal protection: That everyone gets the
7 same defense for their sovereign immunity as the government does. Otherwise, it isn't a legal proceeding, but a worship
8 service directed towards a "superior being" possessing an unconstitutional title of nobility.

9 The most frequent ILLEGAL techniques that judges use to substitute their own will for what the law actually says are:

- 10 1. Add things to statutory definitions of statutory terms that do not appear in the definition.
- 11 2. Refuse to allow the statute or law being enforced at trial from being discussed in front of the jury.
- 12 3. Prevent litigants from discussing the laws being enforced in front of the jury, and punishing or sanctioning them when
13 they do. Thus, the only thing that can be discussed in the courtroom are the prejudices and political whims of the judge
14 and the jury.
- 15 4. Positively refusing to enforce the requirement to demonstrate written consent to participate when franchise statutes that
16 are not positive law are being enforced.
- 17 5. Preventing jurors from reading the applicable laws they are enforcing while serving as a jurist.

18 On that last item, most federal courts have standing orders FORBIDDING anyone serving as a jurist from entering the law
19 library or reading the laws being enforced. Judges do this because they don't want jurists:

- 20 1. Questioning the authority of the judge or government prosecutor.
- 21 2. Supervising their public servants in executing their delegation of authority order, which is codified in the law itself.
- 22 3. Advantage the government.
- 23 4. Leave room for the judge to substitute his will for what the law actually says.

24 Don't believe us? Then call the law library in any federal court building and ask them if jurists are allowed to go in there
25 and read the law while they are serving. Below is a General Order signed by the chief judge of the U.S. District Court in
26 San Diego proving that jurors are not allowed to use the court's court law library while serving. Notice jurors are not listed
27 as authorized to use the library in this order:

General Order 228C for the Federal District Court in San Diego http://famguardian.org/Disks/IRSDVD/Evidence/JudicialCorruption/GenOrder228C-Library.pdf

28 **14.3 Interference by Corrupt Franchise Judges with use of common law and equity by litigants**

29 Those who wish to maintain and protect their status as private people not engaged in government franchises or public
30 offices may at times need to litigate in court. When they litigate in court:

- 31 1. The only thing they can invoke is the common law and not statutory law in most cases and to do so in equity.
- 32 2. They may not litigate in a "franchise court", meaning an administrative arbitration board in the Executive branch that
33 only hears cases of those who voluntarily occupy a public office in the government and are subject to statutory
34 jurisdiction and franchises.

35 Most statutory law is, in fact, franchises that relate only to those domiciled on federal territory. Hence, those who invoke
36 statutory law and the public rights it implements indirectly are admitting and declaring that they are government
37 instrumentalities with no constitutional rights. This is covered in:

<i>Why Statutory Civil Law is Law for Government and Not Private Persons</i> , Form #05.037 http://sedm.org/Forms/FormIndex.htm
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38 A common criminal technique used by judges hearing cases before them is to:

1. Interfere with the invocation or enforcement of the common law by PRIVATE litigants.
2. Force the PRIVATE litigants before them to assume a status associated with a government franchise BEFORE they can have ANY REMEDY AT ALL.
3. Dismiss the case with prejudice if the litigant will not agree to assume an inferior status under a franchise and thereby surrender all their constitutional rights. Such a statuses might include the following appellations
 - 3.1. "taxpayer" defined in 26 U.S.C. §7701(a)(14).
 - 3.2. "employee" under 26 U.S.C. §3401(c) and 5 U.S.C. §2105(a).
 - 3.3. Statutory "U.S. citizen" under 8 U.S.C. §1401, "resident alien" under 26 U.S.C. §7701(b)(1)(A), or "inhabitant" under federal law, which is a "person", statutory creation of Congress, and franchisee domiciled on federal territory not protected by the Constitution.

All of the above tactics are what we call "privilege induced slavery". All of them are designed to DESTROY protection for your private rights and constitute a criminal conspiracy against your PRIVATE rights by the judge in violation of 18 U.S.C. §241. Judges will do the above in order to:

1. Evade the straight-jacket constraints of the Constitution upon their authority.
2. Illegally change what is called the "choice of law" applying to the case from the Constitution to franchises implemented statutory law.
3. Unfairly advantage the government litigant and destroy MANDATE for equal protection and equal treatment that is the foundation of the United States Constitution.
4. Make the judge and the government into the "employment supervisor" of the formerly litigant before them. This places the government into the position of being a "parens patriae" over the formerly private litigant.
5. Remove the jurisdiction of state courts over the issue and transform the case into what is called a "federal question".
6. Simplify their job and accelerate the resolution of the case by giving them undue discretion and authority under a franchise agreement that doesn't otherwise apply to the private litigant.
7. Kidnap the identity of the formerly private litigant and transport it to the federal zone under the authority of Federal Rule of Civil Procedure 17(b) and the franchise agreement itself. See 26 U.S.C. §7408(d) and 26 U.S.C. §7701(a)(39), for example.
8. Connect all the property of the litigant to a public use and a public purpose so that it can be subject to regulation and taxation and supervision by the judge.
9. Force an oppressive administrative burden upon the litigant to exhaust administrative remedies BEFORE litigating in court. Those who are franchisees called "taxpayers" or "benefit recipients" are required by the franchise agreement to exhaust their administrative remedies BEFORE litigating in court against the government or an officer of the government.

The remainder of this section will describe techniques for preventing all of the above forms of TREACHERY by corrupt de facto judges to:

1. Protect your status as a PRIVATE party not subject to federal statutory law or franchises.
2. FORCE the court to invoke and enforce ONLY the common law.
3. Create a public record in the court record proving that the judge is engaged in a criminal conspiracy against your rights.
4. Prevent further "selective enforcement" that may result as a backlash against the defensive mechanisms described.

There are two types of jurisdictions within each state government:

1. The "de jure republic". This jurisdiction controls everything that happens on land protected by the Constitution.
2. The "de facto federal corporation". This jurisdiction handles everything that deals with government agency, office, employment, "benefits", "public rights", and territory and it's legislation is limited to those domiciled on federal territory or contracting with either the state or federal governments. Collectively, the subject of legislation aimed at this jurisdiction is the "public domain" or what the courts call "publici juris".

The differences between the two jurisdictions above are exhaustively described in the following fascinating document:

Corporatization and Privatization of the Government, Form #05.024
<http://sedm.org/Forms/FormIndex.htm>

1 In the above document, a table is provided comparing the two types of jurisdictions which we repeat here, extracted from
2 section 8.3. Understanding this table is important in determining how we achieve a remedy in a state court for an injury to
3 our constitutional rights.
4

Table 5: Comparison of Republic State v. Corporate State

#	Attribute	Republic State	Corporate State
1	Nature of government	De jure	De facto
2	Composition	Physical state (Attaches to physical territory)	Virtual state (Attaches to status of people on the land)
3	Name	"Republic of _____" "The State"	"State of _____" "this State"
4	Name of this entity in federal law	Called a "state" or "foreign state"	Called a "State" as defined in 4 U.S.C. §110(d)
5	Territory over which "sovereign"	All land not under exclusive federal jurisdiction within the exterior borders of the Constitutional state.	Federal territory within the exterior limits of the state borrowed from the federal government under the Buck Act, 4 U.S.C. §110(d).
6	Protected by the Bill of Rights, which is the first ten amendments to the United States Constitution?	Yes	No (No rights. Only statutory "privileges", mostly applied for)
7	Form of government	Constitutional Republic	Legislative totalitarian socialist democracy
8	A corporation?	Yes	Yes
9	A federal corporation?	No	Yes
10	Exclusive jurisdiction over its own lands?	Yes	No. Shared with federal government pursuant to Buck Act, Assimilated Crimes Act, and ACTA Agreement.
11	"Possession" of the United States?	No (sovereign and "foreign" with respect to national government)	Yes
12	Subject to exclusive federal jurisdiction?	No	Yes
13	Subject to federal income tax?	No	Yes
14	Subject to state income tax?	No	Yes
15	Subject to state sales tax?	No	Yes
16	Subject to national military draft? (See SEDM Form #05.030 http://sedm.org/Forms/FormIndex.htm)	No	Yes
17	Citizenship of those domiciled therein	1. Constitutional but not statutory citizen. 2. "national" or "state national" pursuant to 8 U.S.C. §§1101(a)(21) and 1452 . Not a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 .	Statutory "U.S. citizen" pursuant to 8 U.S.C. §1401
18	Licenses such as marriage license, driver's license, business license required in this jurisdiction?	No	Yes
19	Voters called	"Electors"	"Registered voters"
20	How you declare your domicile in this jurisdiction	1. Describing yourself as a "state national" but not a statutory "U.S. citizen on all government forms. 2. Registering as an "elector" rather than a voter. 3. Terminating participation in all federal benefit programs.	1. Describing yourself as a statutory "U.S. citizen" on any state or federal form. 2. Applying for a federal benefit. 3. Applying for and receiving any kind of state license.
21	Standing in court to sue for injury to rights	Constitution and the common law.	Statutory civil law
22	"Rights" within this jurisdiction are based upon	The Bill of Rights	Statutory franchises
23	"Citizens", "residents", and "inhabitants" of this jurisdiction are	Private human beings	Public entities such as government employees, instrumentalities, and corporations (franchisees of the government) ONLY
24	Civil jurisdiction originates from	Voluntary choice of domicile on the territory of the sovereign AND your consent. This means you must be a "citizen" or a "resident" BEFORE this type of law can be enforced against you.	Your right to contract by signing up for government franchises / "benefits". Domicile/residence is NOT a requirement or the requirement appears in the statutes but is ignored as a matter of policy.

When we say that we are a "transient foreigner" or "nonresident" within a court pleading or within this document, we must be careful to define WHICH of the TWO jurisdictions above that status relates to in order to avoid ambiguity and avoid being called "frivolous" by the courts. Within this document and elsewhere, the term "transient foreigner" or "nonresident" relates to the jurisdiction in the right column above but NOT to the column on the left. You can be a "nonresident" of the Corporate/De Facto state on the right and yet at the same time ALSO be a "citizen" or "resident" of the Republic/De Jure

State on the left above. This distinction is critical. If you are at all confused by this distinction, we strongly suggest reading the *Corporatization and Privatization of the Government* document referenced above so that the distinctions are clear.

The Corporate/De Facto state on the right above enacts statutes that can and do only relate to those who are public entities (called "publici juris") that are government instrumentalities, employees, officers, and franchisees of the government called "corporations", all of whom are consensually associated with the government by virtue of exercising their right to contract with the government. Technically speaking, all such statutes are franchises implemented using the civil law. This is explained further in the following:

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

The U.S. Supreme Court has held that the ability to regulate private conduct is repugnant to the Constitution. Consequently, the government cannot enact statutes or law of any kind that would regulate the conduct of private parties. Therefore, nearly all civil statutes passed by any state or municipal government, and especially those relating to licensed activities, can and do only relate to public and not private parties that are all officers of the government and not human beings. This is exhaustively analyzed and proven in the following:

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

We will now spend the rest of this section applying these concepts to how one might pursue a remedy for an injury to so-called "right" within a state court by invoking the jurisdiction of the Republic/De Jure state on the left and avoiding the jurisdiction of the Corporate/De Facto state on the right.

Civil law attaches to one's voluntary choice of domicile/residence. Criminal law does not. De jure criminal law depends only on physical presence on the territory of the sovereign and the commission of an injurious act against a fellow sovereign on that territory. Laws like the vehicle code do have criminal provisions, but they are not de jure criminal law, but rather civil law that attaches to the domicile/residence of the party within a franchise agreement, which is the "driver license" and all the rights it confers to the government to regulate your actions as a "driver" domiciled in the Corporate state.

Within the forms and publications on this website there are two possible statuses that one may declare as a sovereign:

1. You are a transient foreigner and a citizen of ONLY the Kingdom of Heaven on earth. "My state" in this context means the Holy Bible.
2. You are a state national with a domicile in the Republic/De Jure state but not the Corporate/De Facto state. "My state" in this context means the de jure state and excludes just about everything passed by the de facto state government, including all franchises such as marriage licenses, income taxes, etc. Franchises cannot lawfully be implemented in the De Jure State but can only occur in the De Facto Corporate State. The reason why franchises cannot lawfully be implemented in the De Jure State is because rights are "unalienable" in the De Jure State, which means you aren't allowed to contract them away to a real, de jure government.

Both of the above statuses have in common that those who declare themselves to be either cannot invoke the statutory law of the Corporate/De Facto State, but must invoke only the common law and the Constitution in their defense. There is tons of reference material on the common law in the following:

Sovereignty and Freedom: Section 7, Self Government
<http://famguardian.org/Subjects/Freedom/Freedom.htm>

The following book even has sample pleadings for the main common law actions:

Handbook of Common Law Pleading
<http://books.google.com/books?id=7gk-AAAAIAAJ&printsec=titlepage>

1 Transient foreigners may not have a domicile within or be subject to the civil laws in relation only to the place they have
2 that status, but they don't need the civil laws to be protected. The Constitution attaches to the land, and not the status of the
3 persons on that land.

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

7 The Constitution and the common law are the only thing one needs to protect oneself as a PRIVATE and not PUBLIC
8 entity. That is why we place so much emphasis on the common law on this website. John Harris explains why in the
9 following video:

It's an Illusion, John Harris
<http://tpuc.org/node/558>

10 Those who are believers AND transient foreigners but not "citizens", "residents" or "inhabitants" of either the Republic/De
11 Jure State or the Corporate/De Facto State DO in fact STILL have a state, which is the Kingdom of Heaven on Earth. That
12 state has all the elements necessary to be legitimate: territory, people, and laws. The territory is the Earth, which the Bible
13 says belongs to the Lord and not Caesar. It has people, which are your fellow believers. The laws are itemized in the Holy
14 Bible and enumerated below:

Laws of the Bible, Form #13.001
<http://sedm.org/Forms/FormIndex.htm>

15 In conclusion, those who are "transient foreigners" or "Nonresidents" in relation to the Corporate/De Facto state can use the
16 state court for protection, but they must:

- 17 1. Be careful to define which of the two possible jurisdictions they are operating within using the documents referenced in
18 this section.
- 19 2. Avoid federal court. All federal circuit and district courts are Article IV territorial courts in the legislative and not
20 judicial branch of the government that may only officiate over franchises. They are not Article III constitutional courts
21 that may deal with rights protected by the constitution. This is exhaustively proven with thousands of pages of
22 evidence in:

What Happened to Justice?, Form #06.012
<http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm>

- 23 3. Properly declare their status consistent with this document in their complaint. See the following forms as an example
24 how to do this:

- 25 3.1. *Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001
26 <http://sedm.org/Forms/FormIndex.htm>
- 27 3.2. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002
28 <http://sedm.org/Litigation/LitIndex.htm>
- 29 3.3. *Rules of Presumption and Statutory Interpretation*, Litigation Tool #01.006
30 <http://sedm.org/Litigation/LitIndex.htm>

- 31 4. Respond to discovery relating to their status and standing with the following:

Citizenship, Domicile, and Tax Status Options, Form #10.003
<http://sedm.org/Forms/FormIndex.htm>

- 32 5. Invoke the common law and not statutory law to be protected.
- 33 6. Be careful to educate the judge and the jury to prevent common injurious presumptions that would undermine their
34 status. See:

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

- 35 7. Follow the rules of pleading and practice for the common law.
- 36 8. Ensure that those who sit on the jury have the same status as them by ensuring that those who are statutory "U.S.
37 citizens" or franchise participants are excluded as having a financial conflict of interest.
- 38 9. Ensure that if they are in front of a legislative franchise court, the only choice they leave for the judge is to DISMISS
39 THE CASE for lack of jurisdiction. This is covered below

1 There are two main types of courts:

- 2 1. Constitutional courts. These are true judicial courts that can function in the common law.
- 3 2. Legislative franchise courts. These are simply binding arbitration boards in the legislative rather than judicial branch.
- 4 They function without juries and the so-called “judge” is really just a franchise administrator with undue discretion.
- 5 This fake judge has a criminal financial conflict of interest and he/she always sides with the government because his
- 6 pay comes from illegally enforcing and expanding the franchise against those who DO NOT expressly consent in
- 7 writing to participate or against those outside the territory that the franchise may be enforced. Hence, he has made
- 8 SLAVERY and involuntary servitude in violation of the Thirteenth Amendment or acts of international terrorism
- 9 against legislatively foreign states into his or her profession.

10 It is critical that those who intend to litigate in defense of their PRIVATE rights ensure that they recognizes all the
11 differences if they end up in front of a franchise court. Otherwise, they will often end up being involuntarily recruited as
12 uncompensated public officers within the government and franchisees.

13 In cases heard by a Constitution Article IV federal franchise courts seeking to enforce franchise agreements against those
14 who are not lawful participants in the franchise, the only lawful action that a franchise court can take is to dismiss the case,
15 state that it has no jurisdiction, and to remand it back to the state court. All cases that do not involve “public rights” and
16 therefore franchises can ONLY be heard in Article III constitutional courts:

17 *“The distinction between public rights and private rights has not been definitively explained in our*
18 *precedents.³⁶ Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public*
19 *rights must at a minimum arise “between the government and others.”* *Ex parte Bakelite Corp., supra, at 451,*
20 *49 S.Ct., at 413.*³⁷ *In contrast, “the liability of one individual to another under the law as defined,”* *Crowell v.*
21 *Benson, supra, at 51, 52 S.Ct., at 292,* *is a matter of private rights. Our precedents clearly establish that only*
22 *controversies in the former category may be removed from Art. III courts and delegated to legislative courts*
23 *or administrative agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health*
24 *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.*
25 *Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, Federal Legislative Courts, 43 Harv.L.Rev.*
26 *894, 917-918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically*
27 *recognized judicial power.”*

28 [. . .]

29 *Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other*
30 *rights, such a distinction underlies in part Crowell’s and Raddatz’ recognition of a critical difference between*
31 *rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems*
32 *to us to be necessary in light of the delicate accommodations required by the principle of separation of powers*
33 *reflected in Art. III. The constitutional system of checks and balances is designed to guard against*
34 *“encroachment or aggrandizement” by Congress at the expense of the other branches of government. Buckley*
35 *v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a “privilege” in this*
36 *case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions,*
37 *or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that*
38 *right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to*
39 *that right.FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental*
40 *to Congress’ power to define the right that it has created. No comparable justification exists, however, when the*
41 *right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions*
42 *that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions*

³⁶ *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).

³⁷ Congress cannot “withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.” *Murray’s Lessee v. Hoboken Land & Improvement Co.*, 18 How. 272, 284 (1856) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing “private rights” from “public rights.” And it is also clear that even with respect to matters that arguably fall within the scope of the “public rights” doctrine, the presumption is in favor of Art. III courts. See *Glidden Co. v. Zdanok*, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 (opinion of Harlan, J.). See also Currie, The Federal Courts and the American Law Institute, Part 1, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n*, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.

of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts. [Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

Examples of franchise courts include:

1. U.S. Tax Court. See 26 U.S.C. §7441.
2. Federal district court.
3. Federal circuit court.
4. State traffic court.
5. State family court.

If you want to litigate to defend PRIVATE rights, the only place you can go is, in fact, a state and not federal court that is NOT a franchise court. The only exception might be a Bivens Action or 42 U.S.C. §1983 in a federal court action against a state official for violation of constitutional rights.

If you would like to know more about the distinctions between Constitutional Courts and Franchise Courts, see:

1. Government Instituted Slavery Using Franchises, Form #05.030, Sections 17 through 18.
<http://sedm.org/Forms/FormIndex.htm>
2. What Happened to Justice?, Form #06.012
<http://sedm.org/Forms/FormIndex.htm>

14.4 Judges being franchisees or having a conflict of interest

"The Judicial Department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not, to the last degree important, that he should be rendered perfectly and completely independent, with nothing to influence or control him but God and his conscience? * * * I have always thought, from my earliest youth till now, that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and a sinning people, was an ignorant, a corrupt, or a dependent Judiciary."
[Chief Justice Marshal, Virginia State Convention of 1829-1830 (pp. 616, 619)]

"...if they (the people) value and wish to preserve their Constitution, they ought never to surrender the independence of their judges."
[O'Donoghue v. United States, 289 U.S. 516, 532 (1933)]

"In the general course of human nature, A POWER OVER A MAN'S SUBSISTENCE [of the license or certificate that makes his subsistence possible] AMOUNTS TO A POWER OVER HIS WILL."
[Alexander Hamilton, Federalist paper No. 79]

Federal law makes it a crime for any government employee to preside over a matter that they have a financial interest in the outcome of. To wit:

TITLE 18 > PART I > CHAPTER 11 > § 208
§ 208. Acts affecting a personal financial interest

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

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

Likewise, federal law requires that any judge remove himself or herself from any case in which he or she has a financial conflict of interest in the outcome of:

(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:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(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;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is acting as a lawyer in the proceeding;

(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

The implications of the above provisions of law are that:

1. Some subset of judges must be designated so as NOT to participate in any franchise, including Social Security, Medicare, or income taxes, who can then be qualified to hear cases on these subjects.
2. A judge may not hear a case involving a franchise that he participates in, and especially if the case deals with someone who refuses to participate in or subsidize his/her "benefits".
3. A judge must recuse himself if he or she is hearing a case that might directly or indirectly affect the amount of "benefits" he or she receives by virtue of participating in government franchises.
4. The same criteria above also applies to anyone who is a fact finder in any case, such as a jury or government prosecutor.

It is worth noting that we didn't always have judges with a criminal conflict of interest who were either "taxpayers" for federal benefit recipients. Hence, the system hasn't always been as corrupt as it is now as far as the perpetration of continuing conflicts of interest. It shouldn't surprise you that the corruption began in 1932, and was introduced as part of the FDR's socialist takeover of the government. Below is a succinct history on this subject:

1. The first income tax was instituted by President Abraham Lincoln in 1862, 12 Stat. 472, Section 86 to fund the civil war. That tax was also upon instrumentalities and officers of the government.
2. In 1863, Supreme Court Chief Justice Taney sent a letter to the Secretary of the Treasury attacking implementation of section 86 on the compensation of Federal Judges as being unconstitutional based upon special status, when obviously it was unconstitutional for all Federal Government employees under the Fifth Amendment. This letter was also published as if it were a Supreme Court decision (157 U.S. 701) and was mentioned in both *Evans v. Gore*, 253 U.S. 245 (1920) and *O'Malley v. Woodrough*, 307 U.S. 277 (1939). In the letter, Justice Taney said:

"The act in question, as you interpret it, diminishes the , compensation of every judge three percent, and if it can be diminished to that extent by the name of a tax, it may in the same way be reduced from time to time at the pleasure of the legislature."

Here you can see that the judges understood the effect of this law was a diminishment "by *the name of a tax.*" They knew it was not an actual tax, but a forced debt obligation. In this country, there exists no circumstance under which a person lawfully can be forced to accept a debt against their will. The judges chose to exercise their right to refuse to accept this debt. However, when the judges chose to use Art. III, Sec. 1, they provided evidence of impairing the rights of all other Federal Government employees.

3. The Revenue Act of 1918, c. 18, 40 Stat. 1057, enacted by Congress on February 24, 1919, specifically placed the compensation for personal services of Federal judges and the U.S. President under the definition of "gross income" in an attempt to bring them into the existing kickback program.
4. Two cases before the U.S. Supreme Court resulted from the attempt by Congress to tax the salaries of federal judges in the Revenue act of 1918:
 - 4.1. The U.S. Supreme Court in *Evans v. Gore*, 253 U.S. 245 (1920) held, subsequent to the passage of the Sixteenth Amendment, that judges salaries were not the proper subject of income taxes.

*"After further consideration, we adhere to that view and accordingly hold that the Sixteenth Amendment does not authorize or support the tax in question. " [A direct tax on salary income of a federal judge]
[Evans v. Gore, 253 U.S. 245 (1920)]*

- 4.2. *Miles v. Graham*, 268 U.S. 501 (1924). When Congress passed section 213 of the Revenue Act of 1918, Federal judges were not willing to be made a party to the Federal Government's kickback schemes and avoided impairment of their employment contracts by using their judicial power [see *Evans v. Gore*, [253 U.S. 245](#) (1920) and *Miles v. Graham*, [268 U.S. 501](#) (1924)], expressed in opinions. In the *Miles v. Graham*, at page 509, the Justices said of the 1918 Act:

*"...No judge is required to pay a definite percentage of his salary, but **all are commanded to return, as a part of "gross income", the compensation received as such**" from the United States. From the "gross income" various deductions and credits are allowed, as for interest paid, contributions or gifts made, personal exemptions varying with family relations, etc., and upon the net result assessment is made. **The plain purpose was to require all judges to return their compensation as an item of "gross income," and to tax this as other salaries. This is forbidden by the Constitution.**"*

5. In the Revenue Act of 1932, Congress instituted yet another attempt to tax the compensation of judges in order to corrupt them and bring them under the control of the Executive Branch. The act required that after 1932, all new judges were required to become "taxpayers", but old judges were not included. The judges sued the government to prevent this, culminating in the case mentioned in the next item.
6. In 1939, the U.S. Supreme Court heard the appeal of the judges arguing against income taxation of their salaries in the case of *O'Malley v. Woodrough*, 307 U.S. 277 (1939) . The U.S. Supreme Court unconstitutionally held that they were, and thereby completely destroyed the separation of powers between the executive and legislative franchises by declaring new federal judges "taxpayers". They did this, in part, as a response to Franklin Delano Roosevelt's attempt to "pack the U.S. Supreme Court" with his own cronies in order to overcome the old school people sitting in it and institute progressive, socialist reforms he wanted to force upon the country.
7. In 2001, the subject of income taxation of judges salaries was again disputed by judges personally in [United States v. Hatter](#), [121 S.Ct 1782 \(2001\)](#). Here is what they held:

"But, as the Court of Appeals noted, this Court did not expressly overrule Evans itself. 64 F.3d. at 650. The Court of Appeals added that, if "changes in judicial doctrine" had significantly undermined Evans' holding, this "Court itself would have overruled the case." Ibid. Noting that this case is like Evans (involving judges appointed before enactment of the tax), not like O'Malley (involving judges appointed after enactment of the tax), the Court of Appeals held that Evans controlled the outcome. 64 F.3d. at 650. Hence application of both Medicare and Social Security taxes to these pre-enactment judges violated the Compensation Clause.

The Court of Appeals was correct in applying Evans to the instant case, given that "it is this Court's prerogative alone to overrule one of its precedents." State Oil Co. v. Khan, 522 U.S. 3, 20, 139 L.Ed.2d. 199, 118 S.Ct. 275 (1997); see also Rodriguez de Quijas v. Shearson/American Express, Inc., 490 U.S. 477, 484, 104 L.Ed.2d. 526, 109 S.Ct. 1917 (1989). Nonetheless, the court below, in effect, has invited us to reconsider Evans. We now overrule Evans insofar as it holds that the Compensation Clause forbids Congress to apply a generally applicable, nondiscriminatory tax to the salaries of federal judges, whether or not they were appointed before enactment of the tax.

"The Court's opinion in Evans began by explaining why the Compensation Clause is constitutionally important, and we begin by reaffirming that explanation. As Evans points out, 253 U.S. at 251-252, the Compensation Clause, along with the Clause securing federal judges appointments "during good Behavior," U.S. Const., Art. III, § 1 -- the practical equivalent of life tenure -- helps to guarantee what Alexander Hamilton called the

1 *"complete independence of the courts of justice." The Federalist No. 78, p. 466 (C. Rossiter ed. 1961). Hamilton*
2 *thought these guarantees necessary because the Judiciary is "beyond comparison the weakest of the three"*
3 *branches of government. Id., at 465-466. It has "no influence over either the sword or the purse." Id., at 465.*
4 *[Hatter v. U.S., 532 U.S. 557 at 567 (2001)]*

5 From the above we can see that for a period of 70 years (1862-1932), Federal judges were successful in defending their
6 compensation from diminishment under the claim of a special constitutional privilege status. By claiming that the U.S.
7 Constitution provided a special privilege as to their employment agreement, they ignored their oath to uphold justice for all.
8 By not bringing the true issue to light in 1862 or in subsequent years, Federal judges prejudiced the independence of the
9 Federal Courts, the very position they claimed was the basis for the clause in the U.S. Constitution which prohibits the
10 diminishment of their compensation as judges. Being men of law, these judges knew the law. To demonstrate the
11 independence of the judiciary, these Justices were morally and legally obligated to defend their property on the basic civil
12 rights issue which is common to all people in the United States rather than to imply that only they have a defense with
13 regard to a forced debt obligation.

14 The judges' actions with regard to their own salaries provide the evidence that they cooperated with those in the legislative
15 and executive branches of government. Their conduct is evidence of concealing the illegal kickback program. The
16 executive and legislative branches of government must now depend on Federal judges in franchise courts within the
17 Executive Branch to keep the illegal kickback programs as a source of income to the U.S. Treasury.

18 Had the Federal judges fought the legal issue of their basic rights as an employee the Act of 1862 would have fallen and the
19 "individual income tax" as enforced today would not exist. There is no lawful way it can be deemed that a Federal
20 Government employee agrees in advance to an employment agreement where the conditions of the kickback changes at the
21 discretion of Congress or anyone else. Treaties cannot be broken. This results in the kickback being legal in part, and in part
22 illegal. The kickback a Federal Government employee agrees to when he/she first takes a job with the Federal Government
23 is legal, but, when changes unilaterally made by Congress create a higher kickback the portion which constitutes the change
24 is illegal. The illegal portion is a debt obligation which the Federal Government employee is forced to discharge. Being
25 forced to pay a debt obligation constitutes involuntary servitude (subject matter of chapter 5). You cannot agree in advance
26 to involuntarily serve the Federal Government (or anyone else). To force someone to do so is to ignore the laws under the
27 First, Fifth and Thirteenth Amendments to the U.S. Constitution.

28 To show that the Federal Supreme Court Justices actually cooperated with the legislative and executive branches of
29 government in bringing the President and judges taking office after June 6, 1932, under the Federal kickback program, even
30 though they avoided impairment of their own employment contracts, let's look at what they said in 1938 when they used
31 Supreme Court Chief Justice Taney's 1863 letter to the Secretary of the Treasury. Following are several excerpts from the
32 Taney letter as used in O'Malley v. Woodrough, 307 U.S. 277 (1939). At page 288. it says:

33 *"The Act in question, as you interpret it, diminishes the compensation of every judge three percent, and if it can*
34 *be diminished."*

35 If you want to know more about the history of the conflict of interest of the judiciary and why this conflict is the main
36 reason why the Internal Revenue Code is illegally and criminally enforced by the I.R.S., see:

- 37 1. *IRS Humbug*, Frank Kowalik, ISBN 0-9626552-0-1, 1991.
38 2. *What Happened to Justice?*, Form #06.012
39 <http://sedm.org/Forms/FormIndex.htm>

40 **14.5 Abusing Sovereign Immunity to Protect and Expand Private Business Interests and** 41 **Unlawfully Expand Federal Jurisdiction**

42 A popular unconstitutional technique used by the federal courts to break down the separation of powers and protect and
43 expand a government corporate monopoly over certain private business market segments such as insurance is to assert the
44 doctrine of "sovereign immunity" whenever litigants challenge the constitutionality of enforced payment to the government
45 for these services. This section will show how and why most invocations of this judicial doctrine are unwarranted and will
46 give you a factual basis to circumvent the abuse of sovereign immunity in repelling challenges to the private business
47 pursuits of the United States Federal Government Corporation.

1 The concept of sovereign immunity means that no one can sue a government without its consent. This concept is
2 “judicially constructed”, meaning that the courts and not legislation created it. To wit:

3 *Sovereign immunity. A judicial doctrine which precludes bringing suit against the government without its*
4 *consent. **Founded on the ancient principle that “the King can do no wrong,”** it bars holding the government*
5 *or its political subdivisions liable for the torts of its officers or agents unless such immunity is expressly waived*
6 *by statute or by necessary inference from legislative enactment. Maryland Port Admin. V. I.T.O. Corp. of*
7 *Baltimore, 40 Md.App. 697, 395 A.2d 145, 149. The federal government has generally waived its non-tort*
8 *action immunity in the Tucker Act, 28 U.S.C.A. §1346(a)(2), 1491, and its tort immunity in the Federal Tort*
9 *Claims Act, 28 U.S.C.A. §1346(b), 2674. Most states have also waived immunity in various degrees at both the*
10 *state and local government levels.*

11 *The immunity from certain suits in federal court granted to states by the Eleventh Amendment to the United*
12 *States Constitution.*

13 *See also Foreign immunity; Federal Tort Claims Act; Suits in Admiralty Act; Tucker Act.*
14 *[Black’s Law Dictionary, Sixth Edition, p. 1396]*

15 The above doctrine is entirely at odds with the design of our system of government, as described by the U.S. Supreme
16 Court, which said the doctrine “that the King can do no wrong” upon which sovereign immunity is based has NO PLACE
17 in our system of government:

18 ***“... the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in***
19 ***respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not***
20 ***to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which***
21 ***therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the***
22 ***word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread***
23 ***and act in its name.”***

24 *“This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the*
25 *line of demarcation that separates constitutional government from absolutism, free self- government based on*
26 *the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of*
27 *the state to declare and decree that he is the state; to say 'L'Etat, c'est moi.' Of what avail are written*
28 *constitutions, whose bills of right, for the security of individual liberty, have been written too often with the*
29 *blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may*
30 *be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce them;*
31 *and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect? And how*
32 *else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals*
33 *are forbidden to visit penalties upon individual offenders, who are the instruments of wrong, whenever they*
34 *interpose the shield of the state? **The doctrine is not to be tolerated.** The whole frame*
35 *and scheme of the political institutions of this country, state and federal, protest against it. Their continued*
36 *existence is not compatible with it. It is the doctrine of absolutism, pure, simple, and naked, and of communism*
37 *which is its twin, the double progeny of the same evil birth.”*
38 *[Poindexter v. Greenhow, 114 U.S. 270, 5 S.Ct. 903 (1885)]*

39 If the Supreme Court were applying the principle of sovereign immunity properly and consistent with past rulings, they
40 could only apply it to the citizens and not their servants in government or the government as a whole.

41 *“It will be sufficient to observe briefly, that the sovereignties in Europe, and particularly in England, exist on*
42 *feudal principles. That system considers the Prince as the sovereign, and the people as his subjects; it regards*
43 *his person as the object of allegiance, and excludes the idea of his being on an equal footing with a subject,*
44 *either in a Court of Justice or elsewhere. That system contemplates him as being the fountain of honor and*
45 *authority; and from his grace and grant derives all franchises, immunities and privileges; it is easy to perceive*
46 *that such a sovereign could not be amenable to a Court of Justice, or subjected to judicial controul and actual*
47 *constraint. It was of necessity, therefore, that suability became incompatible with such sovereignty. Besides, the*
48 *Prince having all the Executive powers, the judgment of the Courts would, in fact, be only monitory, not*
49 *mandatory to him, and a capacity to be advised, is a distinct thing from a capacity to be sued. The same feudal*
50 *ideas run through all their jurisprudence, and constantly remind us of the distinction between the Prince and*
51 *the subject. No such ideas obtain here; at the Revolution, the sovereignty devolved on the people; and they are*
52 *truly the sovereigns of the country, but they are sovereigns without subjects (unless the African [2 U.S. 419,*
53 *472] slaves among us may be so called) and have none to govern but themselves; the citizens of America are*
54 *equal as fellow citizens, and as joint tenants in the sovereignty.*

55 *“From the differences existing between feudal sovereignties and Governments founded on compacts, it*
56 *necessarily follows that their respective prerogatives must differ. Sovereignty is the right to govern; a nation or*
57 *State-sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally ascribed*
58 *to the Prince; here it rests with the people; there, the sovereign actually administers the Government; here,*

1 *never in a single instance; our Governors are the agents of the people, and at most stand in the same relation to*
2 *their sovereign, in which regents in Europe stand to their sovereigns. Their Princes have personal powers,*
3 *dignities, and pre-eminences, our rulers have none but official; nor do they partake in the sovereignty*
4 *otherwise, or in any other capacity, than as private citizens.*"
5 *[Chisholm v. Georgia, 2 Dall (U.S.) 419 (1793)]*

6 Consistent with the foregoing, sovereign immunity may only therefore lawfully be asserted when the government is acting
7 in complete consistency with its de jure function as described in both the Constitution and the laws enacted by Congress
8 pursuant to it, and it may only be asserted to protect citizens and not government servants. Consequently:

- 9 1. The minute the government steps outside of the bounds of the Constitution to undertake "private enterprises" not
10 expressly and specifically authorized by the Constitution, it must surrender all of its sovereign immunity and devolves
11 to the same level as every other private corporation or individual.

12 *" . . . when the United States enters into commercial business it abandons its sovereign capacity and is to be*
13 *treated like any other corporation ... "*
14 *[91 Corpus Juris Secundum (C.J.S.), United States, §4]*

15 *"When a state enters into business relations, and makes contracts with private persons, it waives its sovereignty,*
16 *and is to be treated as a private person, and subjected to the principles of law applicable as between*
17 *individuals, save only in respect to its immunity from suit."*
18 *[Ellis v. United States, 206 U.S. 246; 27 S.Ct. 600 (1907)]*

- 19 2. When an agent of the government exercises authority not specifically granted to him or her by law and appearing in his
20 delegation of authority order, then he becomes personally liable for a tort under the Federal Tort Claims Act, as
21 described above.

22 The next big question becomes: How can we recognize areas where the United States is engaging in "private business" not
23 expressly authorized by the Constitution so that we can know when it can lawfully assert sovereign immunity? Below is a
24 list of subject matters we compiled for our own use which you can use as a starting point:

- 25 1. The Constitution does NOT authorize the federal government to offer any kind of insurance to any private person in
26 any state of the Union. This includes Social Security, Medicare, FICA, etc. Therefore, all offerings to private persons
27 in states of the Union of any kind of insurance constitutes private business activity for which the United States
28 surrenders sovereign immunity. Calling the "premiums" paid for these insurance services a "tax" does NOT transform
29 their character from private business to a "public purpose".
30 2. The Constitution does not authorize the collection of an excise tax upon the private employment of persons domiciled
31 in a state of the Union, which is exactly the type of tax described in Subtitle A of the Internal Revenue Code. The tax
32 is primarily a privilege tax upon "the functions of a public office", which is defined as a "trade or business" in 26
33 U.S.C. §7701(a)(26). To wit:

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

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

50 Consequently, Subtitle A of the Internal Revenue Code can only describe private business activity implemented
51 through contractual (private) law and the voluntary consent of those persons in states of the Union who choose to
52 participate in it.

3. The Constitution does not authorize state or federal government to setup any kind of universities or post-secondary higher education systems. Consequently, the states have decided to enter this area of private business and to charge for their “services”. Persons who wish to avail themselves of these “privileges” and “benefits” must declare a “domicile” within the “State”, which under most state laws means that they occupy the federal areas or enclaves within the exterior limits of the state. Those who do not declare such a domicile are charged significantly higher “nonresident tuition” so that they pay the full costs of sustaining the program and do not have to pay the costs indirectly through the state income tax.
4. The Constitution does not authorize the state or federal governments to regulate the exercise of the right to marry. This is a common law right.

A statute may declare that no marriages shall be valid unless they are solemnized in a prescribed manner, but such an enactment is a very different thing from a law requiring all marriages to be entered into in the presence of a magistrate or a clergyman or that it be preceded by a license, or publication of banns, or be attested by witnesses. Such formal provisions may be construed as merely directory, instead of being treated as destructive of a common law right to form the marriage relation by words of present assent. And such, we think, has been the rule generally adopted in construing statutes regulating marriage. Whatever directions they may give respecting its formation or solemnization, courts have usually held a marriage good at common law to be good notwithstanding the statutes unless they contain express words of nullity. This is the conclusion reached by Mr. Bishop, after an examination of the authorities. Bishop, Mar. and Div., sec. 283 and notes.

[...]

As before remarked, the statutes are held merely directory, because marriage is a thing of common right, because it is the policy of the state to encourage it, and because, as has sometimes been said, any other construction would compel holding illegitimate the offspring of many parents conscious of no violation of law. [Meister v. Moore, 96 U.S. 76 (1873)]

Over the years, states, in order to obtain the lawful authority to regulate marriage, have instituted marriage licenses, which require that the parties contractually consent to the state’s authority to regulate the marriage by requesting a marriage license. Before states were doing marriage licenses, people would get married and receive a “Certificate of Marriage” instead of a marriage license and which conferred no jurisdiction upon the state to regulate the marriage. All statutes which regulate marriages of those who do not obtain state marriage licenses are “merely directory”, which the legal dictionary defines as follows:

“Directory. A provision in a statute, rule of procedure, or the like, which is a mere direction or instruction of no obligatory force, and involving no invalidating consequence for its disregard, as opposed to an imperative or mandatory provision, which must be followed. The general rule is that the prescriptions of a statute relating to the performance of a public duty are so far directory that, though neglect of them may be punishable, yet it does not affect the validity of the acts done under them, as in the case of a statute requiring an officer to prepare and deliver a document to another officer on or before a certain day.

A “directory” provision in a statute is one, the observance of which is not necessary to the validity of the proceeding to which it relates; one which leaves it optional with the department or officer to which it is addressed to obey or not as he may see fit. Generally, statutory provisions which do not relate to essence of thing to be done, and as to which compliance is matter of convenience rather than substance are “directory”, while provisions which relate to essence of thing to be done, that is, matter of substance, are “mandatory.” Rodgers v. Meredith, 274 Ala. 179, 146 So.2d 308, 310.

Under a general classification, statutes are either “mandatory” or “directory,” and if mandatory, they prescribe, in addition to requiring the doing of the things specified, the result that will follow if they are not done, whereas, if directory, their terms are limited to what is required to be done. A statute is mandatory when the provision of the statute is the essence of the thing required to be done; otherwise, when it relates to form and manner, and where an act is incident, or after jurisdiction acquired, it is directory merely. [Black’s Law Dictionary, Sixth Edition, pp. 460-461]

Consequently, when states engage in the regulation of marriage, such as family courts, the family code in your state, they are acting in the capacity as a private business and doing so through the operation of private/contract law. The contract is the marriage license, which confers jurisdiction to the state to control how you exercise that right. A license is “permission from the state to do that which is illegal” and it has always been illegal for the state to run your family or your marriage, so you need to sign a contract called a marriage license to give them permission to do that. Did they teach you this in the “public” (government) school system? I wonder why not?

There are many other examples of the above that we don't have the space to mention here. We only mention the above as an example of how states are duplicitly doing private business while:

1. Falsely portraying that private business as a legitimate public purpose.
2. Falsely portraying the laws that regulate the private business as "public law", rather than merely private/contract law that is of no obligatory force against those who never consented.
3. Calling the "fees" needed to execute these services "taxes". The U.S. Supreme Court said this is unconstitutional. Notice in the case below the example they gave was a private bank setup by the national government, which the United States set up as a "public office" in order to protect it from state lawsuits using sovereign immunity.

*"The power to tax is, therefore, the strongest, the most pervading of all powers of government, reaching directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of McCulloch v. Md., 4 Wheat. 431, that the power to tax is the power to destroy. A striking instance of the truth of the proposition is seen in the fact that the existing tax of ten per cent, imposed by the United States on the circulation of all other banks than the National Banks, drove out of existence every *state bank of circulation within a year or two after its passage. This power can be readily employed against one class of individuals and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no implied limitation of the uses for which the power may be exercised.*

To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

Nor is it taxation. 'A tax,' says Webster's Dictionary, 'is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or State.' 'Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes.' Cooley, Const. Lim., 479.

Coulter, J., in Northern Liberties v. St. John's Church, 13 Pa. St., 104 says, very forcibly, 'I think the common mind has everywhere taken in the understanding that taxes are a public imposition, levied by authority of the government for the purposes of carrying on the government in all its machinery and operations—that they are imposed for a public purpose.' See, also Pray v. Northern Liberties, 31 Pa.St., 69; Matter of Mayor of N.Y., 11 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v. Fond du Lac, supra." [Loan Association v. Topeka, 20 Wall. 655 (1874)]

The above quote from Loan Association about the Bank of the United States is very interesting. You can read more about it in Osborn v. Bank of U.S., 22 U.S. 738 (1824). In that instance, the Constitution did not specifically authorize the United 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 tax upon the bank and to completely outlaw the bank. They thought the bank was competing with private state banks and 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. Supreme Court in Osborn decided to come to the rescue of the federal government's private business enterprise by falsely calling the bank a "public office", by asserting sovereign immunity to protect the bank from state lawsuits even though the bank was essentially a private business not authorized by the Constitution, and by asserting the authority of the federal judiciary to protect the bank without any legislative authority or territorial jurisdiction to do so.

"All the powers of the government must be carried into operation by individual agency, either through the medium of public officers, or contracts made with individuals. Can any public office be created, or does one exist, the performance of which may, with propriety, be assigned to this association [or trust], when incorporated? If such office exist, or can be created, then the company may be incorporated, that they may be appointed to execute such office. Is there any portion of the public business performed by individuals upon contracts, that this association could be employed to perform, with greater advantage and more safety to the public, than an individual contractor? If there be an employment of this nature, then may this company be incorporated to undertake it.

There is an employment of this nature. Nothing can be more essential to the fiscal concerns of the nation, than an agent of undoubted integrity and established credit, with whom the public moneys can, at all times, be safely deposited. Nothing can be of more importance to a government, than that there should be some capitalist in the country, who possesses the means of making advances of money to the government upon any exigency, and who is under a legal obligation to make such advances. For these purposes the association would be an agent peculiarly suitable and appropriate. [. . .] [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

1 The Supreme Court exceeded their authority above, because the government cannot lawfully create a “public office” that is
2 not specifically authorized by the Constitution, and they never justified exactly where in the Constitution the federal
3 government was specifically authorized to enter the private banking business within states of the Union. Therefore, the
4 only place they could lawfully do it was on federal territory not within a state of the Union. The Supreme Court didn’t
5 explain how they can create a public office without the authority of the Constitution because they knew the feds had no
6 authority to engage in private business within the states of the Union, and by doing so they knew they were engaging in
7 TREASON. Below is how the Supreme Court justified this unconstitutional exercise of power outside of federal territory:

8 *The constitutional power of Congress to create a Bank, is derived altogether [22 U.S. 738, 810] from the*
9 *necessity of such an institution, for the fiscal purposes of the Union. It is established, not for the benefit of*
10 *the stockholders, but for the benefit of the nation. It is part of the fiscal means of the nation. Indeed, 'the*
11 *power of creating a corporation, is never used for its own sake, but for the purpose of effecting something*
12 *else.' 19 The Bank is created for the purpose of facilitating all the fiscal operations of the national*
13 *government. All its powers and faculties are conferred for this purpose, and for this alone; and it is to be*
14 *supposed, that no other or greater powers are conferred than are necessary to this end. The collection and*
15 *administration of the public revenue is, of all others, the most important branch of the public service. It is*
16 *that which least admits of hindrance or obstruction. The Bank is, in effect, an instrument of the government,*
17 *and its instrumental character is its principal character. That is the end; all the rest are means. It is as much*
18 *a servant of the government as the treasury department. The two faculties of the Bank, which are essential to*
19 *its existence and utility, are, its capacity to hold property, and that of suing and being sued. The latter is the*
20 *necessary sanction and security of the former, and of all the rest. The former must be inviolable, and the*
21 *latter must be sufficient to secure its inviolability. But it is not so, if Congress cannot erect a forum, to which*
22 *the Bank may resort for justice. A needful operation of the government becomes dependent upon foreign*
23 *support, [22 U.S. 738, 811] which may be given, but which may also be withheld. There is no unreasonable*
24 *jealousy of State judicatures; but the constitution itself supposes that they may not always be worthy of*
25 *confidence, where the rights and interests of the national government are drawn in question. It is*
26 *indispensable, that the interpretation and application of the laws and treaties of the Union should be*
27 *uniform. The danger of leaving the administration of the national justice to the local tribunals, is not merely*
28 *speculative. In Ohio, the Bank has been outlawed; and if it cannot seek redress in the federal tribunals, it*
29 *can find it no where. Where is the power of coercion in the national government? What is to become of the*
30 *public revenue while it is going on? Congress might not only have given original, but it might have given*
31 *exclusive jurisdiction, in the cases mentioned in the 25th section of the Judiciary Act of 1789, c. 20.; instead*
32 *of which, it has contended itself with giving an appellate jurisdiction, to correct the errors of the State*
33 *Courts, where a question incidentally arises under the laws and treaties of the Union. But here the question*
34 *is, whether the government of the United States can execute one of its own laws, through the process of its*
35 *own Courts. The right of the Bank to sue in the national Courts, is one of its essential faculties. If that can be*
36 *taken away, it is deprived of a part of its being, as much as if it were stripped of its power of discounting*
37 *notes, receiving deposits, or dealing in bills of exchange.*
38 *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

39 The Court then went on to admit that the entire authority of the bank derived from private/contract law which was governed
40 by local and state law rather than federal law. They also recognized that if federal law did prevail, the only place the case
41 could be tried was in the U.S. Supreme Court, because the Constitution requires that all cases or controversies to which a
42 state of the Union is party must be heard by the U.S. Supreme Court and not any lower court:

43 *“But the jurisdiction [22 U.S. 738, 815] of the federal Courts, if it attach at all, must attach either to the party*
44 *or to the case. The party and his rights cannot be so mixed together, as that the legal origin of the first shall*
45 *give character to the latter. A controversy regarding a promissory note or bill of exchange cannot be said to*
46 *arise under an act of Congress, because the Bank, which is created by an act of Congress, has purchased the*
47 *note or bill. Neither the rules of evidence, nor the law of contract, can be regulated by the National*
48 *Legislature. But, in the case supposed, no question can arise, except under the law of contract and the rules*
49 *of evidence. No law of Congress is drawn into question, and its correct decision cannot possibly depend upon*
50 *the construction of such law. The Bank cannot come into the federal Courts as a party suing for a breach of*
51 *contract or a trespass upon its property; for, neither its character as a party, nor the nature of a controversy,*
52 *can give the Court jurisdiction. The case does not arise under its charter. It arises under the general or local*
53 *law a contract, and may be determined without opening the statute book of the United States. The privilege*
54 *conferred upon the Bank in its charter, to sue in the Circuit Courts, must be limited, not only by the criterion*
55 *indicated; it must also be limited by the general provisions of the Judiciary Act, regulating the exercise of*
56 *jurisdiction in the Circuit Courts. It cannot sue upon a chose in action assigned to it, unless the jurisdiction*
57 *would have attached between the original parties; it cannot sue a party in the Circuit Court, [22 U.S. 738,*
58 *816] over whom the existing laws give the Supreme Court exclusive jurisdiction.”*
59 *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

60 The Court also admitted that Congress up to that time was never supposed to even have the authority to engage in private
61 business when it said:

1 The foundation of the argument in favour of the right of a State to tax the Bank, is laid in the supposed
2 character of that institution. The argument supposes the corporation to have been originated for the
3 management of an individual concern, to be founded upon contract between individuals, having private trade
4 and private profit for its great end and principal object.

5 If these premises were true, the conclusion drawn from them would be inevitable. This mere private
6 corporation, engaged in its own business, with its own views, would certainly be subject to the taxing power of
7 the State, as any individual would be; and the casual circumstance of its being [22 U.S. 738, 860] employed by
8 the government in the transaction of its fiscal affairs, would no more exempt its private business from the
9 operation of that power, than it would exempt the private business of any individual employed in the same
10 manner. But the premises are not true. The Bank is not considered as a private corporation, whose principal
11 object is individual trade and individual profit; but as a public corporation, created for public and national
12 purposes. That the mere business of banking is, in its own nature, a private business, and may be carried on by
13 individuals or companies having no political connexion with the government, is admitted; but the Bank is not
14 such an individual or company. It was not created for its own sake, or for private purposes. It has never been
15 supposed that Congress could create such a corporation."
16 [*Osborn v. Bank of U.S.*, 22 U.S. 738 (1824)]

17 The Court also explained its basis for granting sovereign immunity from the state tax to be collected on the bank by stating
18 the following:

19 It is contended, that, admitting Congress to possess the power, this exemption ought to have been expressly
20 asserted in the act of incorporation; and, not being expressed, ought not to be implied by the Court.

21 It is not unusual, for a legislative act to involve consequences which are not expressed. An officer, for example,
22 is ordered to arrest an individual. It is not necessary, nor is it usual, to say that he shall not be punished for
23 obeying this order. His security is implied in the order itself. It is no unusual thing for an act of Congress to
24 imply, without expressing, this very exemption from State control, which is said to be so objectionable in this
25 instance. The collectors of the revenue, the carriers of the mail, the mint establishment, and all those
26 institutions which are public in their nature are examples in point. It has never been doubted, that all who are
27 employed in them, are protected, while in the line of duty; and yet this protection is not expressed in any act
28 of Congress. It is incidental [22 U.S. 738, 866] to, and is implied in the several acts by which these
29 institutions are created, and is secured to the individuals employed in them, by the judicial power alone; that
30 is, the judicial power is the instrument employed by the government in administering this security.

31 That department has no will, in any case. If the sound construction of the act be, that it exempts the trade of
32 the Bank, as being essential to the character of a machine necessary to the fiscal operations of the government,
33 from the control of the States, Courts are as much bound to give it that construction, as if the exemption had
34 been established in express terms. Judicial power, as contradistinguished from the power of the laws, has no
35 existence. Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a
36 discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by
37 law; and, when that is discerned, it is the duty of the Court to follow it. Judicial power is never exercised for
38 the purpose of giving effect to the will of the Judge; always for the purpose of giving effect to the will of the
39 Legislature; or, in other words, to the will of the law.

40 The appellants rely greatly on the distinction between the Bank and the public institutions, such as the mint or
41 the post office. The agents in those offices are, it is said, officers of government, and are excluded from a seat in
42 Congress. Not so the directors of the Bank. The connexion of the government with the Bank, is likened to that
43 with contractors.

44 It will not be contended, that the directors, or [22 U.S. 738, 867] other officers of the Bank, are officers of
45 government. But it is contended, that, were their resemblance to contractors more perfect than it is, the right of
46 the State to control its operations, if those operations be necessary to its character, as a machine employed by
47 the government, cannot be maintained. Can a contractor for supplying a military post with provisions, be
48 restrained from making purchases within any State, or from transporting the provisions to the place at which
49 the troops were stationed? or could he be fined or taxed for doing so? We have not yet heard these questions
50 answered in the affirmative. It is true, that the property of the contractor may be taxed, as the property of other
51 citizens; and so may the local property of the Bank. But we do not admit that the act of purchasing, or of
52 conveying the articles purchased, can be under State control.
53 [*Osborn v. Bank of U.S.*, 22 U.S. 738 (1824)]

54 The foregoing analysis therefore underscores and proves our earlier points, which are that:

- 55 1. Congress may not lawfully engage in private business within states of the Union.
- 56 2. When Congress engages in "public business" within states of the Union, the activities of that business are protected by
57 the federal courts and not by federal legislation, because federal legislation has no applicability in states of the Union.

3. When Congress engages in private business, federal courts have no authority to assert sovereign immunity or to protect the activities of that business.
4. Courts have no authority to legislate or to make law, and therefore they cannot invent delegated authority that does not exist in asserting sovereign immunity.

“Judicial power, as contradistinguished from the power of the laws, has no existence. Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by law; and, when that is discerned, it is the duty of the Court to follow it. Judicial power is never exercised for the purpose of giving effect to the will of the Judge; always for the purpose of giving effect to the will of the Legislature; or, in other words, to the will of the law.”
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

5. Each intrusion into the states of the Union by a federal private business concern not authorized by the Constitution needs to be carefully examined and characterized by the federal courts BEFORE they can invoke sovereign immunity.

Congressman Ron Paul of Texas recognizes these critical distinctions between a “public purpose” and a “private purpose”. He thinks the federal government has exceeded its corporate charter, the Constitution of the United States, and needs to be put back inside the ten mile square box (cage) the founder created for it. The reasons for him wanting to do this are aptly described below:

People of the Lie: The United States
<http://famguardian.org/Subjects/Freedom/Articles/PeopleOfTheLie.htm>

To put the federal government back inside the box, Paul has proposed what he calls the “Liberty Amendment” to the United States Constitution. This amendment would forbid the federal government from engaging in private business within the states of the Union and would command it to shut down all such operations. Here is the text of that amendment:

The Liberty Amendment

Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

Section 2. The constitution or laws of any State, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

Section 3. The activities of the United States Government which violate the intent and purpose of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

Section 4. Three years after the ratification of this amendment the sixteenth article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts.

[Source: <http://libertyamendment.org>]

The above amendment to the Constitution we believe would, by implication, eliminate all federal business encroachments into states of the Union, including Social Security, Medicare, FICA, and Subtitle A of the Internal Revenue Code, all of which are a product of private/contract law rather than “public law”. We have crafted the article below which proves these assertions with evidence if you would like to investigate further:

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

What have the federal courts done to protect and hide the nature of the Social Security, FICA, Medicare, and Internal Revenue Code, Subtitle A as private/contract law and thereby unlawfully expand federal business operations and jurisdiction into states of the Union? Here are some of the dastardly things they have done to deceive the public about their true nature:

1. The courts refuse to admit that Internal Revenue Code, Subtitle A is “private law” rather than “public law”.

2. When Internal Revenue Code, Subtitle A taxes are challenged in federal court by persons claiming that they only apply to persons DOMICILED in the federal zone or lawfully engaged in federal franchises, the federal courts have issued judicial doctrine, the courts have refused to address the issue and thereby protected CRIMINAL enforcement actions by the I.R.S. We call this “theft by omission”.
3. When judges are shown the constitutional limits on their authority as Article IV Courts, they have unlawfully and criminally 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

<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)]

The foundation of all private/contract law, including Subtitle A of the Internal Revenue Code, is explicit, voluntary, informed consent. The U.S. Supreme Court alluded to this when it called income taxes "quasi-contractual":

"Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., 127 U.S. 265, 292, et seq. 8 S.Ct. 1370, compare Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** United States v. Chamberlin, 219 U.S. 250, 31 S.Ct. 155; Price v. United States, 269 U.S. 492, 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. **This was the rule established in the English courts before the Declaration of Independence.** Attorney General v. Weeks, Bunbury's Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury's Exch. Rep. 225; Attorney General v. Hatton, Bunbury's Exch. Rep. 262; Attorney General v. —, 2 Ans.Rep. 558; see Comyn's Digest (Title 'Dett,' A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77. "
[Milwaukee v. White, 296 U.S. 268 (1935)]

Subtitle A income taxes are collected as a debt, and all debt originates from the consent of the lender to loan the money. That lender is the "taxpayer".

Lastly, the courts of the states of the Union have emulated the behavior of the federal courts described in this section, in the context of private business areas that the states have also invaded. These abuses, both state and federal, lead to a breakdown of the distinctions between "public" and "private". A government that is actually a corporate monopoly that also enforces the law and which abuses the courts to protect and expand its operations is the most dangerous threat to liberty of all. Thomas Jefferson alluded to this threat when he said the following about banks. The reader should also note that he was vehemently opposed to a central government bank.

"I sincerely believe ... that banking establishments are more dangerous than standing armies, and that the principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale."
[Thomas Jefferson to John Taylor, 1816]

14.6 Condoning unlawful federal enforcement actions by ignoring the requirement for implementing enforcement regulations

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]*

The unlawful efforts by the IRS and the federal courts to ignore the requirement for implementing regulations in the case of private citizens who are not federal instrumentalities or officers is specifically prohibited based on the authorities below:

[26 CFR §601.702](#) Publication and public inspection

(a)(2)(ii) Effect of failure to publish.

*Except to the extent that a person has actual and timely notice of the terms of any matter referred to in subparagraph (1) of this paragraph which is required to be published in the Federal Register, **such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to subdivision (i) of this subparagraph.** Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by reference will not adversely change or affect a person's rights.*

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552](#)
[§ 552. Public information; agency rules, opinions, orders, records, and proceedings](#)

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

We alleged that this chronic disrespect for the requirements of the law by the IRS and the federal courts is not simply an innocent case of neglect, but instead is a willful, malicious assault on the liberties of the public at large. We have seen this issue repeatedly raised in federal courts and with the IRS, and have been met only with silence, which constitutes an 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>

The consequence of this malicious neglect for the requirement for implementing regulations in the case of private citizens in the states who are not federal instrumentalities exempted from the requirement for implementing regulations:

1. Contributes to a destruction of the separation of powers between “public employment” and “private employment”.
2. Produces the practical affect of allowing the government to effect the legal equivalent of “eminent domain” over the private lives, liberty, and property of private citizens in states of the Union. Eminent domain is the essence of socialism. See:

Socialism: The New American Civil Religion, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

3. A widespread destruction of the public health, safety, and morals that our government was supposed to be instituted to protect.
4. An imitation of the lawless behavior of the government by private citizens, resulting in widespread and growing injustice within society:

"Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker [or a hypocrite with double standards], it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means...would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face."
[Justice Brandeis, *Olmstead v. United States*, 277 U.S. 438, 485. (1928)]

If you would like to know more about this subject, we have written a separate memorandum of law on this singular subject which you can obtain below:

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

15 Evidence of de facto tax system

"In the matter of taxation, every privilege is an injustice."
[Voltaire]

"... The physical power to get the money does not seem to me a test of the right to tax. Might does not make right even in taxation..."
[Justice Jackson in *International Harvester v. Wisconsin Dept of Taxation*, 322 U.S. 450]

15.1 How the tax system is being abused in violation of law to STEAL from people the government is supposed to be protecting

This section will prove that the IRS is illegally enforcing the Internal Revenue Code and abusing its ability to make forms in order to:

1. Create fictitious public offices in the federal government.
2. Subject otherwise private parties to the obligations of federal public office without compensation.
3. Create and expand what amounts to an identity theft ring to kidnap the legal identity of people protected by the Constitution and illegally transport it to the District of Columbia, which is what the “United States” is defined as in 26 U.S.C. §7701(a)(9) and (a)(10) using federal franchises under the auspices of Federal Rule of Civil Procedure 17(b).
4. STEAL from people the government is supposed to be protecting.

The income tax described in Subtitle A of the Internal Revenue Code is an excise tax upon a “trade or business”, which is defined as “the functions of a public office” within the United States government:

[26 U.S.C. Sec. 7701\(a\)\(26\)](#)

“The term ‘trade or business’ includes the performance of the functions of a [public office](#).”

A “trade or business” is what the legal profession calls a “franchise”. Participation in all franchises is voluntary, which is why there is no liability statute anywhere in the Internal Revenue Code, Subtitle A that makes the average American “liable” to pay the income tax. For details on franchises, see:

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

A “public office” is a type of employment or agency within the federal government that is created by contract or agreement that you must implicitly or explicitly consent to.

Public office

“Essential characteristics of a ‘public office’ are:

(1) Authority conferred by law,

(2) Fixed tenure of office, and

(3) Power to exercise some of the sovereign functions of government.

(4) Key element of such test is that “officer is carrying out a sovereign function”.

(5) Essential elements to establish public position as ‘public office’ are:

(a) Position must be created by Constitution, legislature, or through authority conferred by legislature.

(b) Portion of sovereign power of government must be delegated to position,

(c) Duties and powers must be defined, directly or implied, by legislature or through legislative authority.

(d) Duties must be performed independently without control of superior power other than law, and

(e) Position must have some permanency.”

[Black’s Law Dictionary, Sixth Edition, p. 1230]

A person holding a “public office” has a fiduciary duty to the public as a “trustee” of the “public trust”:

“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. 38 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. 39 That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. 40 and owes a fiduciary duty to the public. 41 It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. 42 Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.43”

[63C Am.Jur.2d, Public Officers and Employees, §247]

38 State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 NJ 584, 115 A.2d. 8.

39 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.

40 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.

41 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).

42 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.

43 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).

If you aren't engaged in a "public office", then you can't be the proper subject of the income tax or truthfully or lawfully be described as THE "person", "individual", "employee", "employer", "citizen", "resident", or "taxpayer" described anywhere in the Internal Revenue Code UNLESS you volunteer by signing an agreement in some form. Yes, you could be described by these terms in their *ordinary English usage*, but you would not fit the *LEGAL meanings* of these terms as they are defined in the Internal Revenue Code unless you in fact and in deed engage in a "public office" within the United States government through private contract or agreement that you consent to. Within this publication, we put quotes around words like those above when we wish to refer to the *legally defined meaning* of a term and *exclude* the common or ordinary definition. In that sense, the Internal Revenue Code constitutes:

1. Private law:

"Private law. That portion of the law which defines, regulates, enforces, and administers relationships among individuals, associations, and corporations. As used in contradistinction to public law, the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private individuals. See also Private bill; Special law. Compare Public Law."
[Black's Law Dictionary, Sixth Edition, p. 1196]

2. Special law:

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

3. What the courts call a "franchise", which is a "privilege" or benefit offered only to those who volunteer:

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 Arn.Rep. 63. Nor involve interest in land acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019, 1020 **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio St. 24, 119 N.E. 195, 199, L.R.A.1918E, 352.

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

Exclusive Franchise. See Exclusive Privilege or Franchise.

General and Special. The charter of a corporation is its "general" franchise, while a "special" franchise consists in any rights granted by the public to use property for a public use but-with private profit. Lord v. Equitable Life Assur. Soc., 194 N.Y. 212, 81 N. E. 443, 22 L.R.A.,N.S., 420.

1 *Personal Franchise.* A franchise of corporate existence, or one which authorizes the formation and existence of
2 a corporation, is sometimes called a "personal" franchise. as distinguished from a "property" franchise, which
3 authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special
4 privilege in its employment, as, for example, to construct and operate a railroad. See *Sandham v. Nye*, 9
5 *Misc.ReP.* 541, 30 N.Y.S. 552.

6 *Secondary Franchises.* The franchise of corporate existence being sometimes called the "primary" franchise of
7 a corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may,
8 receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls,
9 collect fares, etc. *State v. Topeka Water Co.*, 61 Kan. 547, 60 P. 337; *Virginia Canon Toll Road Co. v. People*,
10 22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or
11 general franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a
12 corporation, while the latter are certain rights and privileges conferred upon existing corporations. *Gulf*
13 *Refining Co. v. Cleveland Trust Co.*, 166 Miss. 759, 108 So. 158, 160.

14 *Special Franchisee.* See *Secondary Franchises*, *supra*.
15 [Black's Law Dictionary, Fourth Edition, pp. 786-787]

16 4. An "excise tax" or "privilege tax" upon privileges incident to federal contracts, employment, or agency.

17 "Excises are taxes laid upon the manufacture, sale or consumption of commodities within the country, upon
18 licenses to pursue certain occupations and upon corporate privileges...the requirement to pay such taxes
19 involves the exercise of [220 U.S. 107, 152] privileges, and the element of absolute and unavoidable demand
20 is lacking...

21 ...It is therefore well settled by the decisions of this court that when the sovereign authority has exercised the
22 right to tax a legitimate subject of taxation as an exercise of a franchise or privilege, it is no objection that the
23 measure of taxation is found in the income produced in part from property which of itself considered is
24 nontaxable...

25 Conceding the power of Congress to tax the business activities of private corporations.. the tax must be
26 measured by some standard..."
27 [*Flint v. Stone Tracy Co.*, 220 U.S. 107 (1911)]

28 The IRS itself admitted some of the above in a letter documented below:

Hoverdale Letter, SEDM Exhibit #09.023
<http://sedm.org/Exhibits/ExhibitIndex.htm>

29 Now that we know WHO the real "taxpayer" is, below is a summary of how the taxation process must work in order to be
30 lawful and constitutional:

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

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

38 2. Government protects private rights by keeping "public [government] property" and "private property" separate and
39 never allowing them to be joined together. This is the heart of the separation of powers doctrine: separation of what is
40 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>

41 3. In law, all rights are "property".

42 *Property.* That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict
43 legal sense, an aggregate of rights which are guaranteed and protected by the government. *Fulton Light, Heat*
44 *& Power Co. v. State*, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable
45 right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to
46 dispose of a thing in every legal way, to possess it, to use it, and to exclude every one else from interfering with
47 it. That dominion or indefinite right of use or disposition which one may lawfully exercise over particular things

or subjects. The exclusive right of possessing, enjoying, and disposing of a thing. The highest right a man can have to anything; being used to refer to that right which one has to lands or tenements, goods or chattels, which no way depends on another man's courtesy.

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

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

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

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

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

Public use. Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which condemnation is sought and, as long as public has right of use, whether exercised by one or many members of public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use. *Montana Power Co. v. Bokma, Mont.*, 457 P.2d. 769, 772, 773.

Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent domain, means a use concerning the whole community distinguished from particular individuals. But each and every member of society need not be equally interested in such use, or be personally and directly affected by it; if the object is to satisfy a great public want or exigency, that is sufficient. *Ringe Co. v. Los Angeles County*, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. The term may be said to mean public usefulness, utility, or advantage, or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but must be in common, and not for a particular individual. The use must be a needful one for the public, which cannot be surrendered without obvious general loss and inconvenience. A "public use" for which land may be taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences, changing conceptions of scope and functions of government, and other differing circumstances brought about by an increase in population and new modes of communication and transportation. *Katz v. Brandon*, 156 Conn. 521, 245 A.2d 579, 586.

See also Condemnation; Eminent domain.
[Black's Law Dictionary, Sixth Edition, p. 1232]

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

The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals. A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or

residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public purpose or public business.”
[Black’s Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

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

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

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

Fifth Amendment - Rights of Persons

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.**
[United States Constitution, Fifth Amendment]

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

- 6.1. Violation of the Fifth Amendment “takings clause” above.
6.2. “Conversion” in violation of 18 U.S.C. §654.
6.3. Theft.
7. Because taxation involves converting private property to a public use, public purpose, and public office, then it involves eminent domain if the owner of the property did not expressly consent to the taking:

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

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

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

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

8. The Fifth Amendment requires that any taking of private property without the consent of the owner ***must*** involve compensation. The Constitution must be consistent with itself. The taxation clauses found in Article 1, Section 8, Clauses 1 and 3 cannot conflict with the Fifth Amendment. The Fifth Amendment contains no exception to the

requirement for just compensation upon conversion of private property to a public use, even in the case of taxation. This is why all taxes must be indirect excise taxes against people who provide their consent by applying for a license to engage in the taxed activity: The application for the license constitutes constructive consent to donate the fruits of the activity to a public use, public purpose, and public office.

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

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

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

The above rules are summarized below:

Table 6: 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

10. 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).
- 10.1. 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.
- 10.2. 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".
- 10.3. 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.
- 10.4. 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.

10.5. IRS Forms W-2 and W-4 are identified as Tax Class 5: Estate and Gift Taxes. Payroll withholdings are GIFTS, not taxes.

[TITLE 31](#) > [SUBTITLE I](#) > [CHAPTER 3](#) > [SUBCHAPTER II](#) > § 321
[§ 321. General authority of the Secretary](#)

(d)

(1) The Secretary of the Treasury may accept, hold, administer, and use gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of the Treasury. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed on order of the Secretary of the Treasury. Property accepted under this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For purposes of the Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for the use of the United States.

They don't become "taxes" and assessments until you attach the Form W-2 "gift statement" to an assessment called a Form 1040 and create a liability with your own self-assessment signature. IRS has no delegated authority to convert a "gift" into a "tax". That is why when you file the IRS Form 1040, you must attach the W-2 gift statement. See:

[Great IRS Hoax](#), Form #11.302, Section 5.6.15
<http://sedm.org/Forms/FormIndex.htm>

10.6. The IRS cannot execute a lawful assessment without your knowledge and express consent because if they didn't have your consent, then it would be criminal conversion and theft. That is why every time they do an assessment, they have to call you into their office and present it to you to procure your consent in what is called an "examination". If you make it clear that you don't consent and hand them the following, they have to delete the assessment because it's only a proposal. See:

[Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent](#), Form #05.011
<http://sedm.org/Forms/FormIndex.htm>

There is no way other than the above to lawfully create an income tax liability without violating the Fifth Amendment takings clause. If you assess yourself, you consent to become a "public officer" and thereby donate the fruits of your labor as such officer to a public use and a public purpose.

11. The IRS won't admit this, but this in fact is how the de facto unlawful system currently functions:

11.1. You can't unilaterally "elect" yourself into a "public office", even if you do consent.

11.2. No IRS form nor any provision in the Internal Revenue Code CREATES any new public offices in the government.

11.3. The I.R.C. only taxes EXISTING public offices lawfully exercised ONLY in the District of Columbia and in all places expressly authorized pursuant to 4 U.S.C. §72.

12. Information returns are being abused in effect as "federal election" forms.

12.1. Third parties in effect are nominating private persons into public offices in the government without their knowledge, without their consent, and without compensation. Thus, information returns are being used to impose the obligations of a public office upon people without compensation and thereby impose slavery in violation of the Thirteenth Amendment.

12.2. Anyone who files a false information return connecting a person to the "trade or business"/"public office" franchise who in fact does not ALREADY lawfully occupy a public office in the U.S. government is guilty of impersonating a public officer in criminal violation of 18 U.S.C. §912.

13. The IRS Form W-4 cannot and does not create an office in the U.S. government, but allows EXISTING public officers to elect to connect their private earnings to a public use, a public office, and a public purpose. The IRS abuses this form to unlawfully create public offices, and this abuse of the I.R.C. is the heart of the tax fraud: They are making a system that only applies to EXISTING public offices lawfully exercised in order to:

13.1. Unlawfully create new public offices in places where they are not authorized to exist.

13.2. Destroy the separation of powers between what is public and what is private.

13.3. Institute eminent domain over private labor using false third party reports. Omission in preventing such fraud accomplishes involuntary servitude in violation of the Thirteenth Amendment, 42 U.S.C. §1994, and 18 U.S.C. §1581.

13.4. Destroy the separation of powers between the federal and state governments. Any state employee who participates in the federal income tax is serving in TWO offices, which is a violation of most state constitutions.

13.5. Enslave innocent people to go to work for them without compensation, without recourse, and in violation of the thirteenth amendment prohibition against involuntary servitude. That prohibition, incidentally, applies EVERYWHERE, including on federal territory.

14. The right to control the use of private property donated to a public use to procure the benefits of a franchise is enforced through the Internal Revenue Code, which is the equivalent of the employment agreement for franchisees called “taxpayers”.

The above criteria explains why:

1. You cannot be subject to either employment tax withholding or employment tax reporting without voluntarily signing an IRS Form W-4, which the regulations identify as an “agreement” and therefore contract.

Title 26: Internal Revenue

[PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE](#)

[Subpart E—Collection of Income Tax at Source](#)

[Sec. 31.3402\(p\)-1 Voluntary withholding agreements.](#)

(a) In general.

*An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of §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.*

(b) Form and duration of agreement

*(2) An agreement under section 3402 (p) shall be effective for such period as the employer and employee mutually agree upon. **However, either the employer or the employee may terminate the agreement prior to the end of such period by furnishing a signed written notice to the other.** Unless the employer and employee agree to an earlier termination date, the notice shall be effective with respect to the first payment of an amount in respect of which the agreement is in effect which is made on or after the first “status determination date” (January 1, May 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the notice is furnished. If the employee executes a new Form W-4, the request upon which an agreement under section 3402 (p) is based shall be attached to, and constitute a part of, such new Form W-4.*

[26 CFR §31.3401\(a\)-3 Amounts deemed wages under voluntary withholding agreements](#)

(a) In general.

***Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term “wages” includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p).** References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-3).*

(b) Remuneration for services.

*(1) Except as provided in subparagraph (2) of this paragraph, **the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a).** For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are specifically excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with*

respect to which a voluntary withholding agreement may be entered into under section 3402(p). See §§31.3401(c)-1 and 31.3401(d)-1 for the definitions of “employee” and “employer”.

2. The courts have no authority under the Declaratory Judgments Act, 28 U.S.C. §2201(a) to declare you a franchisee called a “taxpayer”. You own yourself.

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

[Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]

3. The revenue laws may not lawfully be cited or enforced against a person who is not a “taxpayer”:

“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws...”
[Long v. Rasmussen, 281 F. 236 (1922)]

“Revenue Laws relate to taxpayers [officers, employees, instrumentalities, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government and who did not volunteer to participate in the federal “trade or business” franchise]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law. With them[non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws.”
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

“And by statutory definition, ‘taxpayer’ includes any person, trust or estate subject to a tax imposed by the revenue act. ...Since the statutory definition of ‘taxpayer’ is exclusive, the federal courts do not have the power to create nonstatutory taxpayers for the purpose of applying the provisions of the Revenue Acts...”
[C.I.R. v. Trustees of L. Inv. Ass’n, 100 F.2d. 18 (1939)]

All of the above requirements have in common that violating them would result in the equivalent of exercising eminent domain over the private property of the private person without their consent and without just compensation, which the U.S. Supreme Court said violates the Fifth Amendment takings clause:

To lay, with one hand, the power of the government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms.

Nor is it taxation. ‘A tax,’ says Webster’s Dictionary, ‘is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or State.’ ‘Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes.’ Cooley, Const. Lim., 479.

Coulter, J., in Northern Liberties v. St. John’s Church, 13 Pa. St., 104 says, very forcibly, ‘I think the common mind has everywhere taken in the understanding that **taxes are a public imposition, levied by authority of the government for the purposes of carrying on the government in all its machinery and operations—that they are imposed for a public purpose.**’ See, also Pray v. Northern Liberties, 31 Pa.St., 69; Matter of Mayor of N.Y., 11 Johns., 77; Camden v. Allen, 2 Dutch., 398; Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47; Whiting v. Fond du Lac, supra.”
[Loan Association v. Topeka, 20 Wall. 655 (1874)]

As a consequence of the above considerations, any government officer or employee who does any of the following is unlawfully converting private property to a public use without the consent of the owner and without consideration:

1. Assuming or “presuming” you are a “taxpayer” without producing evidence that you consented to become one. In our system of jurisprudence, a person must be presumed innocent until proven guilty with court admissible evidence.

Presumptions are NOT evidence. That means they must be presumed to be a “nontaxpayer” until they are proven with admissible evidence to be a “taxpayer”. See:

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

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

2. Performing a tax assessment or re-assessment if you haven’t first voluntarily assessed yourself by filing a tax return. See:

Why the Government Can’t Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011

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

3. Citing provisions of the franchise agreement against those who never consented to participate. This is an abuse of law for political purposes and an attempt to exploit the innocent and the ignorant. The legislature cannot delegate authority to the Executive Branch to convert innocent persons called “nontaxpayers” into franchisees called “taxpayers” without producing evidence of consent to become “taxpayers”.

“In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor] contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker], and gave it to B [the government or another citizen, such as through social welfare programs]. ‘It is against all reason and justice,’ he added, ‘for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an antecedent lawful private [employment] contract [by compelling W-4 withholding, for instance], or the right of private property. To maintain that a Federal or State legislature possesses such powers [of THEFT!] if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.’ 3 Dall. 388.”
[Sinking Fund Cases, 99 U.S. 700 (1878)]

4. Relying on third party information returns that are unsigned as evidence supporting the conclusion that you are a “taxpayer”. These forms include IRS Forms W-2, 1042-S, 1098, and 1099 and they are NOT signed and are inadmissible as evidence under Federal Rule of Evidence 802 because not signed under penalty of perjury. Furthermore, the submitters of these forms seldom have personal knowledge that you are in fact and in deed engaged in a “trade or business” as required by 26 U.S.C. §6041(a) . Most people don’t know, for instance, that a “trade or business” includes ONLY “the functions of a public office”.

15.2 Financial institutions and private businesses acting as public office recruiters

The definition of “de facto” provided earlier in section 4 included the following language:

de facto: [. . .] . Thus, an officer, king, or government de facto is one who is in actual possession of the office or supreme power, but by usurpation, or without lawful title; while an officer, king, or governor de jure is one who has just claim and rightful title to the office or power, but has never had plenary possession of it, or is not in actual possession. MacLeod v. United States, 229 U.S. 416, 33 S.Ct. 955, 57 L.Ed. 1260.
[Black's Law Dictionary, Sixth Edition, p. 416]

That which is de facto therefore involves or creates “offices” or “public offices” within the government that are not expressly authorized by law. Let us examine how this is done within the tax system through the bogus agency of banks and employers acting illegally as statutory “withholding agents” under the authority of 26 U.S.C. §7701(a)(16).

In order to open accounts with modern financial institutions or pursue a private employment position with most companies, many if not most institutions will require providing a Social Security Number or Taxpayer Identification Number. It is, in fact, ILLEGAL and a crime to provide such a number for those not lawfully occupying a public office within the U.S. government and who are domiciled within a constitutional and not statutory state of the Union. This is exhaustively proven in the following documents on our website

1. Why It Is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205

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

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

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

3. Resignation of Compelled Social Security Trustee, Form #06.002
<http://sedm.org/Forms/FormIndex.htm>

The authority for issuing these identifying numbers is found in:

1. Taxpayer Identification Numbers (TINs): 26 U.S.C. §6109 and 26 CFR §310.6109.
2. Social Security Numbers (SSNs): 20 CFR §422.104.

In particular, 20 CFR §422.104 implements Title 5 of the U.S. Code, which is entitled “Government Organization and Employees”. These numbers, in fact, may only be issued to government “employees” and officers ON OFFICIAL BUSINESS who were ALREADY government officers BEFORE they applied. The application for the number nowhere expressly authorizes the CREATION of any new public offices within the federal government.

The application for a Social Security Card is made on SSA Form SS-5, which is entitled “Application for a Social Security Card”. Notice what this form IS NOT. It does NOT identify itself as an application for benefits, but for ISSUANCE and CUSTODY of government property in the form of a card and the corresponding number.

The Social Security Card issued under the authority of the SS-5 application then identifies itself as property of the U.S. government that MUST be returned upon request.

Figure 1: Back of Social Security card

This card is the official verification of your Social Security number.
Please sign it right away. Keep it in a safe place.
Improper use of this card or number by anyone is punishable by fine,
imprisonment or both.
This card belongs to the Social Security Administration and you must
return it if we ask for it.
If you find a card that isn't yours, please return it to:
Social Security Administration
P.O. Box 33008, Baltimore, MD 21290-3008
For any other Social Security business/information, contact your
local Social Security office. If you write to the above address for any
business other than returning a found card, it will take longer for us
to answer your letter.
Social Security Administration
Form SSA-3000 (6-99)
D94868217

Likewise, the regulations at 20 CFR §422.103 say the same thing:

Title 20: Employees' Benefits
PART 422—ORGANIZATION AND PROCEDURES
Subpart B—General Procedures
§ 422.103 Social security numbers.

(d) Social security number cards.

A person who is assigned a social security number will receive a social security number card from SSA within a reasonable time after the number has been assigned. (See §422.104 regarding the assignment of social security number cards to aliens.) **Social security number cards are the property of SSA and must be returned upon request.**

You may wonder as we have why the card has to remain property of the U.S. government, even after it is given to the person who asked for it using SSA Form SS-5. The answer is that so long as the card remains property of Uncle Sam on loan to a private person, the party in possession of the card becomes and remains a “public officer”. A public officer is, after all, legally defined as anyone in receipt, custody, and control over PUBLIC/GOVERNMENT property:

*“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** [and not himself/herself personally]. 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]*

Hence, the Social Security Card is being abused as a method to both recruit and retain UNCOMPENSATED public officers in the employ of the United States government. Title 5 of the U.S. Code further identifies these people as “federal personnel:

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)
[§ 552a. Records maintained on individuals](#)

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

(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), **individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).**

To clarify even further, the application for the card:

1. Creates a public trust that is wholly owned by Uncle Sam.
2. Makes you the trustee of the PUBLIC trust and a public officer. That trust is the “United States” and the trust document is the U.S. constitution, which creates a charitable, eleemosynary, public trust.
3. Makes the card into the initial corpus of the trust.
4. Makes your public servants instead of you into the beneficiary.
5. Creates an deferred employment compensation plan for the trustee.
6. Creates a presumption that anything that you attach the card or number to becomes the legal equivalent of “private property donated to a public use to procure the benefits of the socialism/social security franchise”.
7. Indemnifies banks and employers from their actions at enforcing the Internal Revenue Code, because they are, in fact, supervising the equivalent of a Kelly Girl on loan from Uncle and acting in a representative capacity as a public officer under the authority Federal Rule of Civil Procedure 17(b).

NOW do you know why the banks and insurance companies insist on a number? They want liability insurance if they are pressured by the IRS to enforce the Internal Revenue Code against the account holder. The TIN or SSN function as de facto license numbers to act in the capacity of a public officer on official business, assign legal title to the account to Uncle Sam, and make you the EQUITABLE owner and trustee over what becomes GOVERNMENT property AFTER you associate it with the number.

Even with all this said, the banks and financial institutions are acting illegally and are not authorized to in effect ELECT you into public office by compelling you to procure or use government identifying numbers. 4 U.S.C. §72 requires that all public offices MUST be exercised in the District of Columbia AND NOT ELSEWHERE, unless expressly authorized by law:

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

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

In fact, if you scour the entire Internal Revenue Code and its implement regulations as we have, you will find NONE of the requisite elements needed to authorize the CREATION of new public offices within any government:

1. A definition of “United States” or “State” that expressly includes any portion of a constitutional state of the Union.
2. A statute expressly authorizing the creation of public offices outside of an internal revenue district.
3. A definition of WHERE the only remaining internal revenue district is, which is the District of Columbia.

To make matters worse, the information returns filed by these same private banks and private employers are also use to in effect “elect” the subject of the information return into public office. Information returns include IRS Forms W-2, 1042-S, 1098, and 1099. 26 U.S.C. §6041(a) says that information returns may ONLY be filed in connection with earnings associated with a “trade or business”, which as we said in the previous section was legally defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.

[TITLE 26 > Subtitle F > CHAPTER 61 > Subchapter A > PART III > Subpart B > § 6041 § 6041. Information at source](#)

(a) Payments of \$600 or more

All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments to which section 6042 (a)(1), 6044 (a)(1), 6047 (e), 6049 (a), or 6050N (a) applies, and other than payments with respect to which a statement is required under the authority of section 6042 (a)(2), 6044 (a)(2), or 6045), of \$600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Secretary, under such regulations and in such form and manner and to such extent as may be prescribed by the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

The information returns filed under the “color” but without the actual authority of law are, in fact, FALSE and FRAUDULENT and the subject of criminal sanctions. The document below describes how to correct these false and fraudulent documents and remove yourself from the de facto public office that they create and perpetuate:

Correcting Erroneous Information Returns, Form #04.001
<http://sedm.org/Forms/FormIndex.htm>

All of this treachery to unlawfully create and maintain de facto public offices within states of the Union that become the LICENSE to STEAL from and enslave people that the government is supposed to be protecting may seem unfair, but there is a way out. For details, see:

Federal and State Tax Withholding Options for Private Employers, Form #09.001
<http://sedm.org/Forms/FormIndex.htm>

15.3 The “Tax Code” is the Bible of this state-sponsored Religion that only obligates those who consent⁴⁴

"Preach the Word; be prepared in season and out of season [by diligent study of this book and God's Word]; correct, rebuke and encourage—with great patience and careful instruction. For the time will come when men [in the legal profession or the judiciary] will not put up with sound [legal] doctrine [such as that found in this book]. Instead, to suit their own desires, they [our covetous public dis-servants] will gather around them a great number of teachers [court-appointed “experts”, “licensed” government whores called attorneys and CPA’s, and educators in government-run or subsidized public schools and liberal universities] to say what their itching ears want to hear. They will turn their ears away from the truth and turn aside to [government and legal-profession] myths[and fables]. But you [the chosen of God and His servants must], keep your head

⁴⁴ Extracted from *Great IRS Hoax*, Form #11.302, Section 5.6.17. See: <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

1 in all situations, endure hardship, do the work of an evangelist, discharge all the duties of your [God's]
2 ministry."
3 [2 Tim. 4:2-5, Bible, NKJV]

4 The Internal Revenue Code, Title 26, is identified in 1 U.S.C. §204 as "prima facie evidence" of law. "Prima facie", in
5 turn, is legally defined as a "presumption". Hence, it is nothing more than a believe and an unconstitutional and prejudicial
6 presumption that only acquires the force of law by our "belief" and "consent" that we are subject to it. Hence, it behaves as
7 in every particular as though it were a religion. In fact, we allege that it is a franchise that BEHAVES as a religion.

8 "Prima facie evidence. Evidence good and sufficient on its face. Such evidence as, in the judgment of the law,
9 is sufficient to establish a given fact, or the group or chain of facts constituting the party's claim or defense, and
10 which if not rebutted or contradicted, will remain sufficient. Evidence which, if unexplained or uncontradicted,
11 is sufficient to sustain a judgment in favor of the issue which it supports, but which may be contradicted by
12 other evidence. State v. Haremza, 213 Kan. 201, 515 P.2d. 1217, 1222.

13 That quantum of evidence that suffices for proof of a particular fact until the fact is contradicted by other
14 evidence; once a trier of fact is faced with conflicting evidence, it must weigh the prima facie evidence with all
15 the other probative evidence presented. Godesky v. Provo City Corp., Utah, 690 P.2d. 541, 547. Evidence
16 which, standing alone and unexplained, would maintain the proposition and warrant the conclusion to support
17 which it is introduced. An inference or presumption of law, affirmative or negative of a fact, in the absence of
18 proof, or until proof can be obtained or produced to overcome the inference. See also Presumptive evidence."
19 [Black's Law Dictionary, Sixth Edition, p. 1190]

20 Presumptions:

- 21 1. Are very injurious to your rights and liberty.
- 22 2. Violate the [separation of powers](#) by allowing otherwise constitutional courts to unlawfully entertain "political
23 questions".
- 24 3. Cause a violation of [due process of law](#) because decisions are not based on legally admissible evidence. Instead,
25 presumptions unlawfully and prejudicially turn beliefs into evidence in violation of [Federal Rule of Evidence 610](#) and
26 the [Hearsay Rule, Rule 802](#).
- 27 4. Turn judges into "priests" of a [civil religion](#).
- 28 5. Turn legal pleadings into "prayers" to the priest.
- 29 6. Turn legal process into an act of religion.
- 30 7. Transform "attorneys" into deacons of a [state-sponsored religion](#).
- 31 8. Turn the courtroom into a church building.
- 32 9. Turn court proceedings into a "worship service" akin to that of a church.
- 33 10. Turn statutes into a state-sponsored bible upon which "worship services" are based.
- 34 11. Turn "taxes" into tithes to a state-sponsored church, if the controversy before the court involves taxation.

35 Hence, that which is "prima facie" cannot be cited without at least proof on the record of the proceeding that the party who
36 is injured by the presumption consented to the franchise or statute in question IN WRITING, just as the government must
37 consent when you want to sue them. This is a fundamental requirement, in fact, of equal protection: That everyone gets the
38 same defense for their sovereign immunity as the government does. Otherwise, it isn't a legal proceeding, but a worship
39 service directed towards a "superior being" possessing an unconstitutional title of nobility.

40 As a consequence of these considerations and the more detailed treatment of this subject in our paper below:

41

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

42 ..one may safely conclude the following with regard to the Internal Revenue "Code":

- 43 1. The Internal Revenue Code is not positive law, and therefore imposes no obligation upon anyone except federal
44 "public officials", agents, and contractors and those who consented (called "elected" in IRS publications) to be
45 treated as one of these, even if they in fact are not. Instead, it is "special law", which applies to particular persons and
46 things and not to all people generally throughout the country. Personal consent is required to give the I.R.C. the status
47 of enforceable law, and we can choose to withhold our consent with no adverse legal consequence.
- 48 2. The I.R.C. effectively amounts to an offer and a proposal by the government to put you under their "special protection"
49 from the abuses and tyranny of the IRS. If you accept their offer, you are a party to a private contract with them and

are in receipt of taxable federal privileges. The privilege you agreed to accept was that of being left alone and not harassed by the IRS for your decision to keep or retain whatever money and property is left over after the Federal Mafia has raped and pillaged their share from your estate.

3. Every contract, including franchise contracts, requires four things to be valid:

3.1. An offer: The Internal Revenue Code.

3.2. Informed and voluntary Consent/Acceptance. Both parties must voluntarily accept the terms of the offer and duress may not be used to procure consent.

3.3. Mutual Consideration: Something valuable that both parties receive from the agreement.

3.4. Mutual assent. Both parties were fully informed about the rights they were surrendering and the consideration they were receiving in return, and all terms of the contract were fully disclosed in writing.

4. In the case of the voluntary franchise contract called the Internal Revenue Code, the consideration is the right to be left alone after you pay the IRS a large bribe and that essentially amounts to “protection money”. Keeping whatever is left over after you bribe them and pay them their extortion is the consideration you derive from this private contract. This is not, however, true consideration, mind you, because it is not an exercise of free will. Instead, if you don’t accept the contract, then you become the target of IRS harassment and terrorism, may lose your job (especially your federal job) and be persecuted by your coworkers for being a “crackpot”. Voluntary consent is impossible under such conditions. Therefore, it is impossible for you to agree to such a legal contract, which is why the government never bothers to disclose it to begin with!

5. The contract is also void on its face because it was not based on informed consent. The IRS and the government never fully disclosed to you the terms of their “invisible adhesion contract”, and chances are you never even read any part of the contract by reading Title 26 for yourself. As a matter of fact, they have exercised every opportunity available to stifle and persecute those freedom advocates who were trying to educate others about the nature of this contract. Consequently, like the marriage license you never should have gotten, you signed away your whole life and all your rights by filing your first 1040 or W-4 form and thereby declaring yourself to be a “taxpayer” under penalty of perjury.

*"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)]*

*"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)]*

6. The decision to accept the terms of the I.R.C. contract also involved fraud on the part of the government. The employees of the IRS who directly or indirectly influenced you to make the decision to accept the contract also never fully disclosed to you that they had no authority to enforce the Internal Revenue Code to begin with. If they never had authority to enforce the I.R.C. against a private citizen who is not employed by the federal government, then they couldn’t offer to stop doing that which they were never authorized to do to begin with! Therefore, they deceived you to believe that they really were giving you something of value (a “benefit” or “consideration”) that they had the legal authority to provide, which is the absence of lawful enforcement actions directed against you. In effect, they convinced you to pay for something that they didn’t have the legal authority to provide to begin with! It’s all based on fraud.

Unquestionably, the concealment of material facts that one is, under the circumstances, bound to disclose may constitute actionable fraud. 3 Indeed, one of the fundamental tenets of the Anglo-American law of fraud is that fraud may be committed by a suppression of the truth (suppressio veri) as well as by the suggestion of falsehood (suggestio falsi). 4 It is, therefore, equally competent for a court to relieve against fraud whether it is committed by suppression of the truth—that is, by concealment—or by suggestion of falsehood. 5

[...]

*Where failure to disclose a material fact is calculated to induce a false belief, the distinction between concealment and affirmative misrepresentation is tenuous. Both are fraudulent. 11 An active concealment has the same force and effect as a representation which is positive in form. 12 The one acts negatively, the other positively; both are calculated, in different ways, to produce the same result. 13 The former, as well as the latter, is a violation of the principles of good faith. It proceeds from the same motives and is attended with the same consequences; 14 and the deception and injury may be as great in the one case as in the other.
[37 Am.Jur.2d, Fraud and Deceit, §144]*

1 **"Fraud vitiates every transaction and all contracts.** Indeed, the principle is often stated, in broad and
2 sweeping language, that fraud destroys the validity of everything into which it enters, and that it vitiates the
3 most solemn contracts, documents, and even judgments. 8 **Fraud, as it is sometimes said, vitiates every act,**
4 **which statement embodies a thoroughly sound doctrine when it is properly applied to the subject matter in**
5 **controversy and to the parties thereto and in a proper forum.** As a general rule, fraud will vitiate a
6 contract notwithstanding that it contains a provision to the effect that no representations have been made as an
7 inducement to enter into it, or that either party shall be bound by any representation not contained therein, or a
8 similar provision attempting to nullify extraneous representations. Such provisions do not, in most
9 jurisdictions, preclude a charge of fraud based on oral representations."
10 [37 Am.Jur.2d, Fraud and Deceit, §144]

11 Since the people living in the states never enacted the Internal Revenue Code into "positive law", then they as the
12 "sovereigns" in our system of government never consented to enforce it upon themselves collectively. "Positive law" is the
13 only evidence that the people ever explicitly consented to enforcement actions by their government, because legislation can
14 only become positive law by a majority of the representatives of the sovereign people voting (consenting) to enact the law.
15 Since the people never consented, then the "code" cannot be enforced against the general public. The Declaration of
16 Independence says that all just powers of government derive from the "consent" of the governed. Anything not consensual
17 is, ipso facto, unjust by implication. In fact, the sovereign People REPEALED, not ENACTED the Internal Revenue Code.
18 It has been nothing but a repealed law since 1939, in fact. An examination of the Statutes At Large, 53 Stat 1, Section 4,
19 reveals that the Internal Revenue Code and all prior revenue laws were REPEALED. See:

20 <http://sedm.org/ProductInfo/RespLtrs/Exhibits/EX1023.pdf>

21 Even state legislatures recognize that the Internal Revenue Code is not law. Below is a cite from the Oregon Revised
22 Statutes (ORS), section 316.012, which refers to the Internal Revenue Code. Notice below the use of the phrase "laws of
23 the United States or to the Internal Revenue Code". If the Internal Revenue Code were "law", then that phrase would be
24 redundant, now wouldn't it?:

25 *Oregon Revised Statutes (ORS)*

26 **316.012 Terms have same meaning as in federal laws; federal law references.** Any term used in this chapter
27 has the same meaning as when used in a comparable context in the laws of the United States relating to federal
28 income taxes, unless a different meaning is clearly required or the term is specifically defined in this chapter.
29 Except where the Legislative Assembly has provided otherwise, any reference in this chapter to **the laws of the**
30 **United States or to the Internal Revenue Code:**

31 (1) Refers to **the laws of the United States or to the Internal Revenue Code** as they are amended and in effect:

32 (a) On December 31, 2002; or

33 (b) If related to the definition of taxable income and attributable to a change in **the laws of the United States or**
34 **in the Internal Revenue Code** that is enacted after December 31, 2005, as applicable to the tax year of the
35 taxpayer.

36 (2) Refers to **the laws of the United States or to the Internal Revenue Code** as they are amended and in effect
37 and applicable for the tax year of the taxpayer, if the reference relates to:
38 [SOURCE: <http://landru.leg.state.or.us/ors/316.html>]

39 If the Internal Revenue Code is not "positive law", but a voluntary contract, then what exactly is it? It is a de facto state-
40 sponsored Federal/Political Religion. Below is how one Christian Writer describes this state-sponsored de facto religion:

41 "There is a war on. Since 1975, hundreds of thousands of Christians in the United States have become aware
42 of the threat to Christianity posed by humanism. It is amazing how long it took for Christians to recognize that
43 humanism is a rival religion: about a century."
44 [75 Bible Questions Your Instructions Pray You Won't Ask, Gary North, copyright 1984, 1988, ISBN 0-930462-
45 03-3, p. 1]

46 You can read the above free book yourself on the website at:

47 <http://famguardian.org/Subjects/Spirituality/Articles/75BibleQuestions.pdf>

1 The Internal Revenue Code is “de facto” because there is no positive law passed by Congress that actually implements it.
2 Only those who consent to follow it can have any legal obligation to follow it, because it prescribes no legal duties upon
3 anyone but federal “employees”, contractors, agencies, and benefit recipients. Its existence outside of the federal
4 workplace, such as in the lives of private Americans living or working in the states of the Union, was created and continues
5 to be maintained by constructive fraud using “judge-made law”, which is de facto law put in place by the edicts of covetous
6 criminals sitting on the federal bench. This type of law can only exist as long as there are guns and prisons in the hands of
7 government thieves and idolaters, but as soon as the unlawful duress stops, so does the “[in]voluntary compliance”, as the
8 government likes to call it. Remember what the First Amendment says?:

9 “Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.”
10 [First Amendment]

11 The First Amendment doesn’t say anything at all about “judges making law”, so that is exactly what our corrupted state and
12 federal judiciaries have done! A religion is simply a “voluntary” association of people who espouse certain common
13 beliefs and behaviors, the object of which is to reverence or hold in high esteem a “superior being”. If that superior being is
14 anything but the true living God mentioned in the Bible, then we are involved in pagan idol worship.

15 “Religion. Man’s relation to Divinity, to reverence, worship, obedience, and submission to mandates and
16 precepts of supernatural or **superior beings**. In its broadest sense includes all forms of belief in the existence of
17 superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards
18 and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship due him as
19 source of all being and principle of all government of things. *Nikulnikoff v. Archbishop, etc., of Russian*
20 *Orthodox Greek Catholic Church*, 142 Misc. 894, 255 N.Y.S. 653, 663.”
21 [Black’s Law Dictionary, Sixth Edition, p. 1292, emphasis added]

22 Our society is based on “equal protection of the laws” (see section 4.3.2 of the *Great IRS Hoax*, Form #11.302), so there
23 simply can’t be any “superior beings” in America, but the judiciary has changed all that with “judge made law” so that
24 judges become the object of idol worship. We call this “neo-religion” or state-sponsored pagan federal religion “The Civil
25 Religion of Socialism”. This religion is described in detail in:

Government Has Become Idolatry and a False Religion
<http://famguardian.org/Subjects/Taxes/Articles/Christian/GovReligion.htm>

26 Unlike Christianity, the foundation of this state-sponsored judicial religion is fear, not love. This state religion of
27 humanism and socialism is based entirely on “the power to destroy”, which is why it produces fear and why people comply
28 at all. In that sense, it is Satanic and evil. The only basis for a righteous justice system is “the power to create” and not the
29 “power to destroy”.

30 “The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law
31 involving the power to destroy. [. . .] They decided against the tax; because the subject had been placed
32 beyond the power of the states, by the constitution. They decided, not on account of the subject, but on
33 account of the power that protected it; they decided that a prohibition against destruction was a prohibition
34 against a law involving the power of destruction.”
35 [Providence Bank v. Billings, 29 U.S. 514 (1830)]

36 The “law” described above that is doing the destruction to our society presently is “judge made law”, and not statutes
37 passed by Congress. The superior being that is being worshipped in this false religion is “The Beast”, mentioned in the
38 book of Revelation chapters 17 and 18 in the Bible. That book describes “The Beast” as the political rulers (politicians,
39 Congressmen, Judges, and the President) of the earth. The worship and servitude of this “Beast” occurs mostly out of fear
40 but also because of ignorance and laziness.

41 “And I saw the beast, the kings [political rulers] of the earth, and their armies [of nonbelievers under a
42 democratic form of government], gathered together to make war against Him [God] who sat on the horse and
43 against His army.”
44 [Revelation 19:19, Bible, NKJV]

45 Those who took the mark of this “Beast”, the Socialist Security Number, will be the first to be judged and condemned by
46 God, as described in Revelation 16:1-2. See the book below:

This Beast is personified by the corruption evident in the political realm and the Federal and state Judiciaries in their treasonous and illegal enforcement of our revenue codes (not “laws”, but “codes”). The judges in courts everywhere have become the “Priests” of this pagan neo-religion, and by virtue of the fact that they are ignoring the federal and state Constitutions and are not being held accountable for such Treason, everything that comes out of their mouth becomes law, or “common law” or “judge-made law”:

“Judge-made law. A phrase used to indicate judicial decisions which construe away the meaning of statutes, or find meanings in them the legislature never intended. It is perhaps more commonly used as meaning, simply, the law established by judicial precedent and decisions. Laws having their source in judicial decisions as opposed to laws having their source in statutes or administrative regulations.”
[Black’s Law Dictionary, Sixth Edition, p. 841]

This “judge-made law” has created a new, “de facto” government that is in complete conflict with the “de jure” government described by our federal and state Constitutions and the public acts that implement them. This process of corruption is shown graphically in section 6.1 of the Great IRS Hoax, Form #11.302, where it is shown how the history of how the Executive, Legislative, and Judicial branches have conspired over the last 100 years to strip us of our Constitutional rights and thereby make us into tax slaves residing on the “federal plantation” called the federal zone. Only a pagan “god” called a “judge” can create law out of nothing and without explicit consent of the people found in the Constitution. Only a pagan “god” called a “judge” can deprive the people of “equal protection” by protecting IRS wrongdoers while coercing those who refuse to consent to their abuses. Only a pagan “god” can create man-made “law” which conflicts with the Ten Commandments and the Constitution and do so with impunity.

“...it must be recognized that in any culture the source of law is the god of that society. If law has its source in man’s reason, then reason is the god of that society. If the source is an oligarchy, or in a court, senate, or ruler, then that source is the god of that system.

[...]

Modern humanism, the religion of the state, locates law in the state and thus makes the state, or the people as they find expression in the state, the god of the system. As Mao Tse-Tung has said, “Our God is none other than the masses of the Chinese people.” [2] In Western culture, law has steadily moved away from God to the people (or the state) as its source, although the historic power and vitality of the West has been in Biblical faith and law.

“Third, in any society, any change of law is an explicit or implicit change of religion. Nothing more clearly reveals, in fact, the religious change in a society than a legal revolution. When the legal foundations shift from Biblical law to humanism, it means that the society now draws its vitality and power from humanism, not from Christian theism.

“Fourth, no disestablishment of religion as such is possible in any society. A church can be disestablished, and a particular religion can be supplanted by another, but the change is simply to another religion. Since the foundations of law are inescapably religious, no society exists without a religious foundation or without a law-system which codifies the morality of its religion.”
[The Institutes of Biblical Law, Rousas John Rushdoony, Copyright 1973, pp. 4-5]

The purpose of the “Civil Religion of Socialism” is to steal the sovereignty of the People and to replace it with a dictatorship and a totalitarian police state devoid of individual rights. This is accomplished through “judge-made law” and social engineering in the tax “code”. The result is that the people comply out of their desire to take the path of least resistance which minimizes fear and personal liability. The Internal Revenue Code is just such a voluntary federal religion. When we join this feudal religion and figuratively move our “domicile” and our primary political “allegiance” to the federal plantation under 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(c). By doing so, we surrender our sovereignty, turn it over to the Congress, and become “subjects” who live on the “federal plantation” (federal zone), which we call the “matrix”. To join such a state-sponsored religion, we need only lie about our status as federal “employees” on either a W-4 or submit a 1040 form with a nonzero liability. Once we shift our primary allegiance from God to the “state”, Congress becomes our new “king” because they can pass any statute and it will apply to us, including those statutes that are not “positive law”, and they can disregard the need for implementing regulations because they don’t need implementing regulations for federal “employees”. The benefits of this religion are that we are insulated from responsibility for ourselves and from fear of the IRS or the government. Acceptance of this religion represents a formal and complete transfer of sovereignty over your

person, labor and property from you to your public “dis-servants”. You turn over responsibility for yourself to the government in exchange for them taking care of you when you get old or unemployed. You become federal property: a slave, in effect, through the operation of a voluntary contract called the Internal Revenue Code. This, friends, is nothing short of idolatry, in stark violation of the First Commandment in the Ten commandments (see Exodus 20 in the Bible) to not have any other idols before God. We are supposed to trust God, not government, to provide for us. Trusting government is putting the vanity of man ahead of the grace and majesty and sovereignty of God.

*“It is better to trust the Lord
Than to put confidence in man.
It is better to trust in the Lord
Than to put confidence in princes [or government, or the ‘state’].”
[Psalm 118:8-9]*

Such man-centric (rather than God-centric) idolatry is the worst of all sins described in the Bible, and a sin for which God repeatedly and violently killed those who committed it. Refer to sections 4.1 and 4.3.1 through 4.3.13 of the Great IRS Hoax, Form #11.302 for an in-depth exposition backing up these conclusions. This type of idolatry describes the original sin of Lucifer, who wanted to do it “his [man’s] way” instead of God’s way.⁴⁵ God pronounced a death sentence upon us for the original sin of Adam and Eve, and He said life would be a struggle as a consequence of this death sentence meted out under His sovereign Law.

*“Cursed is the ground for your sake;
In toil you shall eat of it
All the days of your life.
Both thorns and thistles it shall bring forth for you,
And you shall eat the herb of the field.
In the sweat of your face you shall eat bread
Till you return to the ground,
For out of it you were taken;
For dust you are,
And to dust you shall return.”
[Genesis 3:17-19, Bible, NKJV]*

Ever since the original fall described above, we have been trying to escape God’s sovereign judgment and punishment for our sin by escaping liability for ourselves and accountability to Him. We have been doing this by making an atheistic government into our false god, parent, caretaker, and social insurance company. The purpose of law within a society based on this “Civil Religion of Socialism” is to facilitate irresponsibility and thereby undermine God’s sovereignty by interfering with the curse He put on us for our original sin and disobedience against His sovereign command. In so doing, we fornicate with the Beast, which is the political rulers of the world. Black’s Law Dictionary defines “commerce” as “intercourse”.

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

When we, as natural persons, send our money to the government or receive money from the government, we are involved in “intercourse”. The Bible in Isaiah 54:5-6 describes God as the “husband” of believers and it describes believers as His “bride”. We as His bride are committing adultery and fornication when we conduct “commerce” with the government as private individuals. See section 4.3.1 of the Great IRS Hoax, Form #11.302 for a complete explanation of this analogy that is quite frightening and completely fulfills the prophesy found in the book of Revelation in the Bible.

Now that we have established that the “Tax Code” is in fact a state sponsored religion, we will now document the core “beliefs” that make up this false religion. We will also show why every one of these beliefs not only cannot be substantiated with facts or law, but also that the opposite can be established with admissible evidence, scientifically provable facts, and law. This comparison and analysis builds upon the article in the following, where we proved that our government has become a god, and that this was done essentially by destroying the “equal protection of the laws” that is the foundation of freedom in this country, and thereby making the public servants into gods because they do not have to abide by the same rules as everyone else does.

⁴⁵ See Isaiah 14:12-21.

Government Has Become Idolatry and a False Religion

<http://famguardian.org/Subjects/Taxes/Articles/Christian/GovReligion.htm>

1 **Table 7: Comparison of Political Religion v. Christianity**

<i>Belief</i>	<i>The false belief of “cult members”</i>	<i>The truth</i>	<i>Proof of the truth found in which section of the Great IRS Hoax, Form #11.302 book</i>
View of government	Government does good things for people and would never do bad things.	People working in government are human, make mistakes, and in the context of money, have been known to lie, deceive, and persecute those who insist on a law-abiding revenue collection system.	4.3.1, 4.3.2, 4.3.12
Purpose of government	Minimize risk and personal responsibility. Promote good. Decriminalize sinful behaviors. Act as a big parent for everyone.	To keep people from hurting each other and leave all other subjects at the discretion of the people.	4.3.1, 4.3.4
View of freedom in this country	Declaration of Independence says all just powers are based on the “consent of the governed”. I am free because no one forces me to do anything.	Americans are not free because taxes on labor are slavery in violation of the Thirteenth Amendment. The IRS collects without the authority of law or the explicit consent of the people. Consent is required and therefore the IRS is a terrorist organization because it ignores the requirement for consent. If you want to find out how “free” you are, then just	5.4.1 to 5.4.3.5
Citizenship	Everyone born in America is a “U.S. citizen” under federal law and under 8 U.S.C. §1401	People born in states of the Union and not on federal property are “citizens of the United States” under Section 1 of the Fourteenth Amendment but do not come under the jurisdiction of nearly all federal laws, including 8 U.S.C. §1401.	4.11 to 4.11.12
Meaning of the word “tax”	“Taxes” are money we pay the government to be spent however the democratic majority decides they want to spend it	The power of the government cannot be used for wealth redistribution, because this would be legalized theft, and theft is a sin and a crime, no matter who does it	5.1.2
Federal jurisdiction	The federal government has unlimited jurisdiction within states	The federal government only has delegated authority within states of the Union that derives directly from the Constitution. This authority is limited exclusively to mail fraud, counterfeiting, treason, and slavery. All other subject matters come under the exclusive police powers of the states.	5.2 through 5.1.9

<i>Belief</i>	<i>The false belief of “cult members”</i>	<i>The truth</i>	<i>Proof of the truth found in which section of the Great IRS Hoax, Form #11.302 book</i>
View of American justice system	Our justice system is fair and lawful. There is no conflict of interest anywhere.	Conflict of interest occurs every day all day in federal courtrooms. It is a conflict of interest in violation of 18 U.S.C. 208 for any judge or jurist to hear a case in which they have a financial interest, and yet federal judges and jurors routinely participate in tax trials while at the same time either being “taxpayers” who are jealous of the accused for not paying his “fair share”, or they are in receipt of socialist benefits derived from other people who participate in the IRS scam. This scam started in 1918, which was the first year that federal judges were made into “taxpayers” and subject to IRS extortion. As long as a federal judge risks an audit by IRS for not helping them prosecute tax resisters, justice is impossible in any courtroom. As long as attorneys are licensed by the government, it is impossible to get impartial representation in a court either. Attorney licensing started about the same time as judges became “taxpayers”, during the 1930’s in this country.	6.9 to 6.9.12
Nature of IRS publications	The IRS and the government tell the truth in the IRS publications and in their phone support..	The IRS publications are deceptive because they omit the most important parts of the truth.	3.19
Federal judges	Federal judges are honorable men who have no conflict of interest when hearing tax trials.	Since federal judges were put on the income tax rolls starting in 1918 and put under IRS terrorism, there has been no justice in the federal courtroom in the context of income taxes since then.	See: http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/WhyCourtsCantAddressQuestions.htm
Purpose of law	To promote good and public policy	To punish harm and leave all other subjects at the discretion of the individual.	3.3 to 3.6
IRS authority	IRS has legal authority to enforce the income tax, including assessments, penalties, and require people to keep records.	The Internal Revenue Code is not positive law, but special law. The entire title was never enacted into positive law (see 1 U.S.C. 204 legislative notes) and can’t be, because abuse of the government’s taxing power to accomplish theft can never be made into law. The I.R.C. was repealed in 1939 and now essentially amounts to a state-sponsored federal religion which is by the federal judiciary using “malicious abuse of legal process”.	5.4.10 to 5.4.13, Chapter 7
Requirement to pay taxes	Everyone should pay their “fair share”. This is a political, not legal requirement., which makes it a religion, not a law.	“Fair share” is determined by law, and we don’t have a law. The Internal Revenue Code, which is not law, also has no enforcement regulations so that even if it was law, it could not be enforced by the IRS. Therefore, there is no requirement for the average American to pay anything under the Internal Revenue Code.	5.1.2, 5.4.1 to 5.4.3.5, 5.6 to 5.6.21.

<i>Belief</i>	<i>The false belief of “cult members”</i>	<i>The truth</i>	<i>Proof of the truth found in which section of the Great IRS Hoax, Form #11.302 book</i>
Requirement to file a return	Everyone, and especially patriotic “U.S. citizens”, must file a return	There must be a legal “liability” existing in a positive law federal statute that applies to American in the states before there is a liability to file a return. No such statutes, nor regulations that implement them, exist. All prosecutions for willful failure to file amount to “malicious abuse of legal process” and “terrorism” by government judges and prosecutors in the absence of positive law.	5.5 to 5.5.10.
Relationship between religious belief and government	God comes first in my life as a Christian.	God comes second in the lives of those who pay federal taxes, because the government gets the “first fruits” before God gets His, in violation of Prov. 3:9-10. This is idolatry in violation of the first four commandments.	4.1, 4.3.3 to 4.3.15
View of my church’s relationship to the government	My pastor is neutral and objective in his view of government, and is under no duress at all by the government.	Most pastors are extensions of the government because they are privileged under 26 U.S.C. §501(c)(3). With this privileged status comes an obligation to not speak out against the government or corruption in the government, for fear of losing tax exempt status that was never really needed anyway because the federal government had no jurisdiction over them to begin with. There is no separation of church and state as long as IRS is able to abuse its power to persecute churches who expose their illegal activities by pulling their 501(c)(3) status and subjecting them to audits and harassment.	4.3.6 to 4.3.13

One of the things you hear church pastors talk about quite often is how Satan is the great imitator. Satan imitates God's design for everything. Satan, in fact, is quoted as saying:

*"I will ascend into heaven,
I will exalt my throne above the stars of God;
I will also sit on the mount of the congregation
On the farthest sides of the north;
I will ascend above the heights of the clouds,
I will be like the Most High."*
[Isaiah 14:13-14, Bible, NKJV]

The Bible also says that Satan is in control of this world and the governments of the world. See Matt. 4:8-11, John 14:30-31. Our tax system, in fact, is an imitation of God's design for the church and has all the trappings of a church. Going back to our definition of "religion" once again to prove this:

*"**Religion.** Man's relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. *Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church*, 142 Misc. 894, 255 N.Y.S. 653, 663."
[Black's Law Dictionary, Sixth Edition, p. 1292]*

Based on the criteria in the above table, we can see that the Internal Revenue Code has all the essential characteristics of a "religion" and a church and thereby imitates God's design:

1. "Belief" in a superior being, which is the federal judge and public "servants". This reversal of roles, whereby the public "servants" become the ruling class is called a "dulocracy" in law.

*"**Dulocracy.** A government where servants and slaves have so much license and privilege that they domineer."
[Black's Law Dictionary, Sixth Edition, p. 501]*

2. The capitol, Washington D.C., is the "political temple" or headquarters of this false religious cult. Don't believe us? During the Congressional debates of the Sixteenth Amendment in 1909, one Congressman amazingly admitted as much. The Sixteenth Amendment is the income tax amendment that was later fraudulently ratified in 1913. Notice the use of the words "civic temple" and "faith" in his statement, which are no accident.

*"Now, Mr. Speaker, **this Capitol is the civic temple of the people**, and we are here by direction of the people to reduce the tariff tax and enact a law in the interest of all the people. This was the expressed will of the people at the polls, and you promised to carry out that will, but **you have not kept faith with the American people**."
[44 Cong.Rec. 4420, July 12, 1909; Congressman Heflin talking about the enactment of the Sixteenth Amendment]*

If you want to read the above amazing admission for yourself, visit the website at:

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

3. This false and evil religion meets all the criteria for being described as a "cult", because:
 - 3.1. The cult imposes strict rules of conduct that are thousands of pages long and which are far more restrictive than any other religious cult.
 - 3.2. Participating in it is harmful to our rights, liberty, and property.
 - 3.3. The "cult" is perpetuated by keeping the truth secret from its members. The *Great IRS Hoax*, Form #11.302 contains 2,100 pages of secrets that our public servants and the federal judiciary have done their best to keep cleverly hidden and obscured from public view and discourse. When these secrets come out in federal courtrooms, the judges make the case unpublished so the American people can't learn the truth about the misdeeds of their servants in government. Don't believe us? Read the proof for yourself:
<http://www.nonpublication.com/>
 - 3.4. Those who try to abandon this harmful cult are threatened and harassed illegally and unconstitutionally by covetous public dis-servants. For an example, see:
<http://www.irs.gov/compliance/enforcement/article/0,,id=119332,00.html>
4. No scientifically proven basis for belief. False belief is entirely based on false presumption, which in turn is promoted by:

- 4.1. “Prima facie” law such as the Internal Revenue Code. “Prima facie” means “presumed to be law”.
- 4.2. Propaganda and “brainwashing” by the media and public schools and cannot stand public scrutiny or scientific investigation because it cannot be substantiated.
- 4.3. Deceptive IRS publications that don’t tell the whole truth. See section 3.19 of the Great IRS Hoax, Form #11.302 for proof.
5. The false government “god” is the “source of all being and principle of all government”. Those who refuse to comply are illegally stripped of their property rights, their security, and their government employment by a lawless federal judiciary in retaliation for demanding the rule of written positive law. They cease to have a commercial existence or “being” as a punishment for demanding the “rule of law” instead of “rule of men” in our country. Their credit rating is destroyed and their property is illegally confiscated as punishment for failure to comply with the whims, wishes, and edicts of an “imperial judiciary” and its henchmen, the IRS.
6. The false religion has its own “bible”, which is all 9,500 pages of the “Infernal (Satanic) Revenue Code”. This “scripture” or “bible” was written by the false prophets, who are our political leaders in Congress. It was written to further their own political (church) ends. Former Treasury Secretary Paul O’Neil calls the I.R.C.:

“9,500 pages if gibberish.”

7. Federal courtrooms are where “worship services” are held for the cult. Even the seats are the same as church pews! This worship service amounts to devil worship, because its purpose is to help criminals working for the government to enforce in a federal courtroom that which is neither law nor which can be proven to create any obligation on the part of anyone. In that sense, we are participating in Treason against the Constitution by aiding and abetting it. By subsidizing this madness and fraud, we are also bribing public officials in violation of 18 U.S.C. §201.
- 7.1. Obedience to the edicts of the priest serve the function of “worship” in this civil religion.

Obedientia est legis essentia.

Obedience is the essence of the law. 11 Co. 100.

[Bouvier’s Maxims of Law, 1856;

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

“He who has [understands and learns] My commandments [laws in the Bible] and keeps them, it is he who loves Me. And he who loves Me will be loved by My Father, and I will love him and manifest Myself to him.”
[John 14:21, Bible, NKJV]

- 7.2. Worship services consist of court hearings and trials.
- 7.3. Worship services begin with a religious event.
- 7.3.1. The taking of an oath is a religious event.

Jurare est Deum in testum vocare, et est actus divini cultus.

To swear is to call God to witness, and is an act of religion. 3 Co. Inst. 165. Vide 3 Bouv. Inst. n. 3180, note; 1

Benth. Rat. of Jud. Ev. 376, 371, note.

[Bouvier’s Maxims of Law, 1856;

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

- 7.3.2. Before the worship services begin, observers and the jury must stand up when the judge enters the room. This too is an act of “worshipping and reverencing” their superior being, who in fact is a pagan deity.

Religion. Man’s relation to Divinity, to reverence, worship, obedience, and submission to mandates and precepts of supernatural or superior beings [JUDGES, in this case]. In its broadest sense includes all forms of belief in the existence of superior beings exercising power over human beings by volition, imposing rules of conduct, with future rewards and punishments. Bond uniting man to God, and a virtue whose purpose is to render God worship due him as source of all being and principle of all government of things. Nikulnikoff v. Archbishop, etc., of Russian Orthodox Greek Catholic Church, 142 Misc. 894, 255 N.Y.S. 653, 663.
[Black’s Law Dictionary, Sixth Edition, p. 1292]

- 7.4. The worship ceremony, at least in the context of taxes, is conducted in the figurative dark, like a séance. The Bible describes Truth as “light”. Any ceremony where the entire truth is not considered is conducted in the dark.
- 7.4.1. The judge is gagged by the law from speaking the truth by the legislature. 28 U.S.C. §2201(a).
- 7.4.2. The judge forbids others from speaking the ONLY truth, which is the law itself. In tax trials, judges very commonly forbid especially defendants from quoting or using the law in front of the jury. Those who disregard this prohibition are sentenced to contempt of court.

1 *"One who turns his ear from hearing the law [[God's law](#) or man's law], even his prayer [and ESPECIALLY his*
2 *trial] is an abomination."*
3 *[Prov. 28:9, Bible, NKJV]*

- 4 7.4.3. Jurists who have never read or learned the law in public school are not even aware of what they are
5 enforcing. Therefore, they become agents of the judge instead of the law.
6 7.4.4. The law library in the court building forbids jurors from going in and reading the law they are enforcing, and
7 especially while serving as jurists. They are supposed to be supervising the judge in executing the law, and
8 they can't fulfill that duty as long as they have never learned and are forbidden from reading the law while
9 serving as jurors.
10 7.4.5. The judge does everything in his power to destroy the weapons of the nongovernmental opponent by
11 excluding everything he can and excluding none of the government's evidence. This basically results in a
12 vacuum of truth in the courtroom.

13 *The first one to plead his cause seems right, Until **his neighbor** comes and examines him.*
14 *[Prov. 18:17, Bible, NKJV]*

15 *"The hypocrite with his mouth destroys **his neighbor**. But through knowledge the righteous will be delivered."*
16 *[Prov. 11:9, Bible, NKJV]*

- 17 8. The "deacons" of the church are attorneys who are "licensed" to practice law in the church by the chief priests of the
18 church.
19 8.1. They too have been "brainwashed" in both public school and law school to focus all their effort on procedure,
20 presentation, and managing their business. They learn NOTHING about history, legislative intent, or natural law,
21 which are the very foundations of law.
22 8.2. The Statutes At Large published by Congress are the only real law and legally admissible evidence, in most cases.
23 See [1 U.S.C. §204](#). Yet, it is so expensive and inconvenient to read the Statutes At Large online that for all
24 practical purposes, it is off limits to all attorneys. For instance, it costs over \$7 per page to even VIEW the
25 Statutes At Large in the largest online legal reference service, Westlaw.
26 8.3. Because they are licensed to practice law, the license is used as a vehicle to censor and control the attorneys from
27 speaking the truth in the courtroom. Consequently, they usually blindly follow what the priest, ahem, I mean
28 "judge" orders them to do and when they don't, they have their license pulled and literally starve to death.
29 9. The greatest sin in the government church called court is willful violations of the law. All tax crimes carry
30 "willfulness" as a prerequisite. God's law and Christianity work exactly the same way. The greatest sin in the Holy
31 Bible is to blaspheme the Holy Spirit, which is equivalent of doing something that you KNOW is wrong. See Matt.
32 12:32, Mark 3:29, Luke 12:10.
33 10. The judge, like the church pastor, wears a black robe and chants in Latin. Many legal maxims are Latin phrases that
34 have no meaning to the average citizen, which is the very same thing that happens in Catholic churches daily across the
35 country.
36 11. The jury are the twelve disciples of the judge, rather than of the Truth or the law or their conscience. Their original
37 purpose was as a check on government abuse and usurpation, but judges steer them away from ruling in such a manner
38 and being gullible sheep raised in the public "fool" system, they comply to their own injury.
39 11.1. Those who are not already members of the cult are not allowed to serve on juries. The judge or the judge's
40 henchmen, his "licensed attorneys" who are "officers of the court", dismiss prospective jurists who are not cult
41 members during the voir dire (jury selection) phase of the tax trial. The qualifications that prospective jurists
42 must meet in order to be part of the "cult" are at least one of the following:
43 11.1.1. They collect government benefits based on income taxes and don't want to see those benefits reduced or
44 stopped. The only people who can collect federal benefits under enacted law and the Constitution are
45 federal employees. Therefore, they must be federal employees. Since jurists are acting as "voters", then
46 receipt of any federal benefits makes them into a biased jury in the context of income taxes and violates 18
47 U.S.C. §597, which makes it illegal to bribe a voter. The only way to eliminate this conflict of interest is to
48 permanently remove public assistance or to recuse/disqualify them as jurists.
49 11.1.2. They faithfully pay what they "think" are "income taxes". They are blissfully unaware that in actuality,
50 the 1040 return is a federal employment profit and loss statement.
51 11.1.3. They believe or have "faith" in the cult's "bible", which is the Infernal Revenue Code and falsely believe
52 it is "law". Instead, 1 U.S.C. §204 legislative notes says it is NOT positive law, but simply "presumed" to
53 be law. Presumption is a violation of due process and therefore illegal under the Sixth Amendment.

11.1.4. They are ignorant of the law and were made so in a public school. They therefore must believe whatever any judge or attorney tells them about “law”. This means they will make a good lemming to jump off the cliff with the fellow citizen who is being tried.

11.2. Juries are FORBIDDEN in every federal courthouse in the country from entering the law library while serving on a jury because judges don’t want jurists reading the law and finding out that judges are misrepresenting it in the courtroom. Don’t believe us? Then call the law library in any federal court building and ask them if jurists are allowed to go in there and read the law while they are serving. Below are the General Order 228C for the Federal District Court in San Diego proving that jurors are not allowed to use the court law library while serving. Notice jurors are not listed as authorized to use the library in this order:

<http://famguardian.org/Disks/IRSDVD/Evidence/JudicialCorruption/GenOrder228C-Library.pdf>

11.3. Unlike every other type of federal trial, judges forbid discussing the law in a tax trial. Could it be because we don’t have any and he doesn’t want to admit it?

11.4. Public (government) schools deliberately don’t teach law or the Constitution either, so that the public become sheep that the government can shear and rape and pillage.

11.5. Federal judges also warn juries these days NOT to vote on their conscience, as juries originally did and were encouraged to do. He does this to steer or direct the jury to do his illegal and unconstitutional dirty work. He turns the jury effectively into an angry lynch mob and thereby maliciously abuses legal process for his own personal benefit in violation of 18 U.S.C. §208. He helps get the jury angry at the defendant by giving them the idea that their “tax” bill will be bigger because the defendant refuses to “pay their fair share”.

12. Those who refuse to worship the false god and false religion (which the Bible describes in the book of Revelation as “the Beast”) are “exorcised” from society by being put into jail so that they don’t spread the truth about the total lack of lawful authority to institute income taxation within states of the Union. They are jailed as political prisoners by communist judges and socialist fellow citizens, just like in the Soviet Union. You can read more about this at:

[Social Security: Mark of the Beast](http://sedm.org/Forms/FormIndex.htm), Form #11.407

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

13. The lawyers representing both sides are licensed by the pope/judge and therefore will pay homage to and cooperate with him fully or risk losing their livelihood and becoming homeless. Every tax trial has THREE prosecutors who are there to prosecute you: your defense attorney, the opposing U.S. attorney, and the judge, all of whom are on the take. Attorneys have a conflict of interest and it is therefore impossible for them to objectively satisfy the fiduciary duty to their clients which they have under the law. You can read more about this scam at:

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

14. “Future rewards and punishments”, which are political persecution in a courtroom using our uninformed neighbors acting as jurors as a weapon against us and by exploiting their fear of the government, envy and jealousy directed against the rich or those who dare to demand the authority of law before they will pay “their fair share”, or those who challenge being compelled to subsidize the government benefit payments to these jurors with their labor.

15. Tax preparation businesses all over the country like H.R. Block are where “confession” is held annually to “deacons” of the federal church/cult.

16. Representatives of this church/cult, such as the Department of Justice and the IRS, dress the same as Mormon missionaries. They even travel in pairs and wear ID like Mormon missionaries. They must love Mormons because the “tax protester” capitol for the IRS is in Ogden Utah. Utah is the home state of the Mormons.

17. Those who participate in this cult can write-off or deduct their contributions just like donations to any church. State income taxes, for instance, are deductible from federal gross income.

18. The false god/idol called government gets the “first fruits” of our labor, before the Lord even gets one dime, using payroll deductions. Some employers treat the payroll deduction program like it is a law to be followed religiously, even though it is not. This is a violation of Prov. 3:9, which says:

“Honor the LORD with your possessions, And with the firstfruits of all your increase;”
[Prov. 3:9, Bible, NKJV]

Yes, people, the government has made itself into a religion and a church, at least in the realm of taxation. The problem with this corruption of our government is that the U.S. Supreme Court said they cannot do it:

“The “establishment of religion” clause of the First Amendment means at least this: neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one [state-sponsored political] religion, aid all religions, or prefer one religion over another. Neither can force or influence a person to go to or to remain away from church against his will, or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.”

1 Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious
2 organizations or groups and vice versa.”
3 [Everson v. Bd. of Ed., 330 U.S. 1, 15 (1947)]
4

5 “[T]he Establishment Clause is infringed when the government makes adherence to religion relevant to a
6 person's standing in the political community. Direct government action endorsing religion or a particular
7 religious practice is invalid under this approach, because it sends a message to nonadherents that they are
8 outsiders, not full members of the political community, and an accompanying message to adherents that they
9 are insiders, favored members of the political community”.
10 [Wallace v. Jaffree, 472 U.S. 69 (1985)]

11 Can we prove with evidence that this false political religion is a “cult”? Below is the definition of “cult” from Easton’s
12 Bible Dictionary:

13 *“cults, illicit non-Israelite forms of worship. Throughout the history of ancient Israel, there were those who*
14 *participated in and fostered the growth of cults (cf. 2 Kings 21). These cults arose from Canaanite influence in*
15 *the land of Israel itself and from the influence of neighboring countries. One of the main tasks of the prophets*
16 *was to return the people to the proper worship of God and to eliminate these competing cults (1 Kings 18:20-*
17 *40). See also Asherah; Baal; Chemosh; Harlot; High Place; Idol; Milcom; Molech; Queen of Heaven;*
18 *Tammuz; Topheth; Worship; Zeus.*⁴⁶ “

19 Since the belief and worship of people is directed at other than a monotheistic Christian God, the government has become a
20 “cult”. It has also become a dangerous or harmful cult. Below is the description of “dangerous cults” from the Microsoft
21 Encarta Encyclopedia 2005:

22 *“V. Dangerous Cults*

23 *Some cults or alternative religions are clearly dangerous: They provoke violence or antisocial acts or place*
24 *their members in physical [or financial] danger. A few have caused the deaths of members through mass*
25 *suicide or have supported violence, including murder, against people outside the cult. Sociologists note that*
26 *violent cults are only a small minority of alternative religions, although they draw the most media attention.*

27 *Dangerous cults tend to share certain characteristics. These groups typically have an exceedingly*
28 *authoritarian leader who seeks to control every aspect of members' lives and allows no questioning of*
29 *decisions. Such leaders may hold themselves above the law or exempt themselves from requirements made of*
30 *other members of the group.* They often preach a doomsday scenario that presumes persecution from forces
31 outside the cult and a consequent need to prepare for an imminent Armageddon, or final battle between good
32 and evil. In preparation they may hoard firearms. Alternatively, cult leaders may prepare members for suicide,
33 which the group believes will transport it to a place of eternal bliss”
34 [Microsoft © Encarta © Reference Library 2005. © 1993-2004 Microsoft Corporation. All rights reserved.]

35 To summarize then:

- 36 1. A “cult” is “dangerous” if it promotes activities that are harmful. Giving away one’s earnings and sovereignty is
37 harmful if not done knowingly, voluntarily, and with full awareness of what one was giving up. This is exactly what
38 people do who file or pay monies to the government that no law requires them to pay.
39 2. Dangerous cults are authoritarian and have stiff mainly “political penalties” for failure to comply. The federal
40 judiciary dishes out stiff penalties to people who refuse to join or participate in the dangerous cult, even though there is
41 no “law” or positive law authorizing them to do so and no implementing regulation that authorizes any kind of
42 enforcement action for the positive law. These penalties are as follows:
43 2.1. Jail time.
44 2.2. Persecution from a misinformed jury who has been deliberately tampered with by the judge to cover up
45 government wrongdoing and prejudice the case against the accused.
46 2.3. Exorbitant legal fees paying for an attorney in order to resist the persecution.
47 2.4. Loss of reputation, credit rating, and influence in society.
48 2.5. Deprivation of property and rights to property because of refusal to comply.

⁴⁶Achtemeier, P. J., Harper & Row, P., & Society of Biblical Literature. 1985. *Harper's Bible dictionary*. Includes index. (1st ed.). Harper & Row: San Francisco

3. The dangerous cult of the Infernal (Satanic) Revenue Code also seeks to control every aspect of the members lives. The tax code is used as an extensive, excessive, and oppressive means of political control over the spending and working habits of working Americans everywhere. The extent of this political control was never envisioned or intended by our Founding Fathers, who wanted us to be completely free of the government. Members of the cult falsely believe that there is a law requiring them to report every source of earnings, every expenditure in excruciating detail. They have to sign the report under penalty of perjury and be thrown in jail for three years if even one digit on the report is wrong. The IRS, on the other hand, isn't responsible for the accuracy of anything, including their publications, phone support, or even their illegal assessments. In that sense, they are a false god, because they play by different and lesser rules than everyone else.
4. The cult of the Internal [INFERNAL] Revenue Code also "preaches a doomsday scenario that presumes persecution from forces outside the cult". This is a religion based on fear, and the fear originates both from ignorance about the law and with what will happen to the members who leave the cult or refuse to comply with all the requirements of the cult. The doomsday messages are broadcast from the IRS and DOJ website, public affairs section, where they target famous personalities for persecution because of failure to participate in the cult, and when successful, use the result as evidence that they too will be severely persecuted for failure to participate. This is no different than what the Communists did in Eastern Europe, where they put a big wall around East Berlin 100 miles long to force people to remain under communist rule. They patrolled the wall by guards, dogs, and weapons, and highly publicized all escape attempts in which people were killed, maimed, or murdered. This negative publicity acted as a warning and deterrent against those who might think of escaping.
5. The cult of the Infernal (Satanic) Revenue Code also prepares people for spiritual suicide and Armageddon. Remember, the term "Armageddon" comes from the Bible book of Revelation, where doomsday predictions describe what will happen to those who allowed government to become their false god. Those who did so, and who accepted the government's "mark" called the Socialist INSecurity Number, will be the first to be judged and persecuted and injured, according to Revelation. This is the REAL Armageddon folks!

"So the first [angel] went and poured out his bowl [of judgment] upon the earth, and a foul and loathsome sore came upon the men who had the mark of the beast [political rulers] and those who worshiped his image [on the money]."
[Rev. 16:2, Bible, NKJV]

Only those who do not accept the government's mark will reign with Christ in Heaven:

"And I saw thrones, and they sat on them, and judgment was committed to them. Then I saw the souls of those who had been beheaded for their witness to Jesus and for the word of God, who had not worshiped the beast or his image, and had not received his mark on their foreheads or on their hands. And they lived and reigned with Christ for a thousand years."
[Rev. 20:4, Bible, NKJV]

Surprisingly, the U.S. Congress, who are the REAL criminals and cult leaders who wrote the "Bible" that started this dangerous "cult of the Infernal Revenue Code", also described the cult as a form of "communism". Here is the unbelievable description, right from the Beast's mouth, of the dastardly corruption of our legal and political system which it willfully did and continues to perpetuate and cover up:

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

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by a the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and privileges [including immunity from prosecution for their wrongdoing in violation of Article 1, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of the tax laws] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding recently by the framing of Congressman Trafficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public schools by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by

1 *their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal*
2 *judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its*
3 *members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to*
4 *attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but*
5 *from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the*
6 *proposition that the present constitutional Government of the United States ultimately must be brought to ruin*
7 *by any available means, including resort to force and violence [or using income taxes]. Holding that doctrine,*
8 *its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association*
9 *(ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the*
10 *means whereby individuals are seduced into the service of the world Communist movement, trained to do its*
11 *bidding, and directed and controlled in the conspiratorial performance of their revolutionary services.*
12 *Therefore, the Communist Party should be outlawed*

13 That's right folks: We now live under communism stealthily disguised as "democracy", and which is implemented *exactly*
14 the same way it was done in Eastern Europe. It's just a little better hidden than it was in Europe, but it's still every bit as
15 real and evil. Go back and review section 2.7.1 of the *Great IRS Hoax*, Form #11.302 if you want to compare our system
16 of government with Pure Communism. The "wall" between east and west like the one in Berlin is an invisible "legal wall"
17 maintained by the federal judiciary and the legal profession, who keep people (the "slaves" living on the federal plantation)
18 from escaping the communism and regaining their freedom and complete control over their property, their labor, and their
19 lives. Those who participate in the federal income tax system by living on this figurative "federal plantation" essentially
20 are treated as government "employees". In order to join this dangerous cult, all they have to do is use a federal W-4 or
21 1040 form to lie or deceive the federal government into believing that they are "U.S. citizens" and "employees", who under
22 the I.R.C. are actually and only privileged elected or appointed officers of the United States government. This is what it
23 means to have income "effectively connected with a trade or business", as described throughout the code, because "trade or
24 business" is defined in 26 U.S.C. 7701(a)(26) as "the functions of a [privileged, excise taxable] public office [in the United
25 States Government]". If you would like to know how this usurious and unconstitutional federal employee kickback
26 program is used to perpetuate the fraud, read section 5.6.11 of the *Great IRS Hoax*, Form #11.302. A whole book has been
27 written about how the "federal employee kickback program" works called *IRS Humbug*, written by Frank Kowalik, and it is
28 a real eye opener that we highly recommend.

29 All the earnings of these slaves living on this federal plantation are treated in law (not physically, but by the courts) as
30 originating from a gigantic monopoly called the "United States" government which, based on the way it has been acting, is
31 actually nothing but a big corporation (see 28 U.S.C. §3002(15)(A)) a million times more evil than what happened to Enron
32 and which will eventually destroy everyone, including those who refuse to participate in the "cult", if we continue to
33 complacently tolerate its usurpations and violations of the Constitution and God's laws. The book of Revelation in the
34 Bible describes exactly how the destruction will occur, and it even gives this big corporation a name called "The Beast".
35 The people living on the federal corporate plantation are called "Babylon the Great Harlot", which is simply an assembly of
36 ignorant, lazy, irresponsible, and dependent people living under a pure, atheistic commercial democracy who are ignorant
37 and complacent about government, law, truth, and justice. They have been dumbed-down in the school system and taught
38 to treat government as their friend, not realizing that this same government has actually become the worst abuser of their
39 rights. ***Wake up people!***

40 *"And I heard another voice from heaven [God] saying, 'Come out of her [Babylon the Great Harlot, a*
41 *democratic state full of socialist non-believers], my people [Christians], lest you share in her sins, and lest you*
42 *receive of her plagues.'"*
43 *[Revelation 18:4, Bible, NKJV]*

44 If you would like a much more detailed treatment of the subject of this section, please read:

Socialism: The New American Civil Religion, Form #05.016
<http://sedm.org/Forms/FormIndex.htm>

45 **16 Evidence of de facto executive branch**

46 **16.1 Selective enforcement used to protect de factos and persecute those opposing it**

47 It's certainly evil enough that all the dastardly forms of treachery described in this document have been organized into what
48 amounts to a "protection racket" that is protected in its activities by a corrupted federal judiciary with a criminal conflict of

interest by virtue of being “taxpayers”. What is even worse is that members of the Executive Branch of the government also protect this criminal racket through what we call “selective enforcement”.

We must remember that all those serving in the government have a fiduciary duty to the public who they took an oath to protect when they took office:

“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.”⁴⁷
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.⁴⁸ That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.⁴⁹ and owes a fiduciary duty to the public.⁵⁰ It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.⁵¹ Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.⁵²

[63C Am.Jur.2d, Public Officers and Employees, §247]

That fiduciary duty of public officers is the main authority by which those serving in the government are prosecuted when the FAIL or OMIT to act in the presence of a crime that they either have been informed about or are actively participating in. That fiduciary duty is the origin of the following federal statute:

[TITLE 18 > PART I > CHAPTER 1 > § 3](#)
[§ 3. Accessory after the fact](#)

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.

[TITLE 18 > PART I > CHAPTER 1 > § 4](#)
[§ 4. Misprision of felony](#)

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

⁴⁷ State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 NJ 584, 115 A.2d. 8.

⁴⁸ 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.

⁴⁹ 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.

⁵⁰ 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).

⁵¹ 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.

⁵² 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).

So in other words, those in government who are aware that a crime or injury has been committed and who fail to take action to report and prosecute it are presumed to condone and become an accessory or accomplice to it and to have committed “misprision of felony”.

We have described many different types of criminal offenses, illegal, and unlawful conduct within this document that maintain and protect the de facto government we have now. All those in government who have received legal notice of the existence of these crimes and unlawful conduct are a party to the crimes if:

1. They don’t report the crime to the appropriate authorities and/or coworkers.
2. Destroy the evidence you provide of the crime.
3. Refuse to respond to or acknowledge receipt of a criminal complaint directed at the criminal or unlawful activity.
4. Persecute, harass, or penalize those who witness or provide evidence of the crime. This is called “witness tampering” and it, too, is a crime under 18 U.S.C. §1512.

Ironically, the fiduciary duty that gives rise to the obligations described here is ALSO the main basis for prosecuting people for “failure to file” tax returns. Note the following underlined language:

*I: DUTY TO ACCOUNT FOR PUBLIC FUNDS [and, by implication, “public property”]
§ 909. In general.-*

It is the duty of the public officer, like any other agent or trustee, although not declared by express statute, to faithfully account for and pay over to the proper authorities all moneys [and other public property such as the Social Security Card] which may come into his hands upon the public account, and the performance of this duty may be enforced by proper actions against the officer himself, or against those who have become sureties for the faithful discharge of his duties.

[Treatise on the Law of Public Offices and officers, p. 609, §909; Floyd Mechem, 1890;
SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]

Recall that all “taxpayers” are public officers in the U.S. government. This is exhaustively established in the following document posted on our website:

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>

Hence, even if there were NOT a statute expressly requiring those who ACT like de facto “taxpayers” them to file a return, as public officers, they are presumed to be obligated to account for the GOVERNMENT property in their possession, including the Social Security Card and number and all property that it attaches to, which is presumed to be “private property donated to a public use to procure the benefits of a franchise”. The nature of the I.R.C. as an excise tax upon public officers in the U.S. government participating in a franchise/excise that is actually what we call a “public officer

Your public servants in the government are keenly aware of all of these things, and because of that, if you are careful to send in a criminal complaint documenting all of the illegal activities used to perpetuate the de facto government herein, and you are careful to protect and preserve a trail of evidence leading to a specific person in the government that you have notified of these crimes, typically, they are very reluctant to criminally prosecute you for violations of their franchise agreements when enforced illegally against you.

Finally, below are only a few of the many techniques of omission and selective enforcement use to expand, protect, and defend the de facto system of PLUNDER and ENSLAVEMENT that perpetuates the de facto BEAST government we suffer under:

1. Omissions: Deliberately avoiding certain things. Breaches of fiduciary duty caused by a FAILURE TO ACT to prevent a crime.
 - 1.1. They sometimes omit or refuse to process corrections to FALSE and knowingly FRAUDULENT information returns. This perpetuates the false presumption that those who are innocent subjects of these false reports are consensually engaged in a federal franchise a public officers. See:

Correcting Erroneous Information Returns, Form #04.001
<http://sedm.org/Forms/FormIndex.htm>

- 1.2. They will deliberately omit to define precisely what a “taxpayer” is, which is a public officer in the government lawfully occupying said office BEFORE they fill out any tax form or apply for Any number. This causes the unlawful creation of public offices within states of the Union and the crime of “impersonating a public officer” found in 18 U.S.C. §912. This causes those who are
- 1.3. They will omit to describe the most important aspects of their scam in the IRS publications, such as the definitions of words, the proper audience for enforcement, the meaning of “voluntary”, and the meaning of such words as of the words “United States”, “State”, “employee”, “income”.
- 1.4. They will refuse to provide forms, procedures, and remedies to those who are not “taxpayers” and who do not wish to become “public officers” or receive any of the benefits of the office. See:

“Taxpayer” v. “Nontaxpayer”: Which one are YOU?

<http://famguardian.org/Subjects/Taxes/Remedies/TaxpayerVNontaxpayer.htm>

- 1.5. They will omit to protect those who choose NOT to volunteer or who become the unlawful target of enforcement.
2. Commissions: Positive criminal acts, all of which are a violation of the requirement for equal protection and equal treatment.
- 2.1. They will make presumptions that are neither supported or are not required to be supported, by court admissible evidence. Hence, a violation of due process occurs and you are presumed to be something, namely a “taxpayer”, that you in fact are not. See:

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

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

- 2.2. Judges will dismiss cases that have evidentiary foundation against the government by simply calling them “frivolous”, “patently frivolous”, or “preposterous”. All of this is simply an effort to engage the court in political questions in violation of the Constitutional requirement for separation of powers. The only thing they can do in response to a pleading is cite SPECIFIC law from the domicile of the private party under Federal Rule of Civil Procedure 17(b) that makes their claim unfounded, illegal, or false, and they seldom do that because they want to protect their fat retirement check and perpetuate their criminal conflict of interest in violation of 18 U.S.C. §208. See the following for details on this SCAM:

Meaning of the Word “Frivolous”, Form #05.027

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

- 2.3. They will deliberately lose or destroy correspondence you sent them that forces them to obey the law, thus obstructing justice. IRS is FAMOUS for pretending like they never received or lost something you sent them, even if you sent it certified mail. Sometimes, they even refuse to sign the Certified Mail cards you attach to correspondence you send them in order to protect their own omission and criminal activity.
- 2.4. They criminally prosecute those who are the victim of false information returns, because they fail to file tax returns or fail to pay a tax upon earnings that are not “income” or “gross income” because not connected with a public office in the U.S. government.
- 2.5. They play word games to illegally expand the definition of words to include things not expressly spelled out in the law by abusing the word “includes”, thus making an innocent person look guilty in front of a jury. See:

Meaning of the Words “includes” and “including”, Form #05.014

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

- 2.6. Federal courts and judges will illegally protect the misrepresentations and deliberate omissions contained in federal publications by saying that neither the IRS, nor anything any Government employee says or writes to the public, is actionable and that they can commit FRAUD with impunity, while holding the public at large to a different an unequal standard of accountability in the filing of tax returns. See:

Federal Courts and the IRS’ Own IRM Say IRS is NOT RESPONSIBLE for Its Actions or Its Words or For Following Its Own Written Procedures

<http://famguardian.org/Subjects/Taxes/Articles/IRSNotResponsible.htm>

16.2 County recorders refusing to file private contracts or anything other than statutory

The purpose of having a country recorder within any county jurisdiction is to protect PRIVATE rights to land and your PRIVATE right to contract. The two most common types of documents filed with the government, in fact, are deeds to land and contracts of one kind or another. A trust document, in fact, is a contract, and all deeds of trust on land behave as contracts.

Some jurisdictions have statutes that regulate what can and cannot be recorded with the county recorder. The purpose of all such statutes inevitably is to force the party attempting to record their document to donate their private property to a public

use, and public purpose, and to public regulation before they can receive the “services” of the county recorder. This has the effect of unlawfully:

1. Creating a franchise out of receiving government services.
2. Denying equal protection to those who do not want to participate in the franchise.
3. Converting rights into privileges.
4. Creating an unconstitutional title of nobility in which those who do not essentially bribe the government by donating a portion of the property being protected to the government, do NOT receive service.

We will now describe a few examples of how this sort of discrimination and plunder is implemented by the county recorder:

1. Those who partake of government franchises are treated as public officers of the government. An example would be marriage licenses. All licensed activity is, in fact, a franchise. If you wish to avoid participating in the “benefits” of the family code and the family courts in your state, and choose to draft a PRIVATE contract between you and your prospective spouse that replaces what we call the “default prenuptial agreement” codified in the family code of your state, and you go down to the county recorder’s office to have it recorded, you frequently will be told, and especially in California, that the county recorder CANNOT and WILL NOT record this contract. This is a polite way of saying that if you don’t donate yourself, your spouse, and your children to the control of the government and become a public officer, then you can GO TO HELL and we are going to ACTIVELY INTERFERE with the protection of your private rights by refusing to record the document.
2. If you are buying land and wish to record title to the land in a way that is not in conformance with the land registration franchise statutes that govern the recording, then the county recorder will refuse to record it. The result is that the property is falsely described as being within the “State of [Statename]” instead of simply “[Statename]”, and therefore is owned by the government, thus changing the registrant from having legal title, to having equitable title.

16.3 Refusal to or omission in recognizing or protecting private rights

*“A people who extend civil liberties only to preferred groups start down the path either to dictatorship of the right or the left.”
[Justice William O. Douglas]*

The ONLY reason given in the Declaration of Independence for the formation of the existing Government is to SECURE PRIVATE RIGHTS, meaning rights that are not subject to government jurisdiction and which are held by those who are not acting on behalf of the government.

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

All authority of all county, state, and national governments derives from this SINGULAR source. The U.S. Supreme Court agreed with this conclusion when it held the following:

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

A government that does not recognize, secure, or protect private rights is not only what the U.S. Supreme Court called a “vain government”. We would argue that it is NO GOVERNMENT AT ALL. Rather, a so-called government that does none of these things is, in fact:

1. A private, for profit corporation masquerading and pretending to be a government.
2. A “protection racket” that recruits more sponsors by threatening and harassing those who refuse to join “the club”.
3. A huge “employer” which only allows those who sign up as statutory “employees” and “public officers” to partake of its services, which are all implemented as franchises. These “employees” are called statutory “U.S. citizens” per 8 U.S.C. §1401, “resident aliens” (per 26 U.S.C. §7701(b)(1)(A)), and “individuals”, and they all share said office. This is covered in:

If you do not volunteer for an office in the corporation by consenting to be called a statutory 'U.S. citizen' protection franchisee under 8 U.S.C. §1401, and if you don't present your de facto "license" number authorizing you to act as such officer, called a Social Security Number or a Taxpayer Identification Number, then you are discriminated against and denied service by the de facto government. This sort of favoritism:

1. Destroys the foundation of what it means to be a "government", which is equal protection to all.
2. Creates an unconstitutional Title of Nobility in violation of Article 1, Section 10 and Article 1, Section 9, Clause 8 of the Constitution, by making "taxpayers" the only one who can get help or protection.
3. Causes the government to operate as a private business entity or de facto government rather than a de jure government.

To give you an example of this phenomenon, look at the following U.S. Supreme Court ruling. Notice the use of the statutory word "taxpayer" (26 U.S.C. §7701(a)(14)) rather than simply "Citizen", or PRIVATE American. Note also the use of the phrase "otherwise to benefit the person". What they are describing is a protection franchise, and that franchise contract, or private law "social compact" has a name called "domicile".

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

We prove in the following document that all "taxpayers" are public officers in the government. To use the phrase "rendered to the taxpayer in the protection of his property" is indirectly to say that the property is public property, because the only thing that public officers can own or protect is public property. In short, they ONLY help those who bribe them by giving up all their constitutional rights in exchange for privileges, lying on government forms to move their domicile to federal territory not protected by the Constitution, and donating all their formerly PRIVATE property to the "public office" that is the "taxpayer":

REAL government's can't discriminate against anyone and certainly not those who are "nontaxpayers" in this way, because it is a violation of the requirement for equal protection and equal treatment that is the cornerstone of the Constitution. We explain this in the following:

In a sense, the position or office they have created through illegally enforced franchises amounts to an unconstitutional "title of nobility", because if you don't have said "title", you don't exist and are financially punished and penalized for refusing to consent to procure the status.

*Articles of Confederation
Article VI.*

No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

United States Constitution
Article I, Section 9, Clause 8

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

United States Constitution
Article I, Section. 10

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Now let's also look at the role that GOD Himself ordained for "government". The purpose of establishing government is to protect those who can't protect themselves, such as the widows, the orphans, the fatherless, and the poor. Rich people don't need free protection because they have all the money and the power and can hire their own body guards. Throughout the Bible condemns those who deny protection to the poor (who make no money and therefore can't be "taxpayers"), widows, orphans, and needy.

"Therefore, whatever you want men to do to you, do also to them, for this is the Law and the Prophets."
[Matt. 7:12, Bible, NKJV]

He administers justice for the fatherless and the widow, and loves the stranger, giving him food and clothing. Therefore love the stranger, for you were strangers in the land of Egypt. You shall fear the LORD your God; you shall serve Him, and to Him you shall hold fast, and take oaths in His name. He is your praise, and He is your God, who has done for you these great and awesome things which your eyes have seen. Your fathers went down to Egypt with seventy persons, and now the LORD your God has made you as the stars of heaven in multitude.
[Deut. 10:12-22, Bible, NKJV]

"A father of the fatherless, a defender of widows,
Is God in His holy habitation.
God sets the solitary in families;
He brings out those who are bound into prosperity;
But the rebellious dwell in a dry land."
[Psalm 68:5-6, Bible, NKJV]

"You shall not afflict any widow or fatherless child."
[Exodus 22:2, Bible, NKJV]

"When you beat your olive trees, you shall not go over the boughs again; it shall be for the stranger, the fatherless, and the widow. When you gather the grapes of your vineyard, you shall not glean it afterward; it shall be for the stranger, the fatherless, and the widow."
[Deut. 24:20-21, Bible, NKJV]

"Cursed is the one who perverts the justice due the stranger, the fatherless, and widow." "And all the people shall say, "Amen!"
[Deut. 27:19, Bible, NKJV]

"The LORD watches over the strangers; He relieves the fatherless and widow; But the way of the wicked He turns upside down."
[Psalm 146:9, Bible, NKJV]

"Defend the fatherless, Plead for the widow."
[Isaiah 1:17, Bible, NKJV]

1 *"For if you thoroughly amend your ways and your doings, if you thoroughly execute judgment between a man*
2 *and his neighbor, if you do not oppress the stranger, the fatherless, and the widow, and do not shed innocent*
3 *blood in this place, or walk after other gods to your hurt, then I will cause you to dwell in this place, in the*
4 *land that I gave to your fathers forever and ever."*
5 *[Jer. 7:5-7, Bible, NKJV]*

6 *Thus says the LORD: "Execute judgment and righteousness, and deliver the plundered out of the hand of the*
7 *oppressor. Do no wrong and do no violence to the stranger, the fatherless, or the widow, nor shed innocent*
8 *blood in this place."*
9 *[Jer. 22:3, Bible, NKJV]*

10 *"Do not oppress the widow or the fatherless, The alien or the poor. Let none of you plan evil in his heart*
11 *Against his brother."*
12 *[Zech. 7:10, Bible, NKJV]*

13 Adam Smith, author of the Wealth of Nations upon which the Constitution was drafted, also agreed that a REAL de jure
14 government protects ALL, not just "taxpayers" or the property of "taxpayers":

15 *"The first duty of the sovereign is, that of protecting the society from the violence and invasion of other*
16 *independent societies...The second duty of the sovereign is, that of protecting, as far as possible, every*
17 *member of the society from the injustice or oppression of every other member of it... The third duty and last*
18 *duty of the sovereign or commonwealth is that of erecting and maintaining those public institutions and those*
19 *public works, which, though they may be in the highest degree advantageous to a great society..."*
20 *[Adam Smith, Wealth of Nations, book V, pp. 468-473, (1776); Prometheus Books, Amherst, New York, 1991]*

21 The favoritism and hypocrisy resulting from a government system that protects based on profit instead of justice or equality
22 are the VERY THING that Jesus got so angry at the Pharisees for. Why did He call them "lawless"? Because they replaced
23 public law and equality with franchises, hypocrisy, and partiality!:

24 *"But woe to you, scribes and Pharisees, hypocrites! For you shut up the kingdom of heaven against men; for*
25 *you neither go in yourselves, nor do you allow those who are entering to go in.*

26 *[...]*

27 ***Woe to you, scribes and Pharisees, hypocrites! For you pay***
28 ***tithe of mint and anise and cummin, and have neglected the***
29 ***weightier matters of the law: justice [EQUALITY] and mercy***
30 ***and faith. These you ought to have done, without leaving the***
31 ***others [the LESS PROFITABLE THINGS] undone.***

32 *[...]*

33 ***Woe to you, scribes and Pharisees, hypocrites! For you are***
34 ***like whitewashed tombs which indeed appear beautiful***
35 ***outwardly, but inside are full of dead men's bones and all***
36 ***uncleanness.***

37 ***Even so, you also outwardly appear righteous to men, but***
38 ***inside you are full of hypocrisy and lawlessness.***

39 *[...]*

40 *Fill up, then, the measure of your fathers' guilt. Serpents, brood of vipers! How can you escape the*
41 *condemnation of hell? There fore, indeed, I send you prophets, wise men, and scribes: some of them you will*
42 *kill and crucify, and some of them you will scourge in your synagogues and persecute from city to city, that on*
43 *you may come all the righteous blood shed on the earth..."*

If you want to demonstrate that we are telling the truth for yourself, try an experiment. The IRS Mission Statement says they can ONLY service those who identify themselves as “taxpayers”, which is a public officer serving in the government.

IRM 1.1.1.1 (02-26-1999)
IRS Mission and Basic Organization

The IRS Mission: Provide America’s taxpayers top quality service by helping them understand and meet their tax responsibilities and by applying the tax law with integrity and fairness to all.

Do you see “nontaxpayers” or “private people”, or simply “Americans” in the above? NO. Why? Because the Internal Revenue Code, Subtitles A and C is a franchise that can and does ONLY obligate franchisees who VOLUNTEERED to become “taxpayers” absent duress. All of their forms presuppose that you are a “taxpayer”. Try:

1. Asking them for a withholding form for a “nontaxpayer” or a tax return for a “nontaxpayer” who is a “nonresident alien” but not an “individual”.
2. Making your own NONTAXPAYER tax return form and filling it out without a TIN or SSN and then telling them you can’t provide the number without impersonating a public officer in criminal violation of 18 U.S.C. §912. See:

Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205
<http://sedm.org/Forms/FormIndex.htm>

It ought to be self-evident that they can’t penalize people using the Internal Revenue Code who, by definition, are NOT SUBJECT TO IT, and that there are, in fact, people who are NOT subject to it:

“Revenue Laws relate to taxpayers [officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law. With them[non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws.”
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

It ought to be equally obvious that:

1. A “taxpayer” is the equivalent of a “customer” or “consumer” of “government protection services”. In the Internal Revenue Code, these “customers” are called “citizens, residents, or individuals”, and you must VOLUNTEER absent duress to become any one of these things.
2. In EVERY business, the “customer” is always right.
3. Those running a successful business, no matter what product they produce, NEVER tell or especially penalize people who refuse to be “customers”

In fact, the federal courts readily admit that they have NO AUTHORITY to declare you a “customer”. Why? Because the status you claim under the franchise contract is a protected exercise of your right to contract and to associate, both of which are constitutional rights that they CANNOT interfere with.

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

Hence, you have to volunteer to be a “taxpayer”, “citizen”, “resident”, or “individual” before they can enforce their private law franchises against you. That, in fact, is the reason why the U.S. Supreme Court said the following:

“The people of the United States resident within any State are subject to two governments: one State, and the other National; but there need be no conflict between the two. The powers which one possesses, the other does not. They are established for different purposes, and have separate jurisdictions. Together they make one

whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one passes counterfeited coin of the United States within a State, it may be an offence against the United States and the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship [92 U.S. 542, 551] which owes allegiance to two sovereignties, and claims protection from both.

The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.

[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]

Why can the “citizen” NOT complain about the government? Because if he didn’t like it, he could withhold his allegiance and membership and NOT be “customer”, but rather a nonresident, a “transient foreigner”, and a sovereign EQUAL in rights under equity to the biggest government in the world. That’s what President Obama himself admitted during his inauguration speech: We are ALL equal. The implication is that you can only become UNEQUAL, subservient, privileged, or subject to a statutory disability IF YOU VOLUNTEER. In a government based upon delegated powers where ALL the authority of the government comes from the people as the U.S. Supreme Court admits, a whole huge Government can have no more authority than a single man. You cannot delegate an authority to government that you do not have as one of “We the People”.

So what does the IRS try to do when you make your own “nontaxpayer” forms and do not use their number because you are not a public officer on official business representing Uncle using his “license” called an SSN or TIN? They illegally penalize you, in the hopes that out of fear and terror and ignorance, you will volunteer to go to work for them and assume their title of nobility called “taxpayer” and “employee”.

That’s TERRORISM!

17 How Scoundrels Corrupted our Republican Form of Government

"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)]

For further information on this division of authority, refer to the following sections of the Great IRS Hoax, Form #11.302:

1. Section 4.1 discusses the hierarchy of sovereignty and where you fit personally in that hierarchy.
2. Section 4.5 shows that Article 4, Section 4 of the U.S. Constitution guarantees to all Americans a “republican form of government”.
3. Section 5.1.1 shows you the order that our state and federal governments were created and the distinct sovereignties that comprise all the elements of our republican (not democratic) 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 was introduced, you can then read Chapter 6 of the *Great IRS Hoax*, Form #11.302 to see all the details of 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 by destroying the separation of powers. 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 the concept of separation of powers. This concept is called the "Separation of Powers Doctrine":

"Separation of powers. The governments of the states and the United States are divided into three departments or branches: the legislative, which is empowered to make laws, the executive which is required to carry out the laws, and the judicial which is charged with interpreting the laws and adjudicating disputes under the laws. Under this constitutional doctrine of "separation of powers," one branch is not permitted to encroach on the domain or exercise the powers of another branch. See U.S. Constitution, Articles I-III. See also Power (Constitutional Powers)."
[Black's Law Dictionary, Sixth Edition, p. 1365]

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

*"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)]*

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

"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]

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

"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]

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

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

"I see,... and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all

1 powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their
2 power... It is but too evident that the three ruling branches of [the Federal government] are in combination to
3 strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all
4 functions foreign and domestic."
5 [Thomas Jefferson to William Branch Giles, 1825. ME 16:146]

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

12 For further quotes supporting the above, see:

13 <http://famguardian.org/Subjects/Politics/ThomasJefferson/jeff1060.htm>

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

17 **U.S. Constitution: Article I, Section 9, Clause 8**

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

21 So the founders instead distributed and dispersed political power into several independent branches of government that
22 have sovereign power over a finite sphere and prohibited the branches from assuming each others duties. This, they
23 believed, would prevent collusion against their rights and liberties. They therefore divided the government into the
24 Executive, Legislative, and Judicial branches and made them independent of each other, and assigned very specific duties
25 to each. In effect, these three branches became "foreign" to each other and in constant competition with each other for
26 power and control.

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

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

38 Then the founders created multiple states so that the states would be in competition with each other for citizens and for
39 commerce. When one state got too oppressive or taxed people too much, the people could then move to an economically
40 more attractive state and climate. This kept the states from oppressing their citizens and it gave the people a means to keep
41 their state and their government in check. Then they put the federal government in charge of regulating commerce among
42 and between the states, and the intention of this was to maximize, not obstruct, commerce between the states so that we
43 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
44 law of nations, because they didn't want a national government with unlimited powers. They wanted a "federation", so
45 they called our central government the "federal government" instead of a "national government". To give us a "national
46 government" would be a recipe for tyranny:

47 **"By that law the several States and Governments spread over**
48 **our globe, are considered as forming a society, not a**

1 **NATION.** *It has only been by a very few comprehensive minds, such as those of Elizabeth and the*
2 *Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the*
3 *important question before us, by the Constitution of the United States, and the legitimate result of that valuable*
4 *instrument. “*
5 *[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793)]*

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

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

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

22 The founding fathers created the institution of trial by jury, so that if government got totally corrupt and passed unjust laws
23 that violated God's laws, the people could put themselves back in control through jury nullification. This also effectively
24 dealt with the problem of corrupt judges, because both the jury and the grand jury could override the judge as well when
25 they detected a conflict of interest by judging both the facts and the law. Here is how Thomas Jefferson described the duty
26 of the jury in such a circumstance:

27 *"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take*
28 *on themselves to judge the law as well as the fact. They never exercise this power but when they suspect*
29 *partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English*
30 *liberty."*
31 *[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]*

32 Then the founders separated church and state and put the state and the church in competition with each other to protect and
33 nurture the people. This church/state separation and dual sovereignty is described in section 4.3.6 of the Great IRS Hoax,
34 Form #11.302.

35 The design that our founding fathers had for our political system was elegant, unique, unprecedented, ingenious, perfectly
36 balanced, and inherently just. It was founded on the concept of Natural Order and Natural Law, which is explained in
37 section 4.1 of the Great IRS Hoax, Form #11.302, which is based on the sequence that things were created. This concept
38 made sense, even to people who didn't believe in God, so it had wide support among a very diverse country of immigrants
39 from all over the world and of many different religious faiths. Natural Law and Natural Order unified our country because
40 it was just and fair and righteous. That is the basis for the phrase on our currency, which says:

41 *"E Pluribus Unum"*

42 ...which means: *"From many, one."* Our system of Natural Law and Natural Order also happened to be based on God's
43 sovereign design for self-government, as was throughout chapter 4 of the Great IRS Hoax, Form #11.302. The founders
44 also recognized that liberty without God and morality are impossible:

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

So the founders included the requirement for BOTH God and Liberty on all of our currency. They put the phrase “*In God We Trust*” and the phrase “*Liberty*” side by side, and they were probably thinking of the following scripture when they did that!:

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

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

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

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

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

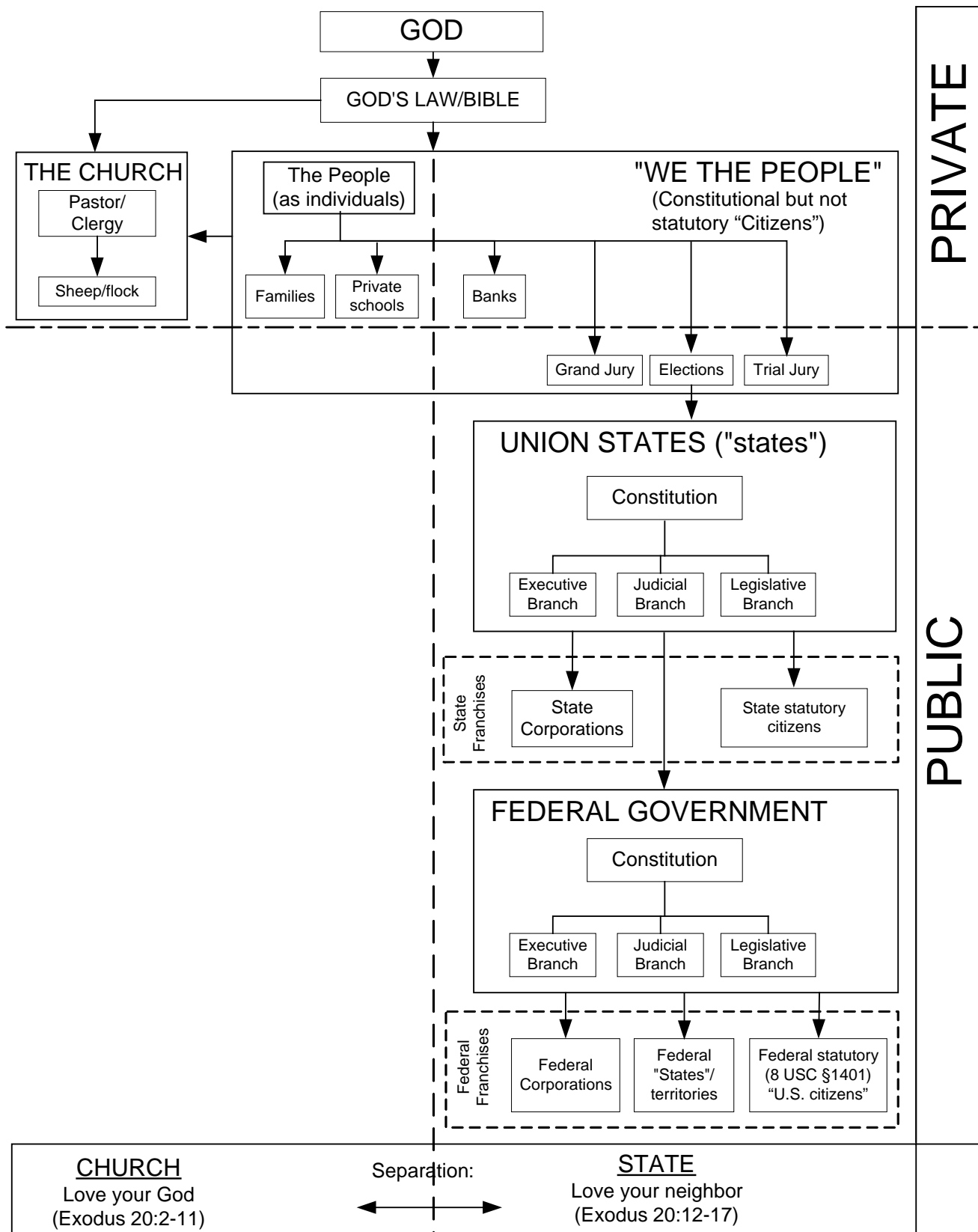
Enacting a mutual agreement into positive law then, becomes the vehicle for expressing the fact that the People collectively agreed and consented to the law and to accept any adverse impact that law might have on their liberty. Public servants then, are just the apparatus that the sovereign People use for governing themselves through the operation of positive law. As the definition above shows, the apparatus and machinery of government is simply the “rudder” that steers the ship, but the “Captain” of the ship is the People both individually and collectively. In a true Republican Form of Government, the REAL government is the people individually and collectively, and not their “public servants”.

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

1. The distinct sovereignties between governments:
 - 1.1. States
 - 1.2. The federal government
2. The sovereignties within governments:
 - 2.1. Executive branch
 - 2.2. Legislative branch
 - 2.3. Judicial branch
3. The hierarchy of sovereignty between all the sovereignties based on their sequence of creation.
4. The corrupting influence of force, fraud, and money, including the branch that initiated it, the date it was initiated, and the object it was initiated against.

1 To meet the above objectives, we will start off with the diagram found in section 5.1.1 of the Great IRS Hoax, Form
2 #11.302 and expand it with some of the added elements found in the Natural Order diagram found earlier in section 4.1. To
3 the bottom of the diagram, we add the Ten Commandments, which establishes the "Separation of Church v. State". The
4 first four commandments in Exodus 20:2-11 establish the church and the last six commandments found in Exodus 20:12-17
5 define how we should relate to other people, who Jesus later called our "neighbor" in Matt. 22:39. The main and only
6 purpose of government is to love and protect and serve its inhabitants and citizens, who collectively are "neighbors". What
7 results is a schematic diagram of the initial political system that the founders gave us absent all corruption. This is called
8 the "De jure U.S. Government". It is the only lawful government we have and its organization is defined by our
9 Constitution. It's organization is also defined by the Bible, which we also call "Natural Law" throughout this document.
10

1 Figure 17-1: Natural Order Diagram of Republican Form of Government



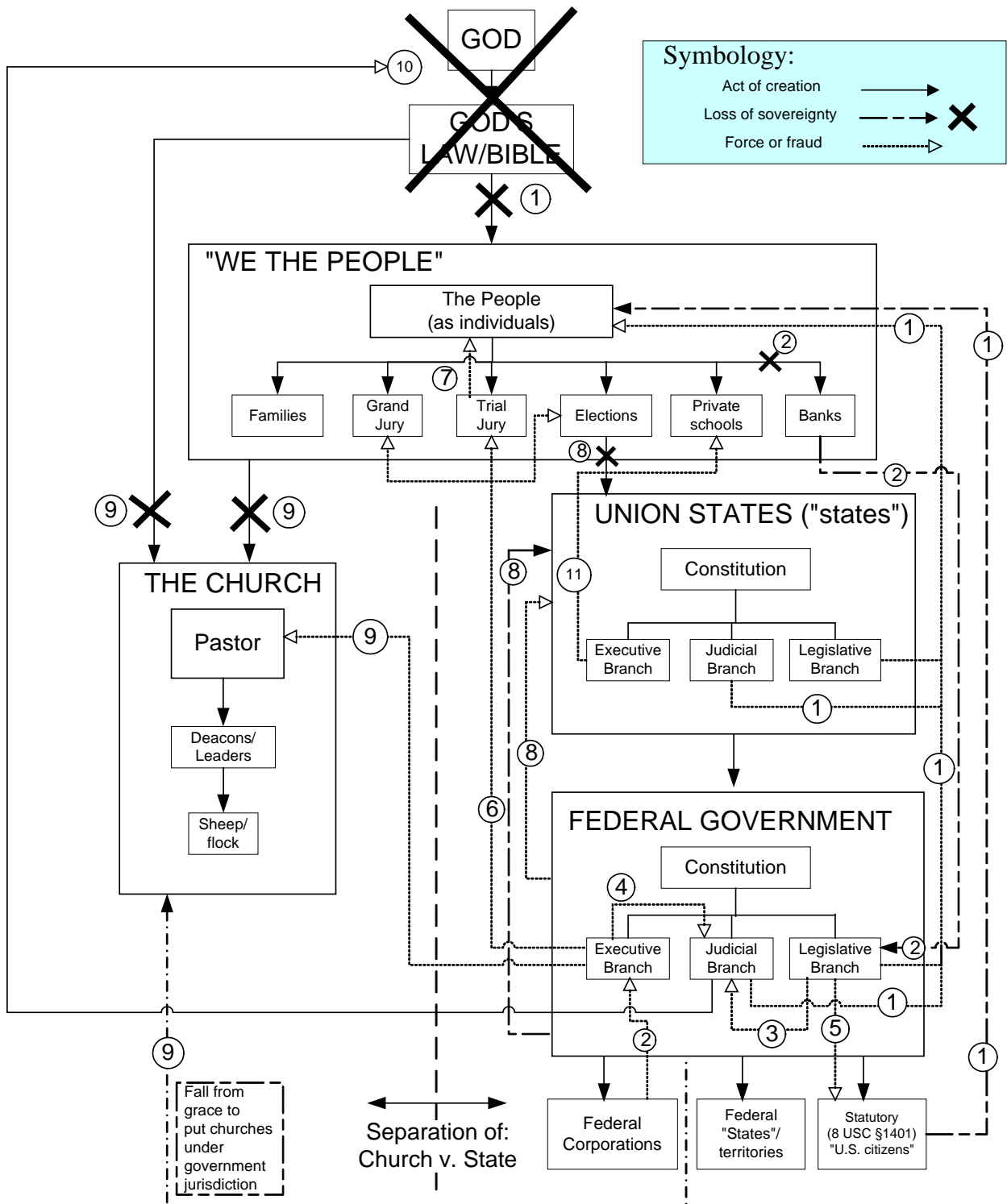
2
3

Each box in the above diagram represents a sovereignty or sovereign entity that helps distribute power throughout our system of government to prevent corruption or tyranny. The arrows with dark ends indicate an act of creation by the sovereign above. That act of creation carries with it an implied delegation of authority to do specific tasks and establishes a fiduciary relationship between the Creator, and his subordinate creation. The above system as shown functions properly and fully and provides the best defense for our liberties only when there is complete separation between each sovereignty, which is to say that all actions performed and all choices made by any one sovereign:

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

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

Figure 17-2: Process of Corrupting Republican Form of Government



Below is a table explaining each incidence of force or fraud that corrupted the originally perfect system:
Table 8: 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, Bible, NKJV]</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)	<p>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 Legislative rather than the Judicial Branch of the government and all the judges became Executive Branch employees. See the article "Authorities on Jurisdiction of Federal Courts" for further details.</p> <p>The Revenue Act of 1932 then 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 code 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 Executive 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	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
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)	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 code 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 code that no one even understands them anymore.
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)	Trial juries filled with people receiving government socialist handouts (money STOLEN from hard-working Americans) vote against tax protesters to illegally enforce the Internal Revenue Code, 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, 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) 18 U.S.C. §208 (acts affecting a personal financial interest) 18 U.S.C. §872 (extortion)	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 Civil
5 Religion of Socialism”, where the collective will of the majority or whatever the judge says is sovereign, not God, and is
6 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 legislated into
10 existence with “judge-made law”, which is engineered to maximize litigation and profits to the legal industry. The legal
11 industry, in turn, has been made into a part of the government because it is licensed and regulated by government. This
12 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 (ABA), who hobnob with the judge and do whatever he says or risk having their attorney license
14 pulled. In this totalitarian socialist democracy/oligarchy shown below, the people have no inalienable or God-given
15 individual rights, but only “privileges” granted by the will of the majority that are taxable. After all, when God and Truth
16 are demoted to being a selfish creation of man and a politically correct vain fantasy, then the concept of “divine right”
17 vanishes entirely from our political system.
18

“employees” are moral and spiritual “whores” and “harlots”. They are just like Judas...they exchanged the Truth for a lie and liberty for slavery and they did it mainly for money and personal security. They are:

1. So concerned about avoiding being terrorized by their government or the IRS for “making waves”.
2. So immobilized by their own fear and ignorance that they don’t dare do anything.
3. So addicted to sin and other unhealthy distractions that they don’t have the time to do justice.
4. So poor that they can’t afford an expensive lawyer to be able to right the many wrongs imposed on them by a corrupted government. Justice is a luxury that only the rich can afford in our society.
5. So legally ignorant, thanks to our public “fool”, I mean “school” system that they aren’t able to right their wrongs on their own in court without a lawyer.
6. So afraid of corrupt judges and lawyers who are bought and paid for with money that they stole from hardworking Americans in illegally enforcing what is actually a voluntary Subtitle A income tax on natural persons.
7. So unable to take care of their own needs because they have allowed themselves to depend too much on government and allowed too much of their own hard-earned money to be stolen from them.
8. So covetous of that government welfare or socialist security or unemployment check or paycheck that comes in the mail every month.

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

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

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

Would you rob your neighbor? No you say? Well then, would you look the other way while someone else robs him in your name? Government is **YOUR AGENT**. If government robs your neighbor, God will hold you, not the agent who did it for you, personally responsible, because government is your agent. God put you in charge of your government and you are the steward.

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

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

Alas, sinful nation,
A people laden with iniquity
A brood of evildoers
Children who are corrupters!
They have forsaken the Lord
They have provoked to anger
The Holy One of Israel,
They have turned away backward.
Why should you be stricken again?
You will revolt more and more.
The whole head is sick [they are out of their minds!/: insane or STUPID or both].
And the whole heart faints....

Wash yourselves, make yourselves clean;
Put away the evil of your doings from before My eyes.
Cease to do evil,

Learn to do good;
Seek justice.
Rebuke the oppressor [the IRS and the Federal Reserve and a corrupted judicial system];
Defend the fatherless.
Plead for the widow [and the "nontaxpayer"]...

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

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

So according to the Bible, the real problem is corrupted lawyers and judges and people who are after money and rewards, and God says the way to fix the corruption and graft is to eliminate the bad 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. §44\(b\)](#))

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

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

Can thieves and corrupted judges and lawyers and jurors, who are all bribed with stolen or extorted tax dollars they lust after in the pursuit of socialist benefits, reform themselves if left to their own devices?

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

"The people will be oppressed.
Every one by another and every one by his [socialist] neighbor [sitting on a jury who
was indoctrinated and brainwashed in a government school to trust government];
The child will be insolent toward the elder,
And the base toward the honorable."
[Isaiah 3:5, Bible, NKJV]

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

The answer is an emphatic no. It is up to We The People as the sovereigns in charge of our lawless government to right this massive injustice because a corrupted legislature and judiciary and the passive socialist voters in charge of our government today simply cannot remedy their own addiction to the money that was stolen from their neighbor by the criminals they elected into office. These elected representatives were supposed to be elected to serve and protect the

people, but they have become the worst abusers of the people because they only got into politics and government for selfish reasons. Notice we didn't say they got into "public service", because we would be lying to call it that. It would be more accurate to call what they do "self service" instead of "public service". One of our readers has a name for these kinds of people. He calls them SLAT: Scum, Liars, and Thieves. If you add up all the drug money, all the stolen property, all the white collar crime together, it would all pale in comparison to the "extortion under the color of law" that our own de facto government and the totally corrupted people who work for it are instituting against its own people. If we solve no crime problem other than that one problem, then the government will have done the most important thing it can do to solve our crime problem and probably significantly reduce the prison population at the same time. There are lots of people in jail who were put there wrongfully for income tax crimes that aren't technically even crimes. These people were maliciously prosecuted by a corrupted DOJ with the complicity of a corrupted judiciary and they MUST be freed because they have become slaves and political prisoners of a corrupted state for the sake of laws that don't even exist!

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 our government servants. We can fix this if we really want to, folks. Let's do it!

Table 9: Comparison of our "De jure" v. "De facto" government

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

#	Type of separation of powers	De jure government	De facto government
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 Internal Revenue Code. 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.

18 Conclusions

The list below succinctly summarizes the content of this document:

1. A de facto government is one which:
 - 1.1. Exists unlawfully.
 - 1.2. Refuses to recognize any limits, including the law, upon its activities. The U.S. Congress also calls this attitude “communism” in 50 U.S.C. §841.
 - 1.3. Is perpetuated WITHOUT the express written consent of those it governs. Hence, it is a TERRORIST government.
 - 1.4. Plunders and enslaves the PRIVATE people and PRIVATE property it was created ONLY to protect.
 - 1.5. Transforms itself from an eleemosynary public charitable trust into a SHAM TRUST administered by SHAM TRUSTEES whose only goal is to expand and protect their own unlawful and criminal activity.
 - 1.6. Violates the organic law found in the Declaration of Independence by making a business out of destroying, taxing, regulating, and enfranchising the exercise of PRIVATE rights that are outside of its jurisdiction. The Declaration of Independence says that our rights are INALIENABLE, which means they cannot lawfully be sold, bargained away, or transferred by any commercial process, INCLUDING franchises.
 - 1.7. Creates or perpetuates offices and the franchises that implement them in places they are not expressly authorized in order to invade and subjugate foreign states such as states of the Union that are outside of its legislative jurisdiction. This is a violation of the ONLY mandate found in the Constitution, Article 4, Section 4, to protect ALL of the states from invasion, including commercial invasion and conquest BY ITSELF.
 - 1.8. Unlawfully converts private property to a public use, public purpose, or public office in violation of the Fifth Amendment takings clause and without consent of the owner.
 - 1.9. Conceals, hides, or avoids the requirement to demonstrate the requirement for consent in the case of all civil enforcement actions against the public.
 - 1.10. Deceives the public by abusing “words of art” that create false beliefs about its very limited jurisdiction. See:
 - 1.11. Implements itself as the equivalent of a state sponsored pagan religion, whereby presumption is used as a substitute for religious faith and the thing being worshipped is the all powerful and omnipotent “state” based on humanism and socialism.
2. The de facto government is, in fact, “The Beast” spoken of in the Bible book of Revelation. See Rev. 19:19.
3. The “mark of the beast” described in the Bible is, in fact, the Social Security Number and/or Taxpayer Identification Number. See:

Social Security: Mark of the Beast, Form #11.407

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

4. Freedom is not for the timid or the ignorant.
 - 4.1. Law needs to be taught in public and private schools. It no longer is.
 - 4.2. 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.
 - 4.3. 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.
 - 4.4. 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.
5. 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 and the ascendancy of a de facto corporate in its place. We aim to provide all the ammunition and tools needed to fight the corruption and the consolidation of power that facilitates and expands it.
6. The separation of powers is the main protection for our God given rights and it prevents the transformation of a de jure government into a de facto BEAST corporate government. It 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.
7. 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 the 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.

“How the faithful city has become a harlot [Babylon the GREAT harlot!]/

It [the Constitutional Republic] was full of justice;

Righteousness lodged in it.

But now murderers [and abortionists, and socialists, and democrats, and liars and corrupted judges].

1 Your silver has become dross,
2 Your wine mixed with water.
3 Your princes [President, Congressmen, Judges] are rebellious,
4 Everyone loves bribes,
5 And follows after rewards,
6 They do not defend the fatherless,
7 nor does the cause of the widow [or the "nontaxpayer"] come before them.

8 Therefore the Lord says,
9 The Lord of hosts, the Mighty One of Israel,
10 "Ah, I will rid Myself of My adversaries,
11 And take vengeance on My enemies.
12 I will turn My hand against you,
13 And thoroughly purge away your dross,
14 And take away your alloy.
15 I will restore your judges [eliminate the BAD judges] as at the first,
16 And your counselors [eliminate the BAD lawyers] as at the beginning,
17 Afterward you shall be called the city of righteousness, the faithful city."
18 [Isaiah 1:1-26, Bible, NKJV]

- 19 8. The legislative branches of the state and federal governments have systematically destroyed the separation of powers
20 by the following means:
- 21 8.1. Corrupting the courts by making judges into "taxpayers".
 - 22 8.2. Refusing to give us true, Article III constitutional courts. All the courts we have are legislative Article IV courts
23 and we have no Judicial Branch under our Constitution.
 - 24 8.3. Abuse of the Buck Act to destroy the separation between the state and federal governments.
 - 25 8.4. Separating the taxation and representation functions so that we have the same problem we had with the British
26 that gave rise to the American Revolution.
 - 27 8.5. Abusing "words of art" to deceive the American public into participating in government franchises.
 - 28 8.6. Writing vague laws that do not clearly specify:
 - 29 8.6.1. Whether they are public law or private law.
 - 30 8.6.2. Whether they apply only on federal territory or everywhere.
 - 31 8.7. Using statutory presumptions to injure constitutionally protected rights.
 - 32 8.8. Deceptive laws that blur the line between public and private, in order to spread socialism.
 - 33 8.9. Federal legislation that circumvents the police powers of states of the Union.
- 34 9. The executive branch of the state and federal governments have systematically destroyed the separation of powers by
35 the following means:
- 36 9.1. Enforcing franchises against non-consenting persons who are legally disqualified from participating.
 - 37 9.2. Bills of attainder (penalties) against unauthorized persons protected by the constitution.
 - 38 9.3. Failure to prosecute banks and private employers who compel the use of SSNs and TINS by those who are not
39 qualified to use them, resulting in criminal activity including impersonating a public officer in violation of 18
40 U.S.C. §912.
- 41 10. Federal Courts have systematically destroyed the separation of powers by the following means:
- 42 10.1. Judicial verbicide in interpreting statutory terms so as to unlawfully enlarge government jurisdiction.
 - 43 10.2. Making cases unpublished of those who are exposing government wrongdoing or winning in court against the
44 government.
 - 45 10.3. Abusing sovereign immunity to protect and expand private business interests of the government.
 - 46 10.4. Condoning unlawful federal enforcement actions by ignoring the requirement for implementing enforcement
47 regulations.
 - 48 10.5. Judges entertaining political questions.
 - 49 10.6. Using unqualified and unlawful jurists.
 - 50 10.7. Allowing federal judges to serve who do not reside on federal territory.
 - 51 10.8. Violations of due process by judges.
 - 52 10.9. Misrepresenting and misapplying "private law" against the public as though it were public law.
 - 53 10.10. Conflict of interest and presumption by judges and government prosecutors that judges interfere with
54 challenges to.
 - 55 10.11. Removing the discussion of law from the courtroom so that jurists cannot properly supervise the activities of
56 their public servants.
 - 57 10.12. Abusing presumption to destroy the separation of church and state and Federal Churches in violation of the
58 First Amendment.
- 59 11. The use of fiat currency not backed by substance using the Federal Reserve Counterfeiting Franchise has necessitated:

- 11.1. The creation of the IRS and the income tax in 1913, so that the supply of currency could be regulated to protect and maintain its value.
- 11.2. That ALL AMERICANS must be recruited into peonage as surety to regulate the supply of currency in circulation FOR THE ENTIRE WORLD, since the dollar is a world reserve currency for most countries on Earth.
- 11.3. Encourage, protected, and even rewarded reckless spending and borrowing by governments all over the world.
- 11.4. Has necessitated that what used to be sovereign Americans called “Citizens” and “Residents” be converted into public officers in the government subject to every whim of the government, who are domiciled on federal territory, and who HAVE NO CONSTITUTIONAL RIGHTS, but only privileges.

Velcome to Amerika, COMRADE! And welcome to the Matrix, Neo. The second plank of the Communist Manifesto is, in fact, a heavy, progressive income tax. However, the Constitution *forbids* a **progressive** graduated rate tax of any kind within states of the Union. The tax *must* be “uniform”, meaning that everyone must pay the SAME percentage, and in fact, the ONLY status you can have that pays a FIXED percentage is that of a “nonresident alien” who is not an “individual” or “taxpayer”. See 26 U.S.C. §871 and Article 1, Section 8, Clause 3 of the United States Constitution. The “nonresident alien” status, in fact, is the ONLY status that:

1. Expressly exempts one’s earnings from “gross income”.
2. Allows people to open accounts without government identifying numbers.
3. Places those who have it BEYOND government jurisdiction as PRIVATE persons.
4. Is the ONLY truly “sovereign” and “foreign” status you can have in relation to a corrupted government.

If you want to know how to lawfully adopt the statues of a “nonresident alien” who is not an “individual”, instead of that of a public officer called a statutory “U.S. citizen”, “U.S. resident (alien)”, or “taxpayer”, see:

Nonresident Alien Position, Form #05.020
<http://sedm.org/Forms/FormIndex.htm>

If you want a succinct summary of the concepts found in this document suitable for presentation to people not schooled in the law and which also introduces our ministry, please see:

Ministry Introduction Course, Form #12.014
<http://sedm.org/Forms/FormIndex.htm>

If you would like to learn more about the separation of powers doctrine and all the ways that it has been systematically destroyed using primarily words of art, omission, and conflict of interest, see:

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

19 Resources for Further Study and Rebuttal

If you would like to study the subjects covered in this short pamphlet in further detail, may we recommend the following authoritative sources, and also welcome you to rebut any part of this pamphlet after your have read it and studied the subject carefully yourself just as we have:

1. *Family Guardian Website, Law and Government Page, Section 15: Investigating Government Corruption*
<http://famguardian.org/Subjects/LawAndGovt/LawAndGovt.htm>
2. *History of Federal Government Income Tax Fraud, Racketeering, and Extortion in the USA, Great IRS Hoax, Form #11.302, Chapter 6*
<http://sedm.org/Forms/FormIndex.htm>
3. *ABC's of Government Theft, Form #11.408*
<http://sedm.org/Forms/FormIndex.htm>
4. *Undermining the Constitution: A History of Lawless Government, Form #11.409*
<http://sedm.org/Forms/FormIndex.htm>

5. Flawed Tax Arguments to Avoid, Form #08.004- section 6 documents all the lies and propaganda and deception that government workers use to deceive you into volunteering for a public office in the U.S. government without compensation
<http://sedm.org/Forms/FormIndex.htm>
6. Rebutted Version of the IRS "The Truth About Frivolous Tax Arguments", Form #08.005- All the half truths and omissions the IRS tells the public with impunity that result in violations of the Internal Revenue Code and the expansion of the de facto government
<http://sedm.org/Forms/FormIndex.htm>
7. Highlights of American Legal and Political History CD, Form #11.202: Provides exhaustive historical government evidence which proves all the various ways that the separation of powers has been systematically destroyed over the years
<http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm>
8. SEDM Liberty University: Various articles on law and government. Free educational materials for regaining your sovereignty as an entrepreneur or private person
<http://sedm.org/LibertyU/LibertyU.htm>
9. Family Guardian Website, Law and Government: Exhaustive articles on our system of government
<http://famguardian.org/Subjects/LawAndGovt/LawAndGovt.htm>
10. Great IRS Hoax, Form #11.302 book, and especially Chapter 6 entitled "History of Federal Income Tax Fraud, Racketeering, and Extortion in the USA": Analysis of the most extensive corruption within our government
<http://sedm.org/Forms/FormIndex.htm>

20 Questions that Readers, Grand Jurors, and Petit Jurors should be asking the Government

These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 10 days constitutes an admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

Reasonable Belief About Income Tax Liability, Form #05.007
<http://sedm.org/Forms/FormIndex.htm>

Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person against whom you are attempting to unlawfully enforce federal law.

1. Admit that de jure governments are established to protect PRIVATE rights of PRIVATE people.

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

2. Admit that any entity claiming to be a "government" which makes a business or franchise out of compelling the conversion of PRIVATE rights into PUBLIC rights or privileges and then taxing and regulating what were formerly PRIVATE rights has violated the purpose of its creation and has become the WORST violator of PRIVATE rights.

*"It has long been established that a State may not impose a penalty [or a tax, which is just another kind of penalty] upon those who exercise a right guaranteed by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional rights would be of little value if they could be indirectly denied," Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence,' Gomillion v. Lightfoot, 364 U.S. 339, 345."
[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]*

"Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one; for when we suffer, or are exposed to the same miseries by a government, which we might expect in a country without government, our calamity is heightened by reflecting that we furnish the means by which we suffer."
[Thomas Paine, "Common Sense" Feb 1776]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

3. Admit that the ability to regulate or tax PRIVATE rights is repugnant to the Constitution as held by the U.S. Supreme Court.

"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)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

4. Admit that any so-called "government" which refuses to recognize or protect PRIVATE property or insists that it must be converted or donated to PUBLIC property, a public use, or a public purpose BEFORE they will protect it ceases to be a de jure "government" and instead becomes a de facto government demanding unconstitutional and criminal bribes and kickbacks to do its job.

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

"The ultimate ownership of all property is in the State; individual so-called "ownership" is only by virtue of Government, i.e., law, amounting to mere user; and use must be in accordance with law and subordinate to the necessities of the State."
[Senate Document #43, Senate Resolution No. 62, p. 9, paragraph 2, 1933
SOURCE: <http://www.famguardian.org/Subjects/MoneyBanking/History/SenateDoc43.pdf>]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

5. Admit that the first step implemented by a de jure government in protecting PRIVATE property is to:
- 5.1. Keep that government from converting it into public property without the consent of the owner.
 - 5.2. Prosecute those who unlawfully convert PRIVATE property to a public use without consent of the owner, and in violation of 18 U.S.C. §654.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

6. Admit that information returns filed against PRIVATE parties not lawfully engaged in a public office within the U.S. government (called a "trade or business" in 26 U.S.C. §7701(a)(26)) constitute false reports that, if left rebutted, create the false and fraudulent presumption that PRIVATE property has been converted with the consent of the owner into a public use, public purpose, and public office. For details on this FRAUD and SCAM, see:

6.1. Correcting Erroneous Information Returns, Form #04.001

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

6.2. The "Trade or Business" Scam, Form #05.001

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

7. Admit that it makes absolutely no sense to hire a government to protect your PRIVATE property that insists on it becoming PUBLIC property that is no longer PRIVATE property before they will protect it. No one deserves to be hired as a protector that can't and won't even protect you from THEMSELVES or which will protect you from the abuses of everyone BUT themselves.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

8. Admit that an entity that forces you to pay them to protect yourself FROM them, and which does so without your consent, is a criminal protection racket, or Racketeer Influenced Corrupt Organization (RICO).

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

9. Admit that all de jure governments incorporate all of the following three elements:

9.1. PRIVATE People who own PRIVATE property.

9.2. Laws intended primarily to protect PRIVATE property.

9.3. Territory.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

10. Admit that when you remove any one or more of the three elements mentioned in the previous question, what started out as a de jure government is transformed into a de facto government.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

11. Admit that if the civil Laws of a de jure government are all converted into special law commercial franchises that attach to your right to contract instead of Territory or domicile on that said Territory, then you end up with a de facto government without Territory in which the "state" is just a private, for profit, corporation an a virtual rather than physical entity.

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

[*Black's Law Dictionary, Sixth Edition, pp. 1397-1398*]

See also

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

12. Admit that a government that will only render services or “protection” to those who present a license to act as a public officer, such as a Taxpayer Identification Number or a Social Security Number, is:
- 12.1. Destroying the foundation of what it means to be a “government”, which is equal protection to all.
- 12.2. Creating an unconstitutional Title of Nobility in violation of Article 1, Section 10 and Article 1, Section 9, Clause 8 of the Constitution.
- 12.3. Operating as a private business entity or de facto government rather than a de jure government.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

13. Admit that the two main components of all de jure “governments” is a “body corporate” and a “body politic” which are separate and distinct from each other.

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

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

14. Admit that the “body politic” is also called the “State”:

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

[...]

The people of a state, in their collective capacity, considered as the party wronged by a criminal deed; the public; as in the title of a cause, “The State vs. A.B.”

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

15. Admit that when you take away the “body politic” portion of a de jure “government”, the only thing you have left is a corporation:

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

16. Admit that the “body corporate” consists of all the property of the government and all of its officers and “employees” and excludes any member of the “body politic”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

17. Admit that only members of the “body politic” may serve as jurists and voters.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

18. Admit that if you aren’t allowed to serve as a jurist or a voter without working for the “body corporate” as an “employee” or “public officer”, then there is no “body politic” and what originally started as a de jure government devolves into nothing but a “body corporate” and a de facto but not de jure government:

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

19. Admit that it is unlawful to bribe a jurist or a voter because it creates a conflict of interest.

“And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.”
[Exodus 23:8, Bible, NKJV]

“He who is greedy for gain troubles his own house,
But he who hates bribes will live.”
[Prov. 15:27, Bible, NKJV]

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

20. Admit that government "benefits" qualify as "bribes" if paid to jurists or voters.

"The king establishes the land by justice, But he who receives bribes [socialist handouts, government "benefits", or PLUNDER stolen from nontaxpayers] overthrows it."
[Prov. 29:4, Bible, NKJV]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

21. Admit that government "benefits" paid to a jurist or a voter could create a conflict of interest and that if the thing voted on or tried in court relates to those benefits, then there is a criminal conflict of interest:

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

(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, **participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—**

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

22. Admit that more than 50% of Americans either receive, or are eligible to receive, government "benefits", and therefore have a conflict of interest in electing any politician who promises to either perpetuate or expand their "benefits".

[The Coming Crisis: How Government Dependency Threatens America's Freedom](#), Jim Demint, Heritage Foundation
<http://famguardian.org/Subjects/Freedom/ThreatsToLiberty/ComingCrisis-01508.pdf>

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

23. Admit that criminals cannot serve as jurists or voters and must be impeached. Hence, perfect financial separation between the "body politic" and "body corporate" is the only way to ensure the lawful outcome of a vote or legal proceeding involving a jury.

"Democracy never lasts long. It soon wastes, exhausts and murders itself. There was never a democracy that did not commit suicide. "
[John Adams, Letter, April 15, 1814]

"A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves money from the Public Treasury. From that moment on, the majority always votes for

1 *the candidate promising the most benefits from the Public Treasury with the result that a democracy always*
2 *collapses over loose fiscal policy always followed by dictatorship."*
3 *[Alexander Fraser Tytler]*
4

5 YOUR ANSWER: ____Admit ____Deny
6

7 CLARIFICATION: _____
8

- 9 24. Admit that real, de jure governments cannot lawfully use their taxing power to redistribute wealth from one private party to another private party.

10 *"To lay with one hand the power of government on the property of the citizen, and with the other to bestow it on*
11 *favored individuals.. is none the less robbery because it is done under the forms of law and is called taxation.*
12 *This is not legislation. It is a decree under legislative forms."*
13 *[Loan Association v. Topeka, 20 Wall. 655 (1874):]*
14

15 *"A tax, in the general understanding of the term and as used in the constitution, signifies an exaction for the*
16 *support of the government. The word has never thought to connote the expropriation of money from one group*
17 *for the benefit of another."*
18 *[U.S. v. Butler, 297 U.S. 1 (1936)]*
19

20 YOUR ANSWER: ____Admit ____Deny
21

22 CLARIFICATION: _____
23

- 24 25. Admit that the only way to avoid the constraints in the previous question and still pay public monies to the average American is to make the average American into a government public officer or "employee", and therefore an instrumentality, and to thereby destroy the separation between the "body politic" and the "body corporate".

25 YOUR ANSWER: ____Admit ____Deny
26

27 CLARIFICATION: _____
28

- 29 26. Admit that all just authority of any government derives from the "consent of the governed", as the Declaration of Independence indicates.

30 *"That to secure these rights, governments are instituted among men, deriving their just powers from the*
31 *consent of the governed."*
32 *[Declaration of Independence]*
33

34 YOUR ANSWER: ____Admit ____Deny
35

36 CLARIFICATION: _____
37

- 38 27. Admit that any civil court proceeding in which consent of the defendant or respondent is not involved in some form is therefore inherently unjust.

39 YOUR ANSWER: ____Admit ____Deny
40

41 CLARIFICATION: _____
42

- 43 28. Admit that choosing a domicile within the territory of a specific government is the only method available for both politically associating with a specific "body politic" and "consenting to be governed" under the civil laws of the "body corporate" that serves that "body politic".

44 YOUR ANSWER: ____Admit ____Deny
45

46 CLARIFICATION: _____
47

1 29. Admit that the legal definition of “money” excludes “notes”:

2 **Money:** *In usual and ordinary acceptance it means coins and paper currency used as circulating medium of*
3 *exchange, and* **does not embrace notes**, *bonds, evidences of debt, or other personal or real*
4 *estate. Lane v. Railey, 280 Ky. 319, 133 S.W.2d. 74, 79, 81.*
5 *[Black’s Law Dictionary, Sixth Edition, p. 1005]*

6
7 YOUR ANSWER: ____Admit ____Deny

8
9 CLARIFICATION:_____

10 30. Admit that the word “note” and “obligation” are synonymous.

11
12 YOUR ANSWER: ____Admit ____Deny

13
14 CLARIFICATION:_____

15 31. Admit that Federal Reserve Notes are obligations of the U.S. government and are the same “notes” described in the
16 legal definition of money in Black’s Law Dictionary Sixth Edition, p. 1005.

17 [TITLE 12 > CHAPTER 3 > SUBCHAPTER XII > Sec. 411.](#)
18 [Sec. 411. - Issuance to reserve banks; nature of obligation; redemption](#)

19 *Federal reserve notes, to be issued at the discretion of the Board of Governors of the Federal Reserve System*
20 *for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter*
21 *set forth and for no other purpose, are authorized. **The said notes shall be***
22 **obligations of the United States** *and shall be receivable by all national and member*
23 *banks and Federal reserve banks and for all taxes, customs, and other public dues. **They shall be***
24 **redeemed in lawful money on demand at the Treasury**
25 **Department of the United States, in the city of Washington,**
26 **District of Columbia, or at any Federal Reserve bank**

27
28 YOUR ANSWER: ____Admit ____Deny

29
30 CLARIFICATION:_____

31 32. Admit that the term “trade or business” is defined in 26 U.S.C. §7701(a)(26).

32 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)
33 [§ 7701. Definitions](#)

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

36 *(26) “The term ‘trade or business’ includes the performance of **the functions** [activities] of a [public office](#).”*

37
38 YOUR ANSWER: ____Admit ____Deny

39
40 CLARIFICATION:_____

41 33. Admit that the above is a “definition” of a “term” or “word of art” and not a “word” in the ordinary sense, and that the
42 purpose for defining a “term” is to describe all essential things or classes of things that are implied and to deliberately
43 exclude those things which are not included:

44 **definition.** *A description of a thing by its properties; an explanation of the meaning of a word or term. **The***
45 **process of stating the exact meaning of a word by means of other words. Such a description of the thing**

defined, including all essential elements and excluding all nonessential, as to distinguish it from all other things and classes.”

[Black’s Law Dictionary, Sixth Edition, p. 423]

“**TERM**” - A word or phrase; an expression; particularly one which possesses a fixed or known meaning in some science, art, or profession.

[Black’s Law Dictionary, Fourth Edition, p. 1639]

“**WORDS OF ART**” - The vocabulary or terminology of a particular art or science, and especially those expressions which are idiomatic or peculiar to it. See *Cargill v. Thompson*, 57, Minn. 534, 59 N.W. 638.

[Black’s Law Dictionary, Fourth Edition, p. 1779]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

34. Admit that there are no other definitions or references in Internal Revenue Code, Subtitle A relating to a “trade or business” which would change or expand the definition of “trade or business” above to include things other than a “public office”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

35. Admit that the purpose of providing a statutory definition is to supersede, not enlarge, the common or ordinary dictionary definition of a word.

“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning.” *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term ‘means’ . . . excludes any meaning that is not stated’”); *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”

[*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

36. Admit that a “trade or business” is an “activity”.

“Trade or Business in the United States

*Generally, you must be engaged in a trade or business during the tax year to be able to treat income received in that year as effectively connected with that trade or business. **Whether you are engaged in a trade or business in the United States depends on the nature of your activities.** The discussions that follow will help you determine whether you are engaged in a trade or business in the United States.”*

[*IRS Publication 519, Year 2000, p. 15*, emphasis added]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

37. Admit that all excise taxes are taxes on privileged or licensed “activities”.

“**Excise tax.** A tax imposed on the performance of an act, the engaging in an occupation, or the enjoyment of a privilege. *Rapa v. Haines*, Ohio Comm.Pl., 101 N.E.2d. 733, 735. A tax on the manufacture, sale, or use of goods or on the carrying on of an occupation or activity or tax on the transfer of property. “

[Black’s Law Dictionary, Sixth Edition, p. 563]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

38. Admit that holding “public office” in the United States government is a privileged “activity”.

[26 U.S.C. §7701\(a\)\(26\)](#)

*“The term ‘trade or business’ includes the performance of **the functions** [activities] of a [public office](#).”*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

39. Admit that a subset of those holding “public office” are described as “employees” within 26 U.S.C. §3401(c) and [26 CFR §31.3401\(c \)-1](#).

[26 U.S.C. §3401\(c \) Employee](#)

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

[26 CFR §31.3401\(c \)-1 Employee:](#)

“...the term [employee] includes officers and employees, whether elected or appointed, of the United States, a [federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term ‘employee’ also includes an officer of a corporation.”

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

40. Admit that the “employee” defined above is the SAME “employee” described in IRS Form W-4.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

41. Admit that the IRS Form W-4 may not lawfully be used to initiate withholding against a person who was not ALREADY engaged in a “public office” BEFORE they signed the form. In other words, admit that the W-4 form does not CREATE a “public office” but simply authorizes taxation of an EXISTING public office within the U.S. government.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

42. Admit that the use or abuse of IRS Form W-4 to CREATE public offices in the U.S. government would constitute a criminal violation of 18 U.S.C. §912 and a civil violation of 4 U.S.C. §72.

[TITLE 18 > PART 1 > CHAPTER 43 > § 912](#)
[§ 912. Officer or employee of the United States](#)

*Whoever **falsely assumes or pretends to be an officer or employee acting under the authority of the United States** or any department, agency or officer thereof, and acts as such, or in such pretended character demands*

or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

43. Admit that IRS Forms W-2, 1042-S, 1098, and 1099 cannot lawfully be used to CREATE public offices, but merely document the exercise of those already lawfully occupying said office pursuant to Article VI of the United States Constitution.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

44. Admit that if IRS Forms W-2, 1042-S, 1098, and 1099 are used to “elect” an otherwise private person involuntarily into public office that he or she does not consent to occupy and cannot lawfully occupy, the filer of the information return is criminally liable for:

44.1. Filing false returns and statements pursuant to 26 U.S.C. §§7206, 7207.

44.2. Impersonating a public officer pursuant to 18 U.S.C. §912.

44.3. Involuntary servitude in violation of 18 U.S.C. §§1581, 1593 and the Thirteenth Amendment.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

45. Admit that one cannot lawfully be an “employee” as defined in 26 U.S.C. §3401(c) and [26 CFR §31.3401\(c\)-1](#) above or within the meaning of 5 U.S.C. §2105 without also being engaged in a “trade or business” activity.

[TITLE 5 > PART III > Subpart A > CHAPTER 21 > § 2105](#)
[§ 2105. Employee](#)

(a) For the purpose of this title, “employee”, except as otherwise provided by this section or when specifically modified, means an officer and an individual who is—

(1) appointed in the civil service by one of the following acting in an official capacity—

(A) the President;

(B) a Member or Members of Congress, or the Congress;

(C) a member of a uniformed service;

(D) an individual who is an employee under this section;

(E) the head of a Government controlled corporation; or

(F) an adjutant general designated by the Secretary concerned under section 709 (c) of title 32;

(2) engaged in the performance of a Federal function under authority of law or an Executive act; and

(3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the performance of the duties of his position.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

46. Admit that there is no definition of “employee” within Subtitle C of the Internal Revenue Code or the Treasury Regulations which would expand upon the meaning of “employee” in 26 U.S.C. §3401(c) to include private workers or those who work for “private employers”.

Internal Revenue Manual [5.14.10.2 \(09-30-2004\)](#)
Payroll Deduction Agreements

2. **Private employers, states, and political subdivisions are not required to enter into payroll deduction [withholding] agreements.** Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.
[\[http://www.irs.gov/irm/part5/ch13s10.html\]](http://www.irs.gov/irm/part5/ch13s10.html)

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

47. Admit that the rules of statutory construction prohibit expanding definitions or “terms” used within the I.R.C. to include anything or class of things not specifically spelled out and that doing so constitutes a prejudicial presumption that is a violation of due process of law.

“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term.” Colautti v. Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress’ use of the term “propaganda” in this statute, as indeed in other legislation, has no pejorative connotation. **As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it.”**
[Meese v. Keene, 481 U.S. 465, 484 (1987)]

“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning.” Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated(“); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). **That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition.** That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”
[Stenberg v. Carhart, 530 U.S. 914 (2000)]

“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”
[Black’s Law Dictionary, Sixth Edition, p. 581]

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

48. Admit that all “employers” described in Subtitle C of the Internal Revenue Code are “public employers” and not “private employers” and that those who submit SS-4 forms are presumed to be “public employers”, but in fact are NOT “public employers”.

See the article:

“Public” v. “Private” Employment: You Really Work for Uncle Sam if you Receive Federal Benefits
<http://famguardian.org/Subjects/Taxes/Articles/PublicVPrivateEmployment.htm>

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

49. Admit that those who sign W-4 forms with their formerly private employers are treated as the equivalent of “Kelly Girls” or Temps on loan for “Uncle Sam”, who then becomes their “parens patriae”, or government parent, and that the W-4 donates their earnings to a public use, a public purpose, and a public office to procure the benefits of the socialism franchise.

*PARENS PATRIAE. Father of his country; parent of the country. In England, the king. In the United States, the state, as a sovereign-referring to the sovereign power of guardianship over persons under disability; In re Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.
[Black’s Law Dictionary, Sixth Edition, p. 1269*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

50. Admit that wards of the government and those under “legal disability” take on the domicile of their parens patriae caretaker, which means they become statutory “U.S. citizens” under federal law.

*PARTICULAR PERSONS
Infants
§20 In General*

*An infant, being non sui juris, cannot fix or change his domicile unless emancipated. A legitimate child’s domicile usually follows that of the father. In case of separation or divorce of parents, the child has the domicile of the [CORPORATE] parent who has been awarded custody of the child [INCOMPETENT OR WARD].
[28 Corpus Juris Secundum (C.J.S.), Domicile, §20;
SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>*

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

51. Admit that all revenues collected under the authority of Internal Revenue Code, Subtitle A in connection with a “trade or business” are upon the entity engaged in the “activity”, who are identified in [26 U.S.C. §7701](#)(a)(26) as those holding “public office”.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

52. Admit that all statutory “taxpayers” pursuant to 26 U.S.C. §7701(a)(14) are in fact public officers in the U.S. government.

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)
[§ 552a. Records maintained on individuals](#)

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

(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits) [AND Social Security].

See the article:

3 YOUR ANSWER: ____Admit ____Deny

4
5 CLARIFICATION:_____

- 6 53. Admit that a person engaged in a "trade or business" holds a "public office" in the United States and qualifies as a
7 federal "employee".

8 [26 U.S.C. §7701](#): Definitions

9 "(a)(26) The term 'trade or business' includes the performance of the functions of a [public office](#)."

10
11 YOUR ANSWER: ____Admit ____Deny

12
13 CLARIFICATION:_____

- 14 54. Admit that it is a violation of due process during any judicial proceeding to "presume" that a person is a federal
15 "employee" without proof appearing on the record of same, in cases where such presumption is challenged by either
16 party.

17
18 YOUR ANSWER: ____Admit ____Deny

19
20 CLARIFICATION:_____

- 21 55. Admit that pursuant to [4 U.S.C. §72](#), all public offices must be exercised ONLY in the District of Columbia and not
22 elsewhere, except as expressly provided by law.

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

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

27 [http://www4.law.cornell.edu/uscode/html/uscode04/usc_sec_04_00000072----000-.html]

28
29 YOUR ANSWER: ____Admit ____Deny

30
31 CLARIFICATION:_____

- 32 56. Admit that there is no statute within the Internal Revenue Code "expressly authorizing" any NEW public offices within
33 any constitutional and not statutory state of the Union.

34
35 YOUR ANSWER: ____Admit ____Deny

36
37 CLARIFICATION:_____

- 38 57. Admit that anyone who completes a tax return and who was not expressly appointed or elected into public office is a de
39 facto officer within the U.S. government

40
41 YOUR ANSWER: ____Admit ____Deny

42
43 CLARIFICATION:_____

- 44 58. Admit that any government constituted with de facto officers is, by definition, de facto government.

45 **de facto**: In fact, in deed, actually. **This phrase is used to characterize an officer, a government, a past action**
46 **or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate. Thus, an**

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

59. Admit that taxes paid by those not lawfully serving in a public office in the U.S. government effectively constitute a illegal bribe to procure a public office in the government, which office is called “employee”, “taxpayer”, or “person”.

TITLE 18 > PART I > CHAPTER 11 > § 210
§ 210. Offer to procure appointive public office

Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined under this title or imprisoned not more than one year, or both.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

60. Admit that a “public officer” is legally defined as someone in charge of the property of the public

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

61. Admit that public property may not be used by private people without the consent of the government owner, and that any unauthorized use constitutes theft or embezzlement.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

62. Admit that Social Security Numbers and the cards they are printed on are property of the U.S. government and NOT the holder or user.

Title 20: Employees' Benefits
PART 422—ORGANIZATION AND PROCEDURES
Subpart B—General Procedures

1 [§ 422.103 Social security numbers.](#)

2 (d) Social security number cards.

3 A person who is assigned a social security number will receive a social security number card from SSA within a
4 reasonable time after the number has been assigned. (See §422.104 regarding the assignment of social security
5 number cards to aliens.) **Social security number cards are the property of SSA and must be returned upon**
6 **request.**

7
8 YOUR ANSWER: ____Admit ____Deny

9
10 CLARIFICATION: _____

- 11 63. Admit that one must be a public officer BEFORE they are issued or apply for a Social Security Number and that there
12 is NO STATUTE expressly authoring the process of applying for or receiving them as a means to CREATE new public
13 offices in the U.S. government.

14
15 YOUR ANSWER: ____Admit ____Deny

16
17 CLARIFICATION: _____

- 18 64. Admit that U.S. Tax Court is not in the Judicial Branch of the government, but in the Executive Branch and that it
19 would have to be established under Article III of the Constitution in order to BE in the Judicial Branch.

20 [TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter C > PART I > § 7441](#)
21 [§ 7441. Status](#)

22 There is hereby established, under **article I of the Constitution of the United States**, a court of record to be
23 known as the United States Tax Court. The members of the Tax Court shall be the chief judge and the judges of
24 the Tax Court.

25
26 YOUR ANSWER: ____Admit ____Deny

27
28 CLARIFICATION: _____

- 29 65. Admit that the U.S. Tax Court may only rule on taxation issues relating to persons domiciled on federal territory that is
30 no part of a state of the Union and no part of the “States” mentioned in the Constitution.

31 “As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during
32 good behavior, it necessarily follows that, **if Congress authorizes the creation of courts and the appointment**
33 **of judges for limited time, it must act independently of the Constitution upon territory which is not part of**
34 **the United States within the meaning of the Constitution.**”
35 [O’Donoghue v. United States, [289 U.S. 516](#), 53 S.Ct. 740 (1933)]

36
37 YOUR ANSWER: ____Admit ____Deny

38
39 CLARIFICATION: _____

- 40 66. Admit that U.S. Tax Court is a “franchise court”.

41 “franchise court. Hist. A privately held court that (usu.) exists by virtue of a royal grant [privilege], with
42 jurisdiction over a variety of matters, depending on the grant and whatever powers the court acquires over
43 time. In 1274, Edward I abolished many of these feudal courts by forcing the nobility to demonstrate by what
44 authority (quo warrant) they held court. If a lord could not produce a charter reflecting the franchise, the
45 court was abolished. - Also termed courts of the franchise.

46 Dispensing justice was profitable. Much revenue could come from the fees and dues, fines and amercements.
47 This explains the growth of the second class of feudal courts, the Franchise Courts. They too were private
48 courts held by feudal lords. Sometimes their claim to jurisdiction was based on old pre-Conquest grants ... But
49 many of them were, in reality, only wrongful usurpations of private jurisdiction by powerful lords. These were

put down after the famous *Quo Warranto* enquiry in the reign of Edward I." W.J.V. Windeyer, *Lectures on Legal History* 56-57 (2d ed. 1949)."
[Black's Law Dictionary, Seventh Edition, p. 668]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

67. Admit that Tax Court Rule 13 only authorizes the U.S. Tax Court to hear cases involving franchisees called "taxpayers", which are defined in 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313 as persons subject to the Internal Revenue Code.

United States Tax Court
RULE 13. JURISDICTION

(a) Notice of Deficiency or of Transferee or Fiduciary Liability Required: Except in actions for declaratory judgment, for disclosure, for readjustment or adjustment of partnership items, for administrative costs, or for review of failure to abate interest (see Titles XXI, XXII, XXIV, XXVI, and XXVII), the jurisdiction of the Court depends (1) in a case commenced in the Court by a taxpayer, upon the issuance by the Commissioner of a notice of deficiency in income, gift, or estate tax or, in the taxes under Code chapter 41, 42, 43, or 44 (relating to the excise taxes on certain organizations and persons dealing with them), or in the tax under Code chapter 45 (relating to the windfall profit tax), or in any other taxes which are the subject of the issuance of a notice of deficiency by the Commissioner; and (2) in a case commenced in the Court by a transferee or fiduciary, upon the issuance by the Commissioner of a notice of liability to the transferee or fiduciary. See Code secs. 6212, 6213, and 6901.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

68. Admit that "nontaxpayers", which we define here as persons other than "taxpayers", exist.

"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws..."

"The distinction between persons and things within the scope of the revenue laws and those without is vital."
[Long v. Rasmussen, 281 F. 236, 238 (1922)]
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Evidence/Q03.038.pdf>

See also: 26 U.S.C. §7426, which mentions "persons other than taxpayers", as well as *South Carolina v. Regan*, 465 U.S. 367 (1984), which mentions "nontaxpayers".

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

69. Admit that Congress cannot lawfully compel a person not engaged in a franchise such as a "trade or business" into a legislative franchise court without engaging in involuntary servitude in violation of the Thirteenth Amendment to the United States Constitution.

"The distinction between public rights and private rights has not been definitively explained in our precedents.⁵³ Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a minimum arise "between the government and others." *Ex parte Bakelite Corp.*, *supra*, at 451.

⁵³ *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).

49 S.Ct., at 413.⁵⁴ In contrast, “the liability of one individual to another under the law as defined,” *Crowell v. Benson*, *supra*, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art. III courts and delegated to legislative courts or administrative agencies for their determination. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n*, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d. 464 (1977); *Crowell v. Benson*, *supra*, 285 U.S., at 50-51, 52 S.Ct., at 292. See also *Katz, Federal Legislative Courts*, 43 Harv.L.Rev. 894, 917-918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power.”

[. . .]

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

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

70. Admit that a person who knows he is a “nontaxpayer” and who never expressly consented to the franchise agreement codified in Internal Revenue Code, Subtitle A would be committing perjury under penalty of perjury and impersonating a public officer in violation of 18 U.S.C. §912 if he filed a petition with the U.S. Tax Court, because he would be implying that he is a “taxpayer” pursuant to Tax Court Rule 13.

YOUR ANSWER: ____ Admit ____ Deny

CLARIFICATION: _____

71. Admit that no federal court has jurisdiction to determine whether a person is a “taxpayer” or “nontaxpayer”, and that this limitation arises under the Declaratory Judgments Act, 28 U.S.C. §2201.

United States Code
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART VI - PARTICULAR PROCEEDINGS
CHAPTER 151 - DECLARATORY JUDGMENTS
Sec. 2201. Creation of remedy

(a) In a case of actual controversy within its jurisdiction, except with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of

⁵⁴ Congress cannot “withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.” *Murray's Lessee v. Hoboken Land & Improvement Co.*, 18 How. 272, 284 (1856) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing “private rights” from “public rights.” And it is also clear that even with respect to matters that arguably fall within the scope of the “public rights” doctrine, the presumption is in favor of Art. III courts. See *Glidden Co. v. Zdanok*, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 (opinion of Harlan, J.). See also Currie, The Federal Courts and the American Law Institute, Part 1, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n*, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.

1 1930), as determined by the administering authority, any court of the United States, upon the filing of an
2 appropriate pleading, may declare the rights and other legal relations of any interested party seeking such
3 declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and
4 effect of a final judgment or decree and shall be reviewable as such.

5 (b) For limitations on actions brought with respect to drug patents see section 505 or 512 of the Federal Food,
6 Drug, and Cosmetic Act.
7

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

16 [Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]

17 YOUR ANSWER: ____ Admit ____ Deny

18
19 CLARIFICATION: _____

- 20 72. Admit that the only thing a person who is a "nontaxpayer" can lawfully do in U.S. Tax Court is demand a dismissal of
21 the collection action for lack of jurisdiction under Tax Court Rule 13, because he is not a "taxpayer" and would be
22 committing perjury by misrepresenting his status to even petition the Tax Court or pay the filing fee.

23
24 YOUR ANSWER: ____ Admit ____ Deny

25
26 CLARIFICATION: _____

- 27 73. Admit that it constitutes involuntary servitude, peonage, and slavery in violation of the Thirteenth Amendment and [42](#)
28 [U.S.C. §1994](#) to enforce any provision of the "trade or business" franchise agreement codified in Internal Revenue
29 Code, Subtitles A and C against anyone who is not party to it, such as a "nontaxpayer".

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 sections
33 denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. **This**
34 **legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the**
35 **states and wherever the sovereignty of the United States extends.** We entertain no doubt of the validity of this
36 legislation, or of its applicability to the case of any person holding another in a state of peonage, and this
37 whether there be municipal ordinance or state law sanctioning such holding. **It operates directly on every**
38 **citizen of the Republic, wherever his residence may be."**

39 [Clyatt v. U.S., 197 U.S. 207 (1905)]

40 "That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude,
41 except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of
42 bondage; the ownership of mankind as a chattel, **or at least the control of the labor and services of one man**
43 **for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and**
44 **services [in their entirety].** This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been
45 intended primarily to abolish slavery, as it had been previously known in this country, and that it equally
46 forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude
47 and that the use of the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of
48 whatever class or name."

49 [Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

50
51 YOUR ANSWER: ____ Admit ____ Deny

52
53 CLARIFICATION: _____

- 54 74. Admit that it is unlawful for Congress to create a franchise or the public offices that implement it within a
55 Constitutional state of the Union, even with the consent of the participants.

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

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

17
18 YOUR ANSWER: ____Admit ____Deny

19
20 CLARIFICATION:_____

21 75. Admit that the term “United States” is defined in the current Social Security Act in section 1101(a)(2) as follows:

22 [SEC. 1101. \[42 U.S.C. 1301\] \(a\) When used in this Act—](#)

23 “(2) The term “United States” when used in a geographical sense means, except where otherwise provided, the
24 States.”

25 [Social Security Act as of 2005, Section 1101]

26 YOUR ANSWER: ____Admit ____Deny

27
28 CLARIFICATION:_____

29 76. Admit that the term “State” is defined in the current Social Security Act in section 1101(a)(1) as follows:

30 Social Security Act
31 [SEC. 1101. \[42 U.S.C. 1301\] \(a\) When used in this Act—](#)

32 (1) The term ‘State’, except where otherwise provided, includes the District of Columbia and the
33 Commonwealth of Puerto Rico, and when used in titles IV, V, VII, XI, XIX, and XXI includes the Virgin Islands
34 and Guam. Such term when used in titles III, IX, and XII also includes the Virgin Islands. Such term when used
35 in title V and in part B of this title also includes American Samoa, the Northern Mariana Islands, and the Trust
36 Territory of the Pacific Islands. Such term when used in titles XIX and XXI also includes the Northern Mariana
37 Islands and American Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, titles I, X, and XIV, and
38 title XVI (as in effect without regard to the amendment made by section 301 of the Social Security Amendments
39 of 1972[3]) shall continue to apply, and the term ‘State’ when used in such titles (but not in title XVI as in effect
40 pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam.
41 Such term when used in title XX also includes the Virgin Islands, Guam, American Samoa, and the Northern
42 Mariana Islands. Such term when used in title IV also includes American Samoa.”
43 [Social Security Act as of 2005, Section 1101]

44 YOUR ANSWER: ____Admit ____Deny

45
46 CLARIFICATION:_____

47 77. Admit that the definition of “State” within the Social Security Act has never included any Constitutional state of the
48 Union and to this day, can and does include ONLY federal territories and possessions, and therefore cannot apply to
49 states of the Union.

50
51 YOUR ANSWER: ____Admit ____Deny

52
53 CLARIFICATION:_____

78. Admit that it is a violation of the separation of powers doctrine to offer or enforce any federal franchise, including Social Security, or the federal income tax found in Internal Revenue Code, Subtitles A and C, within the borders of a Constitutional state of the Union and not within any statutory "State" found in the I.R.C.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

79. Admit that pursuant to 26 U.S.C. §7601, the I.R.C. may only be enforced within "internal revenue districts".

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 78](#) > [Subchapter A](#) > § 7601
[§ 7601. Canvass of districts for taxable persons and objects](#)

(a) General rule

The Secretary shall, to the extent he deems it practicable, cause officers or employees of the Treasury Department to proceed, from time to time, through each internal revenue district and inquire after and concerning all persons therein who may be liable to pay any internal revenue tax, and all persons owning or having the care and management of any objects with respect to which any tax is imposed.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

80. Admit that there are no "internal revenue districts" within any Constitutional state of the Union and even if there were, those districts could only encompass federal territory that is no part of any Constitutional state of the Union.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_____

81. Admit that the essence of "communism" is an absolute failure or refusal to recognize any lawful limits upon one's authority.

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

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

1 movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their
2 revolutionary services. Therefore, the Communist Party should be outlawed

3
4 YOUR ANSWER: ____ Admit ____ Deny

5
6 CLARIFICATION: _____

- 7 82. Admit that the purpose of law is to define and limit government power and that in that capacity, it acts as a delegation
8 of authority order from We the People to their servants in government.

9 "When we consider the nature and the theory of our institutions of government, the principles on which they
10 are supposed to rest, and review the history of their development, we are constrained to conclude that they do
11 not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is,
12 of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers
13 are delegated to the agencies of government, sovereignty itself remains with the
14 people, by whom and for whom all government exists and
15 acts. And the law is the definition and limitation of power. It is,
16 indeed, quite true that there must always be lodged somewhere, and in some person or body, the authority of
17 final decision; and in many cases of mere administration, the responsibility is purely political, no appeal lying
18 except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion, or by means
19 of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual
20 possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious
21 progress of the race in securing to men the blessings of civilization under the reign of just and equal laws, so
22 that, in the famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a
23 government of laws and not of men.' For the very idea that one man may be compelled to hold his life, or the
24 means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to
25 be intolerable in any country where freedom prevails, as being the essence of slavery itself."
26 [Yick Wo v. Hopkins, [118 U.S. 356](#) (1886)]

27 YOUR ANSWER: ____ Admit ____ Deny

28
29 CLARIFICATION: _____

- 30 83. Admit that any court officer or government employee who asserts the authority to add anything they want to a statutory
31 definition is refusing to recognize the limitations imposed by both the law and the rules of statutory construction upon
32 their authority and actions and therefore is a COMMUNIST and may also be a CRIMINAL conspiring against the
33 constitutional rights adversely affected by such actions and choices.

34 "When a statute includes an explicit definition, we must follow that definition, even if it varies from that
35 term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory
36 definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n.
37 10 ("As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not
38 stated'"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J.,
39 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory
40 Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a
41 whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition
42 does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial
43 portion," indicate the contrary."
44 [Stenberg v. Carhart, [530 U.S. 914](#) (2000)]

45 "Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one
46 thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,
47 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons
48 or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be
49 inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects
50 of a certain provision, other exceptions or effects are excluded."
51 [Black's Law Dictionary, Sixth Edition, p. 581]

52
53 YOUR ANSWER: ____ Admit ____ Deny

54
55 CLARIFICATION: _____

1 84. Admit that Title 26 of the U.S. Code is not “positive law”

2 “**Positive law.** Law actually and specifically enacted or adopted [consented to] by proper authority for the
3 government of an organized jural society. See also Legislation.”
4 [Black’s Law Dictionary, Sixth Edition, p. 1162]

5
6 YOUR ANSWER: ____Admit ____Deny

7
8 CLARIFICATION:_____

9 85. Admit that Title 26 of the U.S. Code is is “prima facie evidence”, meaning that it is a “presumption”.

10 “**Prima facie.** Lat. At first sight; on the first appearance; on the face of it; so far as can be judged from the
11 first disclosure; presumably; a fact presumed to be true unless disproved by some evidence to the contrary.
12 State ex rel. Herbert v. Whims, 68 Ohio App. 39, 28 N.E.2d. 596, 599, 22 O.O. 110. See also Presumption”
13 [Black’s Law Dictionary, Sixth Edition, p. 1189]

14
15 YOUR ANSWER: ____Admit ____Deny

16
17 CLARIFICATION:_____

18 86. Admit that all presumptions that adversely affect constitutional rights are a violation of due process of law.

19 “The power to create [false] presumptions is not a means of escape from constitutional restrictions,”
20 [New York Times v. Sullivan, 376 U.S. 254 (1964)]

21 This court has never treated a presumption as any form of evidence. See, e.g., A.C. Aukerman Co. v. R.L.
22 Chaides Constr. Co., 960 F.2d. 1020, 1037 (Fed.Cir.1992) (“[A] presumption is not evidence.”); see also Del
23 Vecchio v. Bowers, 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 (1935) (“[A presumption] cannot

24 acquire the attribute of evidence in the claimant's favor.”); New York Life Ins. Co. v. Gamer, 303 U.S. 161,
25 171, 58 S.Ct. 500, 503, 82 L.Ed. 726 (1938) (“[A] presumption is not evidence and may not be given weight as

26 evidence.”). Although a decision of this court, Jensen v. Brown, 19 F.3d. 1413, 1415 (Fed.Cir.1994), dealing

27 with presumptions in Va. law is cited for the contrary proposition, the Jensen court did not so decide.

28 [Ruten v. West, 142 F.3d. 1434 C.A.Fed.,1998]

29 “**Conclusive presumptions affecting protected interests:** A conclusive presumption may be defeated where its
30 application would impair a party's constitutionally-protected liberty or property interests. In such cases,
31 conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis
32 v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct 2230, 2235; Cleveland Bed. of Ed. v. LaFleur (1974) 414 U.S. 632,
33 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates
34 process]”
35 [Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34]

36 “But where the conduct or fact, the existence of which is made the basis of the statutory presumption, itself falls
37 within the scope of a provision of the Federal Constitution, a further question arises. It is apparent that a
38 constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any
39 more than it can be violated by direct enactment. The power to create presumptions is not a means of escape
40 from constitutional restrictions. And the state may not in this way interfere with matters withdrawn from its
41 authority by the Federal Constitution, or subject an accused to conviction for conduct which it is powerless to
42 proscribe.”
43 [Bailey v. State of Alabama, 219 U.S. 219 (1911)]

44
45 YOUR ANSWER: ____Admit ____Deny

46
47 CLARIFICATION:_____

48 87. Admit that statutes which are “prima facie” only acquire the “force of law”, become legal evidence of “consent”, and
49 are enforceable against only those who expressly consent to them, not unlike a contract acquires the “force of law”
50 only after it is SIGNED by all parties to it. Hence, that which is “prima facie law” is really the equivalent of a
51 “PROPOSED CONTRACT” or franchise that hasn’t yet been signed.

52
53 YOUR ANSWER: ____Admit ____Deny

54

CLARIFICATION: _____

88. Admit that one important game that judges and government prosecutors use to unlawfully expand their power and persecute and enslave the innocent and the ignorant is to:
- 88.1. Use presumption as a substitute for real evidence. For instance, using “prima facie” code that is NOT evidence as a substitute for REAL evidence.
- 88.2. Hide or conceal the presumptions they are making, interfere with removing them from the consideration of the court or jury, and persecute those who try to have them removed from consideration.
- 88.3. To use prima facie evidence and false presumptions to create the equivalent of a state-sponsored religion. In this religion, presumption acts that is either not substantiated with real evidence or is not REQUIRED to be substantiated with real evidence acts as the religious equivalent of “faith”, and the judge acts as the religious equivalent of a “priest” of a state sponsored religion.
- 88.4. Evade the requirement to prove written consent to the civil franchise statute being enforced, and thereby enforce it against those who are not subject in order to enlarge the “benefits” they receive and their own jurisdiction and importance.

Consensus facit legem.

Consent makes the law. A contract [or a civil franchise such as the Internal Revenue Code] is a law between the parties, which can acquire force only by [DEMONSTRATED] consent.

[Bouvier's Maxims of Law, 1856;

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

89. Admit that the Declaration of Independence, which is organic law, makes rights protected by the Constitution “unalienable”, which means that they cannot lawfully be sold, bargained away, or transferred through any commercial process, including a civil franchise.

“That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”

[Declaration of Independence]

“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred.”

[Black's Law Dictionary, Fourth Edition, p. 1693]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____

90. Admit that consistent with the organic law, the only place where rights can be “alienated”, sold, or bargained away is where they DON'T exist, which is in places not protected by the Constitution within federal territory and among people domiciled on federal territory and NOT within any constitutional state of the Union.

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

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

1 YOUR ANSWER: ____Admit ____Deny

2
3 CLARIFICATION:_____

- 4 91. Admit that governments are created SOLELY to protect PRIVATE rights, and that the first step in protecting such
5 rights is to prevent them from being converted to a public right, public office, or public property without the consent of
6 the owner.

7
8 YOUR ANSWER: ____Admit ____Deny

9
10 CLARIFICATION:_____

- 11 92. Admit that governments which can't or won't even protect you from ITSELF or ITS OWN acts of unlawful conversion
12 of private property to public property doesn't deserve to be hired to protect you from the wrongs of yet OTHERS who
13 are not part of the government.

14
15 YOUR ANSWER: ____Admit ____Deny

16
17 CLARIFICATION:_____

18
19 **Affirmation:**

20 I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing
21 questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these
22 answers are completely consistent with each other and with my understanding of both the Constitution of the United States,
23 Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not
24 necessarily lower federal courts.

25 Name (print):_____

26 Signature:_____

27 Date:_____

28 Witness name (print):_____

29 Witness Signature:_____

30 Witness Date:_____