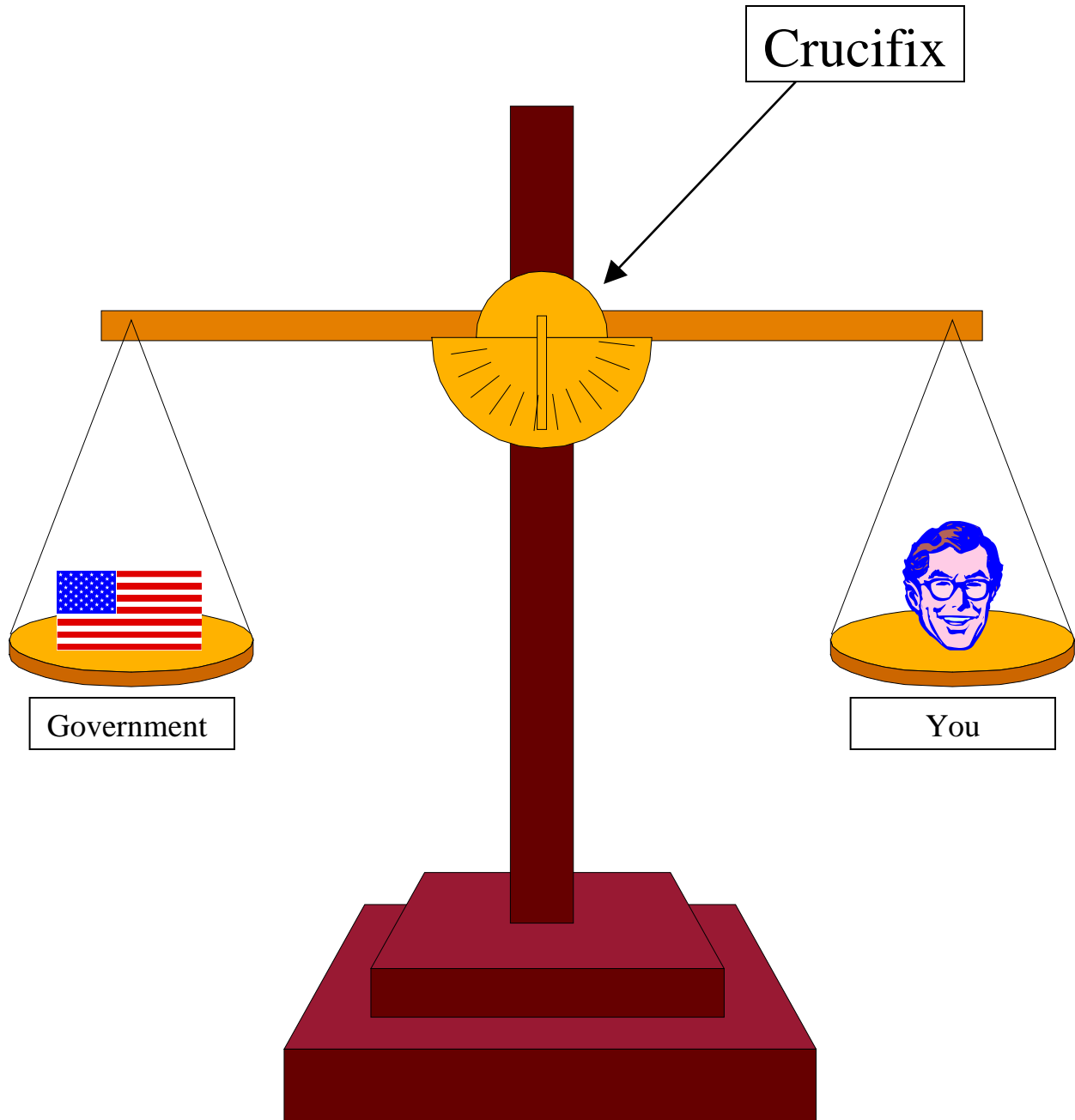


REQUIREMENT FOR EQUAL PROTECTION AND EQUAL TREATMENT

Last revised: 3/24/2008



*“My son, if you receive my [God’s] words,
And treasure my commands within you, [. . .]
Then you will understand righteousness and justice,
Equity and every good path.”
[Prov. 2:1-9, Bible, NKJV]*

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1 Introduction

2 Equal protection has been identified by the U.S. Supreme Court as the cornerstone of all free governments.

3 *"The equal protection demanded by the fourteenth amendment forbids this. No language is more worthy of*
4 *frequent and thoughtful consideration than these words of Mr. Justice Matthews, speaking for this court, in Yick*
5 *Wo v. Hopkins, [118 U.S. 356, 369](#), 6 S.Sup.Ct. 1064, 1071: 'When we consider the nature and the theory of our*
6 *institutions of government, the principles upon which they are supposed to rest, and review the history of their*
7 *development, we are constrained to conclude that they do not mean to leave room for the play and action of*
8 *purely personal and arbitrary power.' The first official action of this nation declared the foundation of*
9 *government in these words: 'We hold these truths to be self-evident, [165 U.S. 150, 160] that all men are*
10 *created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life,*
11 *liberty, and the pursuit of happiness.' While such declaration of principles may not have the force of organic*
12 *law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference*
13 *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*
14 *the former is the thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of*
15 *the Declaration of Independence. **No duty rests more imperatively upon the courts than the enforcement of***
16 ***those constitutional provisions intended to secure that equality of rights which is the foundation of free***
17 ***government.**"*

18 [*Gulf, C. & S. F. R. Co. v. Ellis, [165 U.S. 150](#) (1897)]*

19 The opposite of equal protection is discrimination, inequality, and "privilege", all of which cause strife and divide and
20 destroys nations, states, cities, and families. Franchises are the main method of:

- 21 1. Implementing privileges.
- 22 2. Replacing constitutional rights with privileges.
- 23 3. Destroying equal protection that is the foundation of the U.S. Constitution.

24 This pamphlet will describe how equal protection is implemented in the U.S. Constitution, the U.S. Code, and the rulings of
25 the courts, and the limitations that it imposes on the actions of the government. It will also describe many of the most
26 devious methods used by corrupt public servants to destroy or undermine equal protection.

27 There are many important legal implications and restrictions imposed upon public servants in connection with the
28 requirement for equal protection and equal treatment that every American must be aware of in order to properly defend
29 their constitutional rights. This memorandum of law will summarize these restrictions and show you how to apply them in
30 a litigation context when defending your constitutionally protected rights to life, liberty, and property.

31 Equal protection is a very important subject, because the LACK of it was the only thing that Jesus and God got publicly
32 angry about in the Bible.

33 *"And He said, "Woe to you also, lawyers! **For you load men with burdens hard to bear, and you yourselves***
34 ***do not touch the burdens with one of your fingers.**"*
35 [*Luke 11:46, Bible, NKJV*]

36 What Jesus was really criticizing, in fact, was government idolatry and superiority and the systematic destruction of
37 equality between the governed and the governors by a corrupted legal profession. A judge or government prosecutor who
38 imposes burdens upon you that he or she does not also have to abide by is, in fact:

- 39 1. Violating equal protection.
- 40 2. Imputing to him or her self "supernatural powers", which are powers, rights, and privileges that ordinary natural human
41 beings such as yourself do not enjoy or are not permitted to enjoy.
- 42 3. Implementing a state sponsored religion in violation of the First Amendment Establishment Clause. A "religion" is
43 legally defined simply as the worship of beings with supernatural powers. Worship, in fact, is legally defined as
44 "obedience" and therefore "servitude".

45 *"**Religion.** Man's relation to Divinity, to reverence, **worship**, obedience, and **submission to mandates and**
46 **precepts** of supernatural or superior beings. In its broadest sense includes all forms of **belief in the existence**
47 **of superior beings exercising power over human beings by volition, imposing rules of conduct, with future**
48 **rewards and punishments.** Bond uniting man to God, and a virtue whose purpose is to render God worship*

1 *due him as source of all being and principle of all government of things. Nikulnikoff v. Archbishop, etc., of*
2 *Russian Orthodox Greek Catholic Church, 142 Misc. 894, 255 N.Y.S. 653, 663.”*
3 *[Black’s Law Dictionary, Sixth Edition, p. 1292]*

- 4 4. Turning the court into a state-sponsored church building.
- 5 5. Making himself into the priest of the civil religion.
- 6 6. Making the licensed attorneys into deacons who conduct the worship service.
- 7 7. Making the franchise “code” (not “law”, but “code”) that is being enforced into the equivalent of a state-sponsored
- 8 bible. That “code” acquires the “force of law” ONLY through your express or implied consent.

9 According to the Bible, “worship” implies OBEDIENCE to God’s laws ABOVE AND BEYOND man’s laws, which are
10 codified in the Holy Bible:

11 *“Not everyone who says to Me, ‘Lord, Lord,’ shall enter the kingdom of heaven, but he who does the will of My*
12 *Father in heaven.”*
13 *[Jesus in [Matt. 7:21](#), Bible, NKJV]*

14 *“But why do you call Me ‘Lord, Lord,’ and not do the things which I say?”*
15 *[[Luke 6:46](#), Bible, NKJV]*

16 *“He who has [understands and learns] My commandments [laws in the Bible] and keeps them, it is he who*
17 *loves Me. And he who loves Me will be loved by My Father, and I will love him and manifest Myself to him.”*
18 *[[John 14:21](#), Bible, NKJV]*

19 *“And we have known and believed the love that God has for us. God is love, and he who abides in love*
20 *[obedience to God’s Laws] abides in [and is a FIDUCIARY of] God, and God in him.”*
21 *[[1 John 4:16](#), Bible, NKJV]*

22 *“Now by this we know that we know Him [God], if we keep His commandments. He who says, “I know Him,”*
23 *and does not keep His commandments, is a liar, and the truth is not in him. But whoever keeps His word, truly*
24 *the love of God is perfected in him. By this we know that we are in Him [His fiduciaries]. He who says he*
25 *abides in Him [as a fiduciary] ought himself also to walk just as He [Jesus] walked.”*
26 *[[1 John 2:3-6](#), Bible, NKJV]*

27 Black’s Law Dictionary defines “worship” as follows:

28 **Worship.** *Any form of religious service showing reverence for Divine Being, or exhortation to obedience to or*
29 *following the mandates of such Being. Religious exercises participated in by a number of persons assembled*
30 *for that purpose, the disturbance of which is a statutory offense in many states.*

31 *English law. A title of honor or dignity used in addresses to certain magistrates and other persons of rank or*
32 *office.*

33 *Public worship. This term may mean the worship of God, conducted and observed under public authority; or it*
34 *may mean worship in an open or public place, without privacy or concealment; or it may mean the performance*
35 *of religious exercises, under a provision for an equal right in the whole public to participate in its benefits; or it*
36 *may be used in contradistinction to worship in the family or the closet. In this country, what is called “public*
37 *worship” is commonly conducted by voluntary societies, constituted according to their own notions of*
38 *ecclesiastical authority and ritual propriety, opening their places of worship, and admitting to their religious*
39 *services such persons, and upon such terms, and subject to such regulations, as they may choose to designate and*
40 *establish. A church absolutely belonging to the public, and in which all persons without restriction have equal*
41 *rights, such as the public enjoy in highways or public landings, is certainly a very rare institution.*
42 *[Black’s Law Dictionary, Sixth Edition, pp. 1606-1607]*

43 Webster’s Ninth New Collegiate Dictionary provides a secular definition of “worship” as follows:

44 *“**worship** 1. chiefly Brit: a person of importance—used as a title for various officials (as magistrates and some*
45 *mayors) 2: reverence offered a divine being or supernatural power; also: an act of expressing such reverence*
46 *3: a form of religious practice with its creed and ritual 4: extravagant respect or admiration for or devotion to*
47 *an object of esteem <~ the dollar>.”*
48 *[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1361]*

49 The term “supernatural power” simply implies that the superior being that is the object of “worship” possesses or is
50 imputed to have powers which:

- 1 1. Do not exist in human beings in their natural state.
- 2 2. Are either not possessed by the worshipper or are criminal or illegal for the worshipper to possess.
- 3 3. Are not or cannot be delegated by those performing the worship to the object of the worship. Instead, the powers
- 4 originate from some other usually undisclosed source.

5 What worship therefore universally implies in a legal, secular, and Christian perspective is obedience to the laws of one's
6 sovereign, which is a "supernatural being". This is also confirmed by the following maxim of law:

7 *"Obedientia est legis essentia.*
8 *Obedience is the essence of the law. 11 Co. 100."*
9 *[Bouvier's Maxims of Law, 1856;*
10 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*

11 The only difference between man's law and God's law is the sovereign to whom obedience and allegiance and therefore
12 "worship" is owed. In the context of human government, obedience is owed to one of the following:

- 13 1. To the whims and dictates of a capricious ruler, in the case of a society of men where there is no written law.
- 14 2. To the written law, in the case of a society of law such as we have here in America.

15 ***"The government of the United States has been emphatically termed a government of laws, and not of men.***
16 *It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested*
17 *legal right."*
18 *[Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)]*

19 In the context of Christianity, obedience and therefore "worship" is owed exclusively to God and not any man-made
20 government.

21 *"Away with you, Satan! For it is written, 'You shall worship the Lord your God, and Him **ONLY** [NOT the*
22 *government!] you shall serve.'"*
23 *[Jesus in [Matt. 4:10](#), Bible, NKJV]*

24 **2 Equal protection from a Biblical Perspective¹**

25 The Supreme Court had some very powerful things to say about the requirement for equal protection. Below are a few of
26 their more eloquent dictas on the subject:

27 *"The equal protection demanded by the fourteenth amendment forbids this. No language is more worthy of*
28 *frequent and thoughtful consideration than these words of Mr. Justice Matthews, speaking for this court, in Yick*
29 *Wo v. Hopkins, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071: 'When we consider the nature and the theory of our*
30 *institutions of government, the principles upon which they are supposed to rest, and review the history of their*
31 *development, we are constrained to conclude that they do not mean to leave room for the play and action of*
32 *purely personal and arbitrary power.' The first official action of this nation declared the foundation of*
33 *government in these words: 'We hold these truths to be self-evident, [165 U.S. 150, 160] that all men are*
34 *created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life,*
35 *liberty, and the pursuit of happiness.' While such declaration of principles may not have the force of organic*
36 *law, or be made the basis of judicial decision as to the limits of right and duty, and while in all cases reference*
37 *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*
38 *the former is the thought and the spirit, and it is always safe to read the letter of the constitution in the spirit of*
39 *the Declaration of Independence. **No duty rests more imperatively upon the courts than the enforcement of***
40 ***those constitutional provisions intended to secure that equality of rights which is the foundation of free***
41 ***government.**"*
42 *[Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897)]*

43 _____

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

¹ Adapted from Great IRS Hoax, Form #11.302, section 4.3.4 with permission.

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

9 **2.1 Justice in the Bible**

10 The whole notion of "justice" originates with the concept of equal protection. Here is a definition of "justice" from
11 Easton's Bible Dictionary.

12 **JUSTICE** — is rendering to **every one** [equally, whether citizen or alien] that which is his due. It has been
13 distinguished from equity in this respect, that while justice means merely the doing what positive law demands,
14 equity means the doing of what is fair and right in every separate case.²
15 [*Easton's Bible Dictionary, 1996*]

16 Those who want to graphically depict the operation of law and justice will often do so by using a scale. The purpose of a
17 scale is to demonstrate when two weights are precisely equal, and when they are not equal, the scale will tip to one side or
18 the other and thereby demonstrate the existence of inequality. When the weights are unequal, we have what is called a
19 "false balance". The Bible mentions the following in regards to a false or unjust balance:

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

23 The above scripture is basically saying that God HATES a false balance. He hates when people are cheated for dishonest
24 gain, which is called "mammon" in the Bible.

25 "No one can serve two masters; for either he will hate the one and love the other, or else he will be loyal to the
26 one and despise the other. **You cannot serve God and mammon.**"³
27 [*Jesus in Matt. 6:24, Bible, NKJV*]

28 "MAMMON. This word occurs in the Bible only in Mt. 6:24 and Lk. 16:9, 11, 13, and is a transliteration of
29 Aramaic *māmōnā*. It means simply wealth or profit, but Christ sees in it an egocentric covetousness which
30 claims man's heart and thereby estranges him from God (Mt. 6:19ff.): when a man 'owns' anything, in reality it
31 owns him. (Cf. the view that mammon derives from Bab. *mimma*, 'anything at all'.) 'Unrighteous mammon' (Lk.
32 16:9) is dishonest gain (F. Hauck, TDNT 4, pp. 388-390) or simply gain from self-centred motives (cf. Lk.
33 12:15ff.). The probable meaning is that such money, used for others, may be transformed thereby into true
34 riches in the coming age (Lk. 16:12).⁴ "
35 [*The New Bible Dictionary, Inter-Varsity Press, 38 De Montfort Street, Leicester LE1 7GP, England, p. 720*]

36 **2.2 Equality in the Bible**

37 A famous Bible commentary on Prov. 11:1 above has the following very enlightening things to say which reveal the true
38 meaning of "equal protection":

39 "As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so
40 **righteousness towards men is a branch of true religion, for he is not a godly man that is not honest,** nor can
41 he expect that his devotion should be accepted; for,

42 **1. Nothing is more offensive to God than deceit in commerce. A false balance is here put for all manner of**
43 **unjust and fraudulent practices [of our public dis-servants] in dealing with any person [within the public],**
44 **which are all an abomination to the Lord, and render those abominable [hated] to him that allow themselves**
45 **in the use of such accursed arts of thriving. It is an affront to justice, which God is the patron of, as well as a**
46 **wrong to our neighbour, whom God is the protector of. Men [in the IRS and the Congress] make light of**

²Easton, M. 1996, c1897. *Easton's Bible dictionary*. Logos Research Systems, Inc.: Oak Harbor, WA

³*The New King James Version*. 1996, c1982. Thomas Nelson: Nashville

⁴Wood, D. R. W., & Marshall, I. H. 1996. *New Bible dictionary (3rd ed.)*. InterVarsity Press: Leicester, England; Downers Grove, Ill.

1 such frauds, and think there is no sin in that which there is money to be got by, and, while it passes
2 undiscovered, they cannot blame themselves for it; a blot is no blot till it is hit, Hos. 12:7, 8. But they are not
3 the less an abomination to God, who will be the avenger of those that are defrauded by their brethren.

4 2. Nothing is more pleasing to God than fair and honest dealing, nor more necessary to make us and our
5 devotions acceptable to him: A just weight is his delight. He himself goes by a just weight, and holds the scale
6 of judgment with an even hand, and therefore is pleased with those that are herein followers of him.

7 A [false] balance, [whether it be in the federal courtroom or at the IRS or in the
8 marketplace] cheats, under pretence of doing right most exactly, and therefore is the greater abomination
9 to God."

10 [Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1]

11 **2.3 Inequality leads to hypocrisy, privileges, and injustice**

12 When equal protection is working the way it is supposed to, we have a society that is entirely free of "hypocrisy",
13 "favoritism", and "partiality". We looked in Black's Law Dictionary for the word "hypocrisy" and it wasn't there.
14 According to Jesus, lawyers and judges are among the worst hypocrites of all, which may explain why they don't want the
15 truth about their misdeeds mentioned in their favorite or most frequently used book. Below is a definition of the word from
16 a bible dictionary:

17 "**hypocrisy**, a term and idea that are primarily limited in the Bible to the NT writings. The Greek word
18 transliterated into English as 'hypocrite' was used to denote an actor, one who performed behind a mask. Thus
19 the popular understanding came to be that of persons who pretended to be something that they were not. It is
20 interesting to note, however, that hypocrisy does not appear to be so limited in meaning in the NT. The term can
21 sometimes denote general wickedness or evil, self-righteousness, pretense, or breach of 'contract.'

22 "The best-known passage in the NT describing hypocrisy is Matthew 23:1, where self-righteousness and
23 pretense are both in evidence (cf. also Matt. 6:2, 5, 16; 7:5; 15:7; 22:18; 24:51; Mark 7:6; Luke 6:42; 12:56;
24 13:15).

25 In Gal. 2:13, Paul accuses Peter, Barnabas, and other Jewish Christians of hypocrisy (RSV: 'insincerity').
26 Although the term does not occur in Acts 5:1-11, the story reflects the seriousness with which the early church
27 regarded hypocritical behavior. Perhaps the most frightening aspect of this sin is that one can enter the state of
28 hypocrisy and not realize it (Matt. 7:21-23).⁵
29 [Nave's New Bible Dictionary]

30 Hypocrisy or favoritism in the administration of man's laws results in an unstable government, because people get angry at
31 the government for playing favorites and eventually will revolt against that government. Everyone who has been a parent
32 knows how this works. Parents who don't love all their children equally will end up with sibling rivalries that can alienate
33 family members from each other, make family life very tumultuous, and eventually destroy families. Likewise, if you want
34 to know exactly what is wrong in the political family called "government", start looking for instances of favoritism and
35 hypocrisy, which are the surest signs of tyranny and injustice. This whole book is an effort to do precisely that.

36 The notion of equal protection is also found hidden throughout the Bible. When it is talked about, it is described as
37 "hypocrisy" or "hypocrites". Below are just a few examples where the subject of "hypocrites" is described in the New
38 King James Bible:

- 39 1. God knows and detects hypocrites. Isa 29:15,16.
- 40 2. Christ knew and detected hypocrisy. Mt 22:18.
- 41 3. God has no pleasure in hypocrites. Isa 9:17.
- 42 4. Hypocrites shall not come before God. Job 13:16.
- 43 5. Hypocrites described as:
 - 44 5.1. Willfully blind. Mt 23:17,19,26.
 - 45 5.2. Vile. Isa 32:6.
 - 46 5.3. Self-righteous. Isa 65:5; Lu 18:11.
 - 47 5.4. Covetous. Eze 33:31; 2 Pe 2:3.

⁵ Achtemeier, P. J., Harper & Row, P., & Society of Biblical Literature. 1985. *Harper's Bible dictionary*. Includes index. (1st ed.). Harper & Row: San Francisco

- 1 5.5. Ostentatious. Mt 5:2,5,16; 23:5.
- 2 5.6. Censorious. Mt 7:3-5; Lu 13:14,15.
- 3 5.7. Regarding tradition more than the word of God. Mt 15:1-3.
- 4 5.8. Exact in minor things, but neglecting important duties. Mt 23:23,24.
- 5 5.9. Having but a form of godliness. 2 Ti 3:5.
- 6 5.10. Seeking only outward purity. Lu 11:39.
- 7 5.11. Professing but not practicing. Eze 33:31,32; Mt 23:3; Ro 2:17-23.
- 8 5.12. Using but lip-worship. Isa 29:13; Mt 15:8.
- 9 5.13. Glorifying in appearance only. 2 Co 5:12.
- 10 5.14. Trusting in privileges. Jer 7:4; Mt 3:9.
- 11 5.15. Apparently zealous in the things of God. Isa 58:2.
- 12 5.16. Zealous in making proselytes. Mt 23:15.
- 13 5.17. Devouring widows' houses. Mt 23:14.
- 14 5.18. Loving pre-eminence. Mt 23:6,7.
- 15 6. Worship by hypocrites not acceptable to God. Isa 1:11-15; 58:3-5; Mt 15:9.
- 16 7. Joy of hypocrites, but for a moment. Job 20:5.
- 17 8. Hope of hypocrites will perish. Job 8:13; 27:8,9.
- 18 9. Heap up wrath against hypocrites. Job 36:13.
- 19 10. Fearfulness shall surprise hypocrites. Isa 33:14.
- 20 11. Hypocrites destroy others by slander. Pr 11:9.
- 21 12. Hypocrites when in power, are a snare. Job 34:30.
- 22 13. Apostasy abounds with hypocrites. 1 Ti 4:2.
- 23 14. Beware the principles of hypocrites. Lu 12:1.
- 24 15. Spirit of hypocrites hinders growth in grace. 1 Pe 2:1.
- 25 16. Woe to hypocrites. Isa 29:15; Mt 23:13.
- 26 17. Punishment of hypocrites. Job 15:34; Isa 10:6; Jer 42:20,22; Mt 24:51.
- 27 18. Hypocrites illustrated by Jesus. Mt 23:27,28; Lu 11:44.
- 28 19. Exemplified by the following Bible personalities
- 29 19.1. Cain. Ge 4:3.
- 30 19.2. Absalom. 2 Sa 15:7,8.
- 31 19.3. The Jews. Jer 3:10.
- 32 19.4. Pharisees, Mt 16:3.
- 33 19.5. Judas. Mt 26:49.
- 34 19.6. Herodians. Mr 12:13,15.
- 35 19.7. Ananias. Ac 5:1-8.
- 36 19.8. Simon. Ac 8:13-23.

37 Note item 5.14 above, which describes hypocrites as “trusting in privileges”. Here is what the scripture says in that
38 reference:

39 *But when he saw many of the Pharisees and Sadducees coming to his baptism, he said to them, “Brood of*
40 *vipers! Who warned you to flee from the wrath to come? Therefore bear fruits worthy of repentance, and do*
41 *not think to say to yourselves, ‘We have Abraham as our father.’ For I say to you that God is able to raise up*
42 *children to Abraham from these stones. And even now the ax is laid to the root of the trees. Therefore every tree*
43 *which does not bear good fruit is cut down and thrown into the fire. I indeed baptize you with water unto*
44 *repentance, but He who is coming after me is mightier than I, whose sandals I am not worthy to carry. He will*
45 *baptize you with the Holy Spirit and fire. His winnowing fan is in His hand, and He will thoroughly clean out*
46 *His threshing floor, and gather His wheat into the barn; but He will burn up the chaff with unquenchable fire.”*
47 *[Jesus in Matt. 3:7-12, Bible, NKJV]*

48 What Jesus was implying in the above scripture is that we should not trust in, or rely upon any kind of “privileges” and that
49 we instead will be judged at Jesus’ second coming by our acts of righteousness, and not by our “privileged” status or
50 condition. You will note, for instance, that at the final Wedding Supper of the Lamb described in the book of Revelations
51 Chapter 19 and in Matt. 22:2-14, believers in God who have been obedient to God’s calling and His sacred Law shall be
52 present to rejoin their Bridegroom, who is Jesus, God’s Son. Those who are invited to the wedding *must* be attired in clean
53 white linen, which is described in Rev. 19:18 as “the righteous acts of the saints”. Note there is no mention of “privilege”
54 being an adequate substitute for righteous acts anywhere in the Bible.

1 And to her [the bride of Christ, which is the Church and the believers in the Church] it was granted to be
2 arrayed in fine linen, clean and bright, for the fine linen is the righteous acts of the saints.

3 Then he said to me, "Write: 'Blessed are those who are called to the marriage supper of the Lamb!'"
4 [Rev. 19:8, Bible, NKJV]

5

6 "But when the king [God] came in to see the guests [at the wedding feast], he saw a man there who did not
7 have on a wedding garment. So he said to him, 'Friend, how did you come in here without a [clean white]
8 wedding garment?' And he was speechless. Then the king [God] said to the servants 'Bind him hand and foot,
9 take him away, and cast him into outer darkness: there will be weeping and gnashing of teeth.' For many are
10 called, but few are chosen."
11 [Matt. 22:11-14, Bible, NKJV]

12 Other resources expand considerably upon that idea of "trusting in privileges" as being a kind of hypocrisy that is despised
13 not only by most people, but more importantly by God Himself in several other places in this book, because it is a very
14 important point and the key to the way our government causes our taxing system to operate. Most notably, this subject is
15 covered in the Great IRS Hoax, Form #11.302 section 4.3.12, which is entitled "Government-instituted slavery using
16 'privileges'".

17 Other places where the subject of equality and equal protection is dealt with in the Bible include the following:

18 "You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid
19 in any man's presence, for the judgment is God's. The case that is too hard for you, bring to me, and I will hear
20 it."
21 [Deut. 1:17, Bible, NKJV]

22 "You shall not pervert justice; you shall not show partiality, nor take a bribe, for a bribe blinds the eyes of the
23 wise and twists the words of the righteous."
24 [Deut. 16:19, Bible, NKJV]

25 "For the LORD your God is God of gods and Lord of lords, the great God, mighty and awesome, who shows
26 no partiality nor takes a bribe." [Deut. 10:17, Bible, NKJV]

27 "He [God] will surely rebuke you if you secretly show partiality."
28 [Job 13:10, Bible, NKJV]

29 "The rich and the poor have this in common, the LORD is the maker of them all."
30 [Prov. 22:2, Bible, NKJV]

31 "But you, do not be called 'Rabbi'; for One is your Teacher, the Christ, and you are all brethren. Do not call
32 anyone on earth your father; for One is your Father, He who is in heaven. And do not be called teachers; for
33 One is your Teacher, the Christ. But he who is greatest among you shall be your servant. And whoever exalts
34 himself will be humbled, and he who humbles himself will be exalted".
35 [Jesus in Matt. 23:8-12, Bible, NKJV]

36 But Jesus called them to Himself and said to them, "You know that those who are considered rulers over the
37 Gentiles lord it over them, and their great ones exercise authority over them. Yet it shall not be so among you;
38 but whoever desires to become great among you shall be your servant. And whoever of you desires to be first
39 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
40 ransom for many."
41 [Mark 10:42-45, Bible, NKJV. See also Matt. 20:25-28]

42 "There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are
43 all one in Christ Jesus."
44 [Gal. 3:28, Bible, NKJV]

45 Is it fitting to say to a king, "You are worthless,"
46 And to nobles, "You are wicked"?
47 Yet He [God] is not partial to princes,
48 Nor does He regard the rich more than the poor;
49 For they are all the work of His hands.
50 [Job. 34:18-19, Bible, NKJV]

1 *"The poor man is hated even by his own neighbor,*
2 *But the rich has many friends.*
3 **He who despises his neighbor sins;**
4 **But he who has mercy on the poor, happy is he.**
5 *[Prov. 14:20-21]*

6 **"You shall not show partiality to a poor man in his dispute."**
7 *[Exodus 23:3, Bible, NKJV]*

8 *"The rich shall not give more and the poor shall not give less than half a shekel, when you give an offering to*
9 *the LORD, to make atonement for yourselves."*
10 *[Exodus 30:15, Bible, NKJV]*

11 *"Better is the poor who walks in his integrity Than one perverse in his ways, though he be rich."*
12 *[Prov. 28:6, Bible, NKJV]*

13 *"And again I say to you, it is easier for a camel to go through the eye of a needle than for a rich man to enter*
14 *the kingdom of God."*
15 *[Matt. 19:24, Bible, NKJV]*

16 **"For there is no distinction between Jew and Greek, for the same Lord over all is rich to all who call upon**
17 **Him."**
18 *[Rom. 10:12, Bible, NKJV]*

19 *"Command those who are rich in this present age not to be haughty, nor to trust in uncertain riches but in the*
20 *living God, who gives us richly all things to enjoy."*
21 *[1 Tim. 6:17, Bible, NKJV]*

22 Every place where Jesus Christ vehemently condemned a sin in the Bible was one where hypocrisy and inequality was
23 evident. The greater the hypocrisy, the more vehement was His condemnation. Below is the most graphic example of His
24 condemnation of hypocrisy from the Bible, in Matt. 23. This was the passage cited in the definition of "hypocrisy" above:

25 ¹³*"Woe to you, teachers of the law and Pharisees, you hypocrites! You shut the kingdom of heaven in men's*
26 *faces. You yourselves do not enter, nor will you let those enter who are trying to.*

27 ¹⁵*"Woe to you, teachers of the law and Pharisees, you hypocrites! You travel over land and sea to win a single*
28 *convert, and when he becomes one, you make him twice as much a son of hell as you are.*

29 ¹⁶*"Woe to you, blind guides! You say, 'If anyone swears by the temple, it means nothing; but if anyone swears*
30 *by the gold of the temple, he is bound by his oath.'* ¹⁷*You blind fools! Which is greater: the gold, or the temple*
31 *that makes the gold sacred?* ¹⁸*You also say, 'If anyone swears by the altar, it means nothing; but if anyone*
32 *swears by the gift on it, he is bound by his oath.'* ¹⁹*You blind men! Which is greater: the gift, or the altar that*
33 *makes the gift sacred?* ²⁰*Therefore, he who swears by the altar swears by it and by everything on it.* ²¹*And he*
34 *who swears by the temple swears by it and by the one who dwells in it.* ²²*And he who swears by heaven swears*
35 *by God's throne and by the one who sits on it.*

36 ²³*"Woe to you, teachers of the law and Pharisees, you hypocrites! You give a tenth of your spices—mint, dill and*
37 *cummin. But you have neglected the more important matters of the law—justice, mercy and faithfulness. You*
38 *should have practiced the latter, without neglecting the former.* ²⁴*You blind guides! You strain out a gnat but*
39 *swallow a camel.*

40 ²⁵*"Woe to you, teachers of the law and Pharisees, you hypocrites! You clean the outside of the cup and dish, but*
41 *inside they are full of greed and self-indulgence.* ²⁶*Blind Pharisee! First clean the inside of the cup and dish,*
42 *and then the outside also will be clean.*

43 ²⁷*"Woe to you, teachers of the law [both man's law and God's law] and Pharisees, you hypocrites! You are like*
44 *whitewashed tombs, which look beautiful on the outside but on the inside are full of dead men's bones and*
45 *everything unclean.* ²⁸*In the same way, on the outside you appear to people as righteous but on the inside you*
46 *are full of hypocrisy and wickedness.*

47 ²⁹*"Woe to you, teachers of the law and Pharisees, you hypocrites! You build tombs for the prophets and*
48 *decorate the graves of the righteous.* ³⁰*And you say, 'If we had lived in the days of our forefathers, we would not*
49 *have taken part with them in shedding the blood of the prophets.'* ³¹*So you testify against yourselves that you*
50 *are the descendants of those who murdered the prophets.* ³²*Fill up, then, the measure of the sin of your*
51 *forefathers!*

1 ³³“You snakes! You brood of vipers! How will you escape being condemned to hell? ³⁴Therefore I am sending
2 you prophets and wise men and teachers. Some of them you will kill and crucify; others you will flog in your
3 synagogues and pursue from town to town. ³⁵And so upon you will come all the righteous blood that has been
4 shed on earth, from the blood of righteous Abel to the blood of Zechariah son of Berekiah, whom you murdered
5 between the temple and the altar. ³⁶I tell you the truth, all this will come upon this generation.

6 ³⁷“O Jerusalem, Jerusalem, you who kill the prophets and stone those sent to you, how often I have longed to
7 gather your children together, as a hen gathers her chicks under her wings, but you were not willing. ³⁸Look,
8 your house is left to you desolate. ³⁹For I tell you, you will not see me again until you say, ‘Blessed is he who
9 comes in the name of the Lord.’”

10 [Jesus in Matt. 23:13-39, Bible, NIV]

11 Funny, and very true! ☺ By condemning hypocrisy frequently throughout the New Testament, Jesus (God’s servant) was
12 basically saying that everyone should play by the same rules and that those who refuse to will suffer the wrath (severe anger
13 and displeasure) of God. If God is our Father and parents can’t play favorites with their children, then we are all equal
14 under His divine Laws found in the Holy Bible. That same spirit of equality, then, must also exist in our own earthly laws
15 enacted pursuant to His divine delegated authority in the Bible. In fact, this equality does exist for the most part within the
16 laws of America. It is only in the taxing statutes (which you will learn later are neither “law” nor “positive law”) where
17 inequality exists. Gross and totally unjust inequality also exists in the application and enforcement of law by the federal
18 and state judiciaries, the legal profession, and the Department of Justice. The weak point is and always has been the
19 weaknesses, prejudices, and biases of us as humans in administering God’s perfect laws and justice. This is especially true
20 of the way that our tax laws are administered by the I.R.S., which is described throughout this book. The gross injustice
21 and inequality found in the administration of our taxing “codes” or “statutes” was the reason, as a matter of fact, for the
22 writing of this book. Below are just a few examples of such gross inequality, hypocrisy, and partiality on the part of the
23 government and IRS and there are many more documented later in Chapter 7:

- 24 1. When the IRS attempts collection, they seize people’s property and money without even going to court. But when we
25 want to collect anything from anyone, we have to hire an expensive lawyer and go to court and the federal judiciary
26 will refuse to force the IRS to pay our legal fees, which never would have been necessary if they had just obeyed the
27 law like everyone else. This prejudices the defense of our rights
- 28 2. The IRS insists that we put the most intimate details about ourselves on a tax return document, and yet when you talk
29 to anyone at the IRS or write them a letter, they refuse to sign the letter or even provide their full legal name or address.
- 30 3. Those who counterfeit money are punished with 20 years in prison, but when the IRS produces a fraudulent security
31 called an “assessment” with no authority of law whatsoever and sells it on the open market, the federal judiciary
32 routinely refuses to convict them of securities fraud.
- 33 4. The Fair Debt Collection Practices Act, Public Law 104-208 requires in section 809 that anyone collecting a debt,
34 when requested, produce the original debt instrument and prove the existence of the debt. HOWEVER, when people
35 send a Privacy Act request to the IRS demanding evidence of a valid assessment, the IRS routinely refuse to produce it
36 and the courts routinely refuse to compel them to produce it, knowing full well that there is no law that authorizes them
37 to do assessments on people.

38 If you’d like to investigate this matter of “hypocrisy” covered extensively elsewhere in this and other books, read the
39 following sections:

- 40 1. The following sections of the Great IRS Hoax, Form #11.302 book:
 - 41 1.1. Section 1.10.5: You can’t trust most lawyers or politicians
 - 42 1.2. Section 4.3.12: Government-instituted slavery using “privileges”
 - 43 1.3. Section 4.3.13: Government has become idolatry and a false religion
 - 44 1.4. Section 4.3.15 of this book: How public servants eliminate or avoid or hide the requirement for consent
 - 45 1.5. Section 5.14 of this book: Congress has made you a Political “tax prisoner” and a feudal “tax serf” in your own
46 country
 - 47 1.6. Chapter 6 of this book covers many aspects of hypocrisy in action within all branches of the U.S. government.
- 48 2. Chapter 2 of the Tax Fraud Prevention Manual, Form #06.008 covers the specific issue of IRS hypocrisy, arrogance,
49 and violation of law. It proves that the IRS depends on privileges not enjoyed by the average American in the illegal
50 collection and assessment of income taxes:
51 <http://sedm.org/ItemInfo/Ebooks/TaxFraudPrevMan/TaxFraudPrevMan.htm>

1 3. Chapter 5 of the *Tax Fraud Prevention Manual*, Form #06.008 points out all the lies and propaganda put out by the
2 government intended to deceive the average American into accepting an unequal role as a federal serf working for a
3 privileged class of hypocrites in the District of Criminals (Washington “D.C.”):
4 <http://sedm.org/ItemInfo/Ebooks/TaxFraudPrevMan/TaxFraudPrevMan.htm>.

5 Because it is a natural human tendency to hate hypocrisy and sin, those who intend to win using litigation against the
6 government should grandstand to the jury the inherent inequity, injustice, and hypocrisy rampant in our government. This
7 will mobilize the support needed to get a conviction against government lawbreakers.

8 **2.4 Inequality leads to idolatry towards government**

9 Lastly, we must remember that any entity that can break the [Ten Commandments](#) or any of man’s laws and not suffer the
10 *same* punishment under the law as everyone else in a society based on equal protection of the laws is a false god and an
11 idol. An idol is simply any “superior being or thing” which has greater rights and sovereignty than anyone else in society.
12 The first four commandments of the [Ten Commandments](#) make idolatry not only a sin, but the WORST kind of sin
13 punishable by death. Any misguided individual who tolerates or votes in favor of governments abusing their taxing powers
14 to steal from the rich and give to the poor is committing treason against the Constitution and also is violating the second
15 great commandment to love his neighbor. You don’t STEAL from someone you love, and neither do honorable or
16 respectable members of society tolerate or condone government servants who do the stealing as their agents either. The
17 Ten Commandments say “Thou shalt not steal.” They don’t say: “Though shalt not steal, UNLESS you are the
18 government.”

19 The Bible also identifies “nations” as less than nothing and worthless, and not superior in any way to a single man.

20 *“Behold, the nations [and governments and politicians of the nations] are as a drop in the bucket, and are*
21 *counted as the small dust on the scales.”*
22 *[[Isaiah 40:15](#), Bible, NKJV]*

23 *“All the inhabitants of the earth are reputed as nothing; He does according to His will in the army of heaven*
24 *And among the inhabitants of the earth. No one can restrain His hand Or say to Him, “What have You done?””*
25 *[[Daniel 4:35](#), Bible, NKJV]*

26 *“All nations [and governments] before Him [God] are as nothing, and they are counted by Him less than*
27 *nothing and worthless.”*
28 *[[Isaiah 40:17](#), Bible, NKJV]*

29 *“He [God] brings the princes [and Kings and Presidents] to nothing; He makes the judges of the earth*
30 *useless.”*
31 *[[Isaiah 40:23](#), Bible, NKJV]*

32 *“Indeed they [the governments and the men who make them up in relation to God] are all worthless; their*
33 *works are nothing; their molded images [and their bureaus and agencies and [usurious “codes” that are not](#)*
34 *[law](#)] are wind [and vanity] and confusion.”*
35 *[[Isaiah 41:29](#), Bible, NKJV]*

36 *“Arise, O Lord,*
37 *Do not let man [or governments made up of men] prevail;*
38 *Let the nations be judged [and disciplined] in Your sight.*
39 *Put them in fear [with your wrath and the timeless principles of your perfect and [Glorious Law](#)], O Lord,*
40 *That the nations may know themselves to be but men.”*
41 *[[Psalm 9:19-20](#), Bible, NKJV]*

42 When a government or ruler becomes superior in any way or imputes to itself any power or right that the people do not
43 INDIVIDUALLY also have then:

- 44 1. That power or right becomes a “supernatural power”.
- 45 2. The possessor of the right becomes an object of idolatry and “worship”.
- 46 3. The government or civil ruler has established itself or himself as a civil religion.
- 47 4. “Taxes” paid under voluntary franchises or excises serve the equivalent of “tithes” to a state-sponsored church.
- 48 5. Franchise statutes serve as the equivalent of a bible for the state-sponsored church.

- 1 6. Franchise judges officiating over legislative franchise courts become priests of a civil religion.
2 7. The First Amendment has been violated, which forbids the establishment of religion by government.

3 The people are the “natural” thing and the government they create exclusively for the protection of their PRIVATE rights is
4 simply an artificial creation that can have no more power than the Sovereign People who created it. The minute this
5 principle is violated is the minute that government becomes religion and God is fired as our EXCLUSIVE source of
6 permanent protection and security.

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

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

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

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

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

16 *Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy [the Constitution]. 4*
17 *Co. 24.*

18 *What a man cannot transfer, he cannot bind by articles [the Constitution].*

19 *[Bouvier’s Maxims of Law, 1856]*

20 Governments or rulers that claim or enforce supernatural powers are, in fact, making themselves the object of idol worship
21 and idolatry, which is the gravest sin in the Bible.

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

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

28 *So it was, when the Angel of the LORD spoke these words to all the children of Israel, that the people lifted up*
29 *their voices and wept.*
30 *[Judges 2:1-4, Bible, NKJV]*
31

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

38 For exhaustive details on how governments abuse franchises to establish themselves as a civil religion, please see the
39 following:

<p><i>Socialism: The New American Civil Religion</i>, Form #05.016 http://sedm.org/Forms/FormIndex.htm</p>
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3 Equal protection from a Constitutional Perspective

3.1 Introduction

Equal protection is the heart and soul of the Constitution and is mentioned once in the Declaration of Independence and three times in the Constitution as follows:

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,”
[SOURCE: http://www.archives.gov/national_archives_experience/charters/declaration_transcript.html]

Constitution, Article IV, Section 1: Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.
[SOURCE: <http://caselaw.lp.findlaw.com/data/constitution/article04/>]

Constitution, Article IV, Section 2: “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”
[SOURCE: <http://caselaw.lp.findlaw.com/data/constitution/article04/>]

Constitution, Fourteenth Amendment, Section 1: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the **equal protection** of the laws. “
[SOURCE: <http://caselaw.lp.findlaw.com/data/constitution/amendment14/>]

Equal protection is found in the enactments of Congress made in pursuance to the Constitution. Below is one of many examples found in the Titles of the U.S. Code:

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

(a) Statement of equal rights

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

Equal protection means, for instance, that:

1. All Biological People are treated equally under the law. See the Declaration of Independence. The law may not discriminate against or injure one group of people to the benefit of another group. They all have equal civil rights, but they must be “citizens” in order to have political rights.
2. All States are equal under the Constitution. See <http://caselaw.lp.findlaw.com/data/constitution/article04/16.html#3>
3. Every legal “person” is equal under the law in any given place. The one exception to this rule is that that biological people enjoy the protection of the Bill of Rights (the first Ten Amendments to the U.S. Constitution) whereas artificial persons such as corporations do not.
4. No creation of men such as a government or ruler can have any more authority than a single man. Otherwise, a “Title Of Nobility” prohibited by Constitution Article 1, Section 9, Clause 8 would be the result.

Constitution of the United States
Article 1, 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.

1 That last requirement is confirmed by the fact that the U.S. government is a government of delegated powers.

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

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

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

17 The creation can have no more authority delegated to it than the Creator from which the rights were derived.

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

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

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

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

25 *Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.*
26 *15 Bin. Ab. 327.*

27 *Quod per me non possum, nec per alium. What I cannot do in person, I cannot do by proxy [the Constitution]. 4*
28 *Co. 24.*

29 *What a man cannot transfer, he cannot bind by articles [the Constitution].*
30 [*Bouvier's Maxims of Law, 1856*]

31 The result of imputing more powers to the government than those of a single man result in:

- 32 1. Substituting privileges for rights.
33 2. Destroying the separation of powers between what is private and what is public.
34 3. The establishment of a state sponsored religion in violation of the First Amendment. Religion is, after all, the worship
35 and obedience of inferior beings towards superior beings based on a system of belief that cannot be supported by
36 evidence or is not required to be supported by evidence. The belief that the government or political rulers are superior
37 to every other human being or that they have "supernatural powers" cannot be supported by any evidence from the
38 Constitution or any other organic law.

39 Equal protection demands that all persons shall be treated equally in any given place. It does not, however, guarantee that
40 the persons in one place will be treated the same as persons in another place or another state. Here is an explanation of this
41 fact from the Supreme Court:

42 *"We might go still further and say, with undoubted truth, that there is nothing in the Constitution to prevent any*
43 *state from adopting any system of laws or judicature it sees fit for [176 U.S. 581, 599] all or any part of its*
44 *territory. If the state of New York, for example, should see fit to adopt the civil law and its method of procedure*
45 *for New York city and the surrounding counties, and the common law and its method of procedure for the rest*
46 *of the state, there is nothing in the Constitution of the United States to prevent its doing so. This would not of*
47 *itself, within the meaning of the Fourteenth Amendment, be a denial to any person of the equal protection of the*
48 *laws. If every person residing or being in either portion of the state should be accorded the equal protection of*

1 the laws prevailing there, he could not justly complain of a violation of the clause referred to. For, as before
2 said, it has respect to persons and classes of persons. It means that no person or class of persons shall be
3 denied the same protection of the laws which is enjoyed by other persons or other classes in the same place and
4 under like circumstances. The Fourteenth Amendment does not profess to secure to all persons in the United
5 States the benefit of the same laws and the same remedies. Great diversities in these respects may exist in two
6 states separated only by an imaginary line. On one side of this line there may be a right of trial by jury, and on
7 the other side no such right. Each state prescribes its own modes of judicial proceeding. If diversities of laws
8 and judicial proceedings may exist in the several states without violating the equality clause in the Fourteenth
9 Amendment, there is no solid reason why there may not be such diversities in different parts of the same state. A
10 uniformity which is not essential as regards different states cannot be essential as regards different parts of a
11 state, provided that in each and all there is no infraction of the constitutional provision. Diversities which are
12 allowable in different states are allowable in different parts of the same state. Where part of a state is thickly
13 settled, and another part has but few inhabitants, it may be desirable to have different systems of judicature for
14 the two portions, -trial by jury in one, for example, and not in the other. Large cities may require a
15 multiplication of courts and a peculiar arrangement of jurisdictions. It would be an unfortunate restriction of
16 the powers of the state government if it could not, in its [176 U.S. 581, 600] discretion, provide for these
17 various exigencies. If a Mexican state should be acquired by treaty and added to an adjoining state or part of a
18 state in the United States, and the two should be erected into a new state, it cannot be doubted that such new
19 state might allow the Mexican laws and judicature to continue unchanged in the one portion, and the common
20 law and its corresponding judicature in the other portion. Such an arrangement would not be prohibited by any
21 fair construction of the Fourteenth Amendment. It would not be based on any respect of persons or classes, but
22 on municipal considerations alone, and a regard for the welfare of all classes within the particular territory or
23 jurisdiction.”

24 [Missouri v. Lewis, 101 U.S. 22 (1879)]

25 Equal protection is also the heart of our tax system, which is a form of “commerce” described in the above passage. All
26 Americans in the states are required to pay the same amount of money to support the federal government, and this amount
27 is called a “direct tax” or a “capitation tax”. A tax which is graduated and discriminates against the rich, for instance, is
28 unequal and therefore violates equal protection. That is why the Constitution says the following:

29 Article 1, Section 9, Clause 4: “No Capitation, or other direct, Tax shall be laid, unless in Proportion to the
30 Census of Enumeration herein before directed to be taken.”

31 Article 1, Section 2, Clause 3: “Representatives and direct Taxes shall be apportioned among the several States
32 which may be included within this Union, according to their respective Numbers”

33 All states pay the same amount, per person, to support the federal government. An apportioned direct tax is
34 collected by the state government, and the same amount is assessed against every person in the state and
35 throughout the country. It is up to the states how they choose to collect the money, but they must pay their
36 apportionment at the beginning of every federal fiscal year.

37 In the Internal Revenue Code:

- 38 1. All income tax that applies within states of the Union has a flat percentage rate of 30% for ALL income and are not
39 “graduated” or “progressive”. See [26 U.S.C. §871\(a\)](#).
40 2. The only people who pay a graduated and discriminatory rate are those who “consent” or “elect” to do so. That
41 “election” is made by filing a Form 1040 rather than the form 1040NR that is the proper form for those in states of the
42 Union. All income connected with a “trade or business in the United States”, which is defined in [26 U.S.C.](#)
43 [§7701\(a\)\(26\)](#) as “the functions of a public office”, is subject to the graduated rate. Because all “public offices” exist in
44 the District of Columbia under [4 U.S.C. §72](#), and because the Bill of Rights and the requirement for equal protection
45 do not apply in the District of Columbia, a graduated rate of tax is then applied to what essentially are the
46 government’s own elected or appointed officers. These people are the only real “employees” within the Internal
47 Revenue Code. See [26 U.S.C. §6331\(a\)](#) for proof.

48 **3.2 Legal Definition**⁶

49 The phrase "equal protection of the laws" has never been precisely defined.⁷ In fact, the phrase is not susceptible of exact
50 delimitation,⁸ nor can the boundaries of the protection afforded thereby be automatically or rigidly fixed. In other words,

⁶ Adapted from Am.Jur.2d, Constitutional Law, §778: Definition of “equal protection of laws”; Difficulty of definition.

⁷ Louisville Gas &Electric Co. v. Coleman, 277 U.S. 32, 48 S.Ct. 423, 72 L.Ed. 770 (1928).

1 no rule as to what may be regarded as a denial of the equal protection of the laws which will cover every case has ever been
2 formulated,⁹ and no test of the type of cases involving the Equal Protection Clause can be infallible or all-inclusive.¹⁰
3 Moreover, it would be impracticable and unwise to attempt to lay down any generalization covering the subject;¹¹ each
4 case must be decided as it arises.¹² Thus, in maintaining the balance of constitutional grants and limitations, it is inevitable
5 that the application of the equal protection guarantee should be defined in the gradual process of inclusion and exclusion.¹³
6 Nonetheless, and generally speaking, laws that apply evenhandedly to all unquestionably comply with the Equal Protection
7 Clause.¹⁴ Furthermore, the Equal Protection Clause deals with invidiously discriminatory classifications, and there is no
8 equal protection claim without some type of "classification" of an individual.¹⁵

9 **3.3 Judicial Definition of "equal protection"**

10 Although the courts have recognized the folly of attempting to delimit precisely the Equal Protection Clause, various broad
11 and sweeping generalizations and statements as to the meaning of this supremely important part of the Federal Constitution
12 have from time to time been enunciated. Many courts have repeatedly said that the guarantee of equal protection of the laws
13 means that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons
14 or other classes in like circumstances,¹⁶ in their lives, liberty, and property, and in their pursuit of happiness.¹⁷ The "equal
15 protection of the laws is a pledge of the protection of equal laws."¹⁸ There is also authority to the effect that it means
16 equality of opportunity to all in like circumstances.¹⁹ Denial of equal protection entails, at a minimum, a classification that
17 treats individuals unequally.²⁰ Equal protection of the laws means that the rights of all persons must rest upon the same rule
18 under the same circumstances.²¹

⁸ *Mascari v. International Broth. of Teamsters, Chauffeurs, Warehousemen &Helpers of America (AFL) Local Union No. 667*, 187 Tenn. 345, 215 S.W.2d. 779 (1948), cert. dismissed, 335 U.S. 907, 69 S.Ct. 410, 93 L.Ed. 440 (1949); *Louisville Gas &Electric Co. v. Coleman*, 277 U.S. 32, 48 S.Ct. 423, 72 L.Ed. 770 (1928).

⁹ *Colgate v. Harvey*, 296 U.S. 404, 56 S.Ct. 252, 80 L.Ed. 299, 102 A.L.R. 54 (1935); *Louisville Gas &Electric Co. v. Coleman*, 277 U.S. 32, 48 S.Ct. 423, 72 L.Ed. 770 (1928).

¹⁰ *Bayside Fish Flour Co. v. Gentry*, 297 U.S. 422, 56 S.Ct. 513, 80 L.Ed. 772 (1936).

¹¹ *Puget Sound Power &Light Co. v. King County*, 264 U.S. 22, 44 S.Ct. 261, 68 L.Ed. 541 (1924); *Southwestern Oil Co. v. State of Tex.*, 217 U.S. 114, 30 S.Ct. 496, 54 L.Ed. 688 (1910).

¹² *Safeway Stores, Inc. v. Oklahoma Retail Grocers Ass'n, Inc.*, 360 U.S. 334, 79 S.Ct. 1196, 3 L.Ed.2d. 1280 (1959); *Liberty Warehouse Co. v. Burley Tobacco Growers' Co-op. Marketing Ass'n*, 276 U.S. 71, 48 S.Ct. 291, 72 L.Ed. 473 (1928).

¹³ *O'Kane v. State*, 283 N.Y. 439, 28 N.E.2d. 905 (1940), reargument denied, 284 N.Y. 591, 29 N.E.2d. 665 (1940).

¹⁴ *Vacco v. Quill*, 117 S.Ct. 2293, 138 L.Ed.2d. 834 (U.S. 1997), for concurring opinion, see, 117 S.Ct. 2302 (U.S. 1997); *Alexander v. Whitman*, 114 F.3d. 1392 (3d Cir. 1997), cert. denied, 118 S.Ct. 367, 139 L.Ed.2d. 286 (U.S. 1997).

The Equal Protection Clause requires that a law be evenhanded as actually applied, but it does not require identical treatment under the law. *McQueary v. Blodgett*, 924 F.2d. 829 (9th Cir. 1991); *State v. Miller*, 84 Haw. 269, 933 P.2d. 606 (Haw. 1997), reconsideration denied, 84 Haw. 496, 936 P.2d. 191 (Haw. 1997); *Zempel v. Uninsured Employers' Fund*, 938 P.2d. 658 (Mont. 1997).

¹⁵ *Phelps v. Phelps*, 337 N.C. 344, 446 S.E.2d. 17, 34 A.L.R.5th 751 (1994), reh'g denied, 337 N.C. 807, 449 S.E.2d. 750 (1994).

¹⁶ *Kentucky Finance Corp. v. Paramount Auto Exch. Corp.*, 262 U.S. 544, 43 S.Ct. 636, 67 L.Ed. 1112 (1923), on remand to, 181 Wis. 551, 196 N.W. 1023 (1923); *Mills v. State of Me.*, 118 F.3d. 37, 3 Wage &Hour Cas. 2d (BNA) 1802, 134 Lab. Cas. (CCH) ¶ 33585 (1st Cir. 1997).

Although equal protection of the laws is perhaps not capable of precision in its multifold applications, the guiding principle is often stated as requiring that all persons be treated alike under like circumstances and conditions. *Alexander v. Whitman*, 114 F.3d. 1392 (3d Cir. 1997), cert. denied, 118 S.Ct. 367, 139 L.Ed.2d. 286 (U.S. 1997).

¹⁷ *State of Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, 59 S.Ct. 232, 83 L.Ed. 208 (1938), reh'g denied, 305 U.S. 676, 59 S.Ct. 356, 83 L.Ed. 437 (1939) and mandate conformed to, 344 Mo. 1238, 131 S.W.2d. 217 (1939).

¹⁸ *Romer v. Evans*, 517 U.S. 620, 116 S.Ct. 1620, 134 L.Ed.2d. 855, 109 Ed.Law.Rep. 539, 70 Fair Empl. Prac. Cas. (BNA) 1180, 68 Empl. Prac. Dec. (CCH) ¶ 44013 (1996); *Walker v. Board of Supervisors of Monroe County*, 224 Miss. 801, 81 So.2d. 225 (1955), cert. denied, 350 U.S. 887, 76 S.Ct. 142, 100 L.Ed. 782 (1955); *Preisler v. Calcaterra*, 362 Mo. 662, 243 S.W.2d. 62 (1951).

¹⁹ *Walker v. Board of Supervisors of Monroe County*, 224 Miss. 801, 81 So.2d. 225 (1955), cert. denied, 350 U.S. 887, 76 S.Ct. 142, 100 L.Ed. 782 (1955).

²⁰ *Coalition for Economic Equity v. Wilson*, 110 F.3d. 1431, 73 Fair Empl. Prac. Cas. (BNA) 821, 70 Empl. Prac. Dec. (CCH) ¶ 44581 (9th Cir. 1997) and cert. denied, 118 S.Ct. 397, 139 L.Ed.2d. 310 (U.S. 1997).

²¹ *Anderson v. City of St. Paul*, 226 Minn. 186, 32 N.W.2d. 538 (1948).

3.4 Focus of Equal protection Clause on individuals

At the heart of the Constitution's guarantee of equal protection lies the simple command that the government must treat citizens as individuals rather than as components of racial, religious, sexual, or national classes.²² Thus, a law declaring that in general it shall be more difficult for one group of citizens than for all others to seek aid from the government is itself a denial of equal protection of the laws in the most literal sense.²³ When a state distributes benefits to individuals unequally, the distinctions it makes are subject to scrutiny under the Equal Protection Clause.²⁴

3.5 Nature and purpose of guarantee, in general

The guiding principle most often stated by the courts is that the constitutional guarantee of equal protection of the laws requires that all persons shall be treated alike under like circumstances and conditions, both in the privileges conferred and in the liabilities imposed.²⁵

Equal protection of the laws is something more than an abstract right; it is a command which the states must respect, the benefits of which every person may demand.²⁶ Similarly, the laws to which the Fourteenth Amendment's guarantee of equal protection has reference do not relate to abstract units, but are expressions of policy arising out of specific difficulties, addressed to the attainment of specific ends by the use of specific remedies.²⁷ Local tradition cannot justify a failure to comply with the constitutional mandate requiring equal protection of the law,²⁸ and one must also be ever aware that the Federal Constitution forbids sophisticated as well as simple-minded modes of discrimination.²⁹

²² Miller v. Johnson, 515 U.S. 900, 115 S.Ct. 2475, 132 L.Ed.2d. 762 (1995), on remand to, 922 F. Supp. 1552 (S.D. Ga. 1995) and on remand to, 922 F. Supp. 1556 (S.D. Ga. 1995), probable jurisdiction noted, 116 S.Ct. 1823, 134 L.Ed.2d. 928 (U.S. 1996) and judgment aff'd, 117 S.Ct. 1925, 138 L.Ed.2d. 285 (U.S. 1997).

The Fourteenth Amendment speaks of the individual, not of the racial or other group to which he or she may belong; it prohibits a state from arbitrarily discriminating against "any person." Banks v. Housing Authority of City and County of San Francisco, 120 Cal.App.2d. 1, 260 P.2d. 668 (1st Dist. 1953), cert. denied, 347 U.S. 974, 74 S.Ct. 784, 98 L.Ed. 1114 (1954).

²³ Romer v. Evans, 517 U.S. 620, 116 S.Ct. 1620, 134 L.Ed.2d. 855, 109 Ed.Law.Rep. 539, 70 Fair Empl. Prac. Cas. (BNA) 1180, 68 Empl. Prac. Dec. (CCH) ¶ 44013 (1996).

²⁴ Hooper v. Bernalillo County Assessor, 472 U.S. 612, 105 S.Ct. 2862, 86 L.Ed.2d. 487 (1985); Zobel v. Williams, 457 U.S. 55, 102 S.Ct. 2309, 72 L.Ed.2d. 672 (1982).

The Equal Protection Clause does not protect against burdens and disabilities as such, but against their unequal imposition. Tarin v. Commissioner of the Div. of Medical Assistance, 424 Mass. 743, 678 N.E.2d. 146, 53 Soc. Sec. Rep. Serv. 170 (1997).

²⁵ Miller v. Johnson, 515 U.S. 900, 115 S.Ct. 2475, 132 L.Ed.2d. 762 (1995), on remand to, 922 F. Supp. 1552 (S.D. Ga. 1995) and on remand to, 922 F. Supp. 1556 (S.D. Ga. 1995), probable jurisdiction noted, 116 S.Ct. 1823, 134 L.Ed.2d. 928 (U.S. 1996) and judgment aff'd, 117 S.Ct. 1925, 138 L.Ed.2d. 285 (U.S. 1997); Alexander v. Whitman, 114 F.3d. 1392 (3d Cir. 1997), cert. denied, 118 S.Ct. 367, 139 L.Ed.2d. 286 (U.S. 1997); Walker v. Board of Supervisors of Monroe County, 224 Miss. 801, 81 So.2d. 225 (1955), cert. denied, 350 U.S. 887, 76 S.Ct. 142, 100 L.Ed. 782 (1955); Roth v. Public Emp. Retirement Bd., 44 Ohio App. 2d 155, 71 Ohio.Op.2d. 240, 73 Ohio.Op.2d. 143, 336 N.E.2d. 448 (10th Dist. Franklin County 1975).

The Equal Protection Clause creates no substantive rights, but rather, it embodies the general rule that states must treat like cases alike, but may treat unlike cases accordingly. Vacco v. Quill, 117 S.Ct. 2293, 138 L.Ed.2d. 834 (U.S. 1997), for concurring opinion, see, 117 S.Ct. 2302 (U.S. 1997).

²⁶ Hill v. State of Tex., 316 U.S. 400, 62 S.Ct. 1159, 86 L.Ed. 1559 (1942).

The constitutional imperatives of the Equal Protection Clause must have priority over the comfortable convenience of the status quo. Williams v. Illinois, 399 U.S. 235, 90 S.Ct. 2018, 26 L.Ed.2d. 586, 52 Ohio.Op.2d. 281 (1970).

²⁷ Safeway Stores, Inc. v. Oklahoma Retail Grocers Ass'n, Inc., 360 U.S. 334, 79 S.Ct. 1196, 3 L.Ed.2d. 1280 (1959).

²⁸ Eubanks v. State of La., 356 U.S. 584, 78 S. C

²⁹ Reynolds v. Sims, 377 U.S. 533, 84 S.Ct. 1362, 12 L.Ed.2d. 506 (1964), reh'g denied, 379 U.S. 870, 85 S.Ct. 12, 13 L.Ed.2d. 76 (1964) and reh'g denied, 379 U.S. 871, 85 S.Ct. 13, 13 L.Ed.2d. 77 (1964).

The constitutional rights of children not to be discriminated against in school admission on the grounds of race or color can neither be nullified openly and directly by state legislators or state executives or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted "ingeniously or ingenuously." Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401, 3 L.Ed.2d. 5, 3 L.Ed.2d. 19, 79 Ohio.L.Abs. 452, 79 Ohio.L.Abs. 462 (1958).

3.6 Requirement of similar treatment for those similarly situated

The Equal Protection Clause requires public bodies and institutions to treat similarly situated individuals in a similar manner,³⁰ the Equal Protection Clause thus bars a governing body from applying a law dissimilarly to people who are similarly situated,³¹ however, treatment of dissimilarly situated persons in a dissimilar manner by the government does not violate the Equal Protection Clause.³² One facet of this requirement of similar treatment is that equal protection guarantees that a party will have the same amount of time to bring a tort action against the government as he or she would have to bring an action against a private tortfeasor.³³ The purpose of the Equal Protection Clause is to secure every person within a state's jurisdiction against intentional and arbitrary discrimination, whether occasioned by the express terms of a statute or by its improper execution through the state's duly constituted agents.³⁴ In other words, the concept of equal justice under the law requires a state to govern impartially, and it may not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective; thus, for example, it may not subject men and women to disparate treatment when there is no substantial relation between the disparity and any important state purpose.³⁵

Equal protection in its guarantee of like treatment to all similarly situated permits classification which is reasonable and not arbitrary, and which is based upon material and substantial differences having a reasonable relation to the objects or persons dealt with and to the public purpose sought to be achieved by the legislation involved, inasmuch as the Equal Protection Clause does not forbid discrimination with respect to things that are different.³⁶

3.7 Congress' power to enforce Equal Protection

In accordance with the very terminology of the Fourteenth Amendment,³⁷ Congress has the power by appropriate legislation to enforce the provision preventing any state from denying to any person within its jurisdiction the equal protection of the laws.³⁸ The most important requirement for determining whether a statute is a valid exercise of Congress' power to enforce the Equal Protection Clause is whether the statute is consistent with the negative constraints of the

³⁰ *Giano v. Senkowski*, 54 F.3d. 1050 (2d Cir. 1995); *Dyszal v. Marks*, 6 F.3d. 116 (3d Cir. 1993), reh'g and reh'g in banc denied, (Oct. 14, 1993); *Vera v. Tue*, 73 F.3d. 604 (5th Cir. 1996); *Buchanan v. City of Bolivar, Tenn.*, 99 F.3d. 1352, 114 Ed.Law.Rep. 25, 1996 Fed.App. 352P (6th Cir. 1996); *U.S. v. Whiton*, 48 F.3d. 356 (8th Cir. 1995), reh'g and suggestion for reh'g en banc denied, (Apr. 19, 1995) and cert. denied, 116 S.Ct. 227, 133 L.Ed.2d. 156 (U.S. 1995); *State v. Miller*, 84 Haw. 269, 933 P.2d. 606 (Haw. 1997), reconsideration denied, 84 Haw. 496, 936 P.2d. 191 (Haw. 1997); *Whitnell v. Silverman*, 686 So.2d. 23 (La. 1996), reh'g denied, (Dec. 30, 1996); *Heisler v. Hines Motor Co.*, 937 P.2d. 45 (Mont. 1997); *Richardson v. North Carolina Dept. of Correction*, 345 N.C. 128, 478 S.E.2d. 501 (1996); *State v. Blilie*, 132 Wash. 2d 484, 939 P.2d. 691 (1997); *Penterman v. Wisconsin Elec. Power Co.*, 211 Wis.2d. 458, 565 N.W.2d. 521 (1997); *Board of County Com'rs v. Geringer*, 941 P.2d. 742 (Wyo. 1997).

³¹ *Bratton v. City of Florence*, 688 So.2d. 233 (Ala. 1996).

³² *Keevan v. Smith*, 100 F.3d. 644 (8th Cir. 1996); *Women Prisoners of District of Columbia Dept. of Corrections v. District of Columbia*, 93 F.3d. 910, 113 Ed.Law.Rep. 30 (D.C. Cir. 1996), reh'g denied, (Nov. 14, 1996) and cert. denied, 117 S.Ct. 1552, 137 L.Ed.2d. 701 (U.S. 1997) and on remand to, 968 F. Supp. 744 (D.D.C. 1997); *State v. Atkins*, 250 Neb. 315, 549 N.W.2d. 159 (1996).

³³ *Pirtle v. Spokane Public School Dist. No. 81*, 83 Wash. App. 304, 921 P.2d. 1084, 111 Ed.Law.Rep. 1370 (Div. 3 1996), reconsideration denied, (Sept. 27, 1996) and review denied, 131 Wash. 2d 1014, 932 P.2d. 1257 (1997).

³⁴ *Edward Valves, Inc. v. Wake County*, 343 N.C. 426, 471 S.E.2d. 342 (1996), reh'g denied, 344 N.C. 444, 476 S.E.2d. 115 (1996) and cert. denied, 117 S.Ct. 952, 136 L.Ed.2d. 839 (U.S. 1997).

³⁵ *Lehr v. Robertson*, 463 U.S. 248, 103 S.Ct. 2985, 77 L.Ed.2d. 614 (1983).

³⁶ *Rinaldi v. Yeager*, 384 U.S. 305, 86 S.Ct. 1497, 16 L.Ed.2d. 577 (1966).

The Equal Protection Clause does not mean that a state may not draw lines that treat one class of individuals or entities differently from others. *Lehnhausen v. Lake Shore Auto Parts Co.*, 410 U.S. 356, 93 S.Ct. 1001, 35 L.Ed.2d. 351 (1973), reh'g denied, 411 U.S. 910, 93 S.Ct. 1523, 36 L.Ed.2d. 200 (1973) and reh'g denied, 411 U.S. 910, 93 S.Ct. 1523, 36 L.Ed.2d. 201 (1973) and on remand to, 54 Ill. 2d 237, 296 N.E.2d. 342 (1973), cert. denied, 414 U.S. 1039, 94 S.Ct. 539, 38 L.Ed.2d. 329 (1973).

³⁷ Section 5 of the Fourteenth Amendment states that "Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

³⁸ *Katzenbach v. Morgan*, 384 U.S. 641, 86 S.Ct. 1717, 16 L.Ed.2d. 828 (1966) (declined to extend by, *Brzonkala v. Virginia Polytechnic and State University*, 935 F. Supp. 779, 112 Ed.Law.Rep. 846 (W.D. Va. 1996)); *Figueroa v. Bronstein*, 38 N.Y.2d. 533, 381 N.Y.S.2d. 470, 344 N.E.2d. 402, 36 Fair Empl. Prac. Cas. (BNA) 391, 11 Empl. Prac. Dec. (CCH) ¶ 10808 (1976), appeal dismissed, 429 U.S. 806, 97 S.Ct. 41, 50 L.Ed.2d. 67, 36 Fair Empl. Prac. Cas. (BNA) 400, 12 Empl. Prac. Dec. (CCH) ¶ 11207 (1976).

Congress has broad discretion to legislate to enforce the core promises of the Fourteenth Amendment. *Wilson-Jones v. Caviness*, 99 F.3d. 203, 3 Wage & Hour Cas. 2d (BNA) 929, 132 Lab. Cas. (CCH) ¶ 33450, 1996 Fed.App. 343P (6th Cir. 1996), opinion amended on other grounds on denial of reh'g, 107 F.3d. 358, 3 Wage & Hour Cas. 2d (BNA) 1501 (6th Cir. 1997).

1 Constitution, specifically the Constitution's protection of individual rights.³⁹ It was not intended to bring within federal
2 control everything done by a state or by its instrumentalities which is simply illegal under state laws, but only such acts by
3 the states or their instrumentalities as are violative of rights secured by the Constitution of the United States.⁴⁰ Congress
4 may not authorize a state to violate the Equal Protection Clause.⁴¹ And the Equal Protection Clause is not a bludgeon with
5 which Congress may compel a state to violate other provisions of the Constitution.⁴²

6 Congress, when acting pursuant to the enforcement clause of the Fourteenth Amendment, can prohibit or take measures
7 designed to remedy unreasonable and arbitrary classifications made by the states, or the effects of such classifications, and
8 when doing so can abrogate the states' sovereign immunity to suit in federal court. However, Congress' power to enforce
9 the Fourteenth Amendment, in cases not involving suspect or quasi-suspect classes or fundamental interests, is limited to
10 the elimination of arbitrariness or the effects of arbitrary government action, and does not permit Congress to prohibit or
11 otherwise target reasonable state decisions or practices.⁴³

12 **3.8 United States and federal agencies**

13 The Equal Protection Clause of the Fourteenth Amendment does not extend to authority exercised by the government of the
14 United States.⁴⁴ However, federal legislation may be, and is, tested under the Due Process Clause of the Fifth Amendment
15 by the same rules of equality that are employed to test the validity of state legislation under the Fourteenth Amendment's
16 Equal Protection Clause.⁴⁵

17 Observation: The Equal Protection Clause does afford protection to employees who work for the Federal Government as
18 well as to those who are served by them.⁴⁶

19 The Fourteenth Amendment is not applicable to the Virgin Islands⁴⁷ or the District of Columbia; but the concepts of equal
20 protection are inherent in the due process of law guaranteed to citizens of the District by the Fifth Amendment.⁴⁸

³⁹ *Wilson-Jones v. Caviness*, 99 F.3d. 203, 3 Wage &Hour Cas. 2d (BNA) 929, 132 Lab. Cas. (CCH) ¶ 33450, 1996 Fed.App. 343P (6th Cir. 1996),
opinion amended on other grounds on denial of reh'g, 107 F.3d. 358, 3 Wage &Hour Cas. 2d (BNA) 1501 (6th Cir. 1997).

⁴⁰ *Owensboro Waterworks Co. v. City of Owensboro*, 200 U.S. 38, 26 S.Ct. 249, 50 L.Ed. 361 (1906).

It was not intended by the Fourteenth Amendment and the Civil Rights Act that all matters formerly within the exclusive cognizance of states should
become matters of national concern. *Snowden v. Hughes*, 321 U.S. 1, 64 S.Ct. 397, 88 L.Ed. 497 (1944), reh'g denied, 321 U.S. 804, 64 S.Ct. 778, 88
L.Ed. 1090 (1944) and (declined to extend by, *Nordlinger v. Hahn*, 505 U.S. 1, 112 S.Ct. 2326, 120 L.Ed.2d. 1 (1992)).

⁴¹ *Shapiro v. Thompson*, 394 U.S. 618, 89 S.Ct. 1322, 22 L.Ed.2d. 600 (1969) (overruled in part on other grounds by, *Edelman v. Jordan*, 415 U.S. 651,
94 S.Ct. 1347, 39 L.Ed.2d. 662 (1974)).

Congress is without power to enlist state cooperation in a joint federal-state program by legislation which authorizes the states to violate the Equal
Protection Clause. *Townsend v. Swank*, 404 U.S. 282, 92 S.Ct. 502, 30 L.Ed.2d. 448 (1971); *Graham v. Richardson*, 403 U.S. 365, 91 S.Ct. 1848, 29
L.Ed.2d. 534 (1971).

⁴² *Sloan v. Lemon*, 413 U.S. 825, 93 S.Ct. 2982, 37 L.Ed.2d. 939 (1973), reh'g denied, 414 U.S. 881, 94 S.Ct. 30, 38 L.Ed.2d. 128 (1973).

⁴³ *Mills v. State of Me.*, 118 F.3d. 37, 3 Wage &Hour Cas. 2d (BNA) 1802, 134 Lab. Cas. (CCH) ¶ 33585 (1st Cir. 1997).

⁴⁴ *District of Columbia v. Carter*, 409 U.S. 418, 93 S.Ct. 602, 34 L.Ed.2d. 613 (1973), reh'g denied, 410 U.S. 959, 93 S.Ct. 1411, 35 L.Ed.2d. 694 (1973)
and on remand to, 489 F.2d. 1272 (D.C. Cir. 1974); *Detroit Bank v. U.S.*, 317 U.S. 329, 63 S.Ct. 297, 87 L.Ed. 304, 43-1 U.S. Tax Cas. (CCH) ¶ 9224,
43-1 U.S. Tax Cas. (CCH) ¶ 10001, 30 A.F.T.R. (P-H) ¶ 364 (1943); *Henrys v. Raboin*, 395 Ill. 118, 69 N.E.2d. 491, 169 A.L.R. 927 (1946).

The refusal of federal census officials to adjust the decennial census did not violate the Fourteenth Amendment, which is limited to state action. *Tucker v.*
U.S. Dept. of Commerce, 958 F.2d. 1411 (7th Cir. 1992), reh'g denied, (Apr. 29, 1992) and cert. denied, 506 U.S. 953, 113 S.Ct. 407, 121 L.Ed.2d. 332
(1992).

⁴⁵ *International Science &Technology Institute, Inc. v. Inacom Communications, Inc.*, 106 F.3d. 1146, 25 Media L. Rep. (BNA) 1498 (4th Cir. 1997) (any
equal protection challenge to a federal law must arise under the equal protection component of the Fifth Amendment's due process clause, not the
Fourteenth Amendment which applies only to the states).

⁴⁶ *Collins v. City of Harker Heights, Tex.*, 503 U.S. 115, 112 S.Ct. 1061, 117 L.Ed.2d. 261, 7 I.E.R. Cas. (BNA) 233, 15 O.S.H. Cas. (BNA) 1513 (1992).

⁴⁷ *Government of Virgin Islands v. Dowling*, 866 F.2d. 610 (3d Cir. 1989).

⁴⁸ *Wilson v. District of Columbia*, 338 A.2d. 437 (D.C. 1975).

3.9 Private persons or entities

The commands of the Equal Protection Clause of the Fourteenth Amendment are addressed only to the states or to those acting under color of their authority. The Fourteenth Amendment itself erects no shield against merely private conduct, however discriminatory or wrongful.⁴⁹ Private actions, no matter how egregious, cannot violate the equal protection guarantee of the United States Constitution.⁵⁰

3.10 Private acts as government acts

Private conduct abridging individual rights does no violence to the Equal Protection Clause unless to some significant extent the state in any of its manifestations or actions has been found to have become entwined or involved in it.⁵¹

Practice guide: The test to determine whether a constitutional deprivation caused by a private party involves "state action" is whether the claimed deprivation resulted from the exercise of a right or privilege having its source in state authority, and whether a private party charged with the deprivation can be described in all fairness as a state actor. In determining whether a particular action or course of action constitutes "state action," it is relevant to examine the extent to which the "private" actor relies on governmental assistance and benefits, whether he or she is performing a traditional governmental function, and whether the injury caused is aggravated in a unique way by the incidents of governmental authority.⁵²

The state involves itself significantly in private discriminatory activity so that a private actor is considered a state actor for purposes of Fourteenth Amendment liability where:

- there is a symbiotic relationship between the private actor and the state;
- the private discriminatory conduct is aggravated in some unique way by the involvement of governmental authority;
- the state has commanded or encouraged the private discriminatory action; and
- the private actor carries on a traditional state function.⁵³

⁴⁹ District of Columbia v. Carter, 409 U.S. 418, 93 S.Ct. 602, 34 L.Ed.2d. 613 (1973), reh'g denied, 410 U.S. 959, 93 S.Ct. 1411, 35 L.Ed.2d. 694 (1973) and on remand to, 489 F.2d. 1272 (D.C. Cir. 1974); Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972); Equality Foundation of Greater Cincinnati, Inc. v. City of Cincinnati, 54 F.3d. 261, 67 Fair Empl. Prac. Cas. (BNA) 1290, 66 Empl. Prac. Dec. (CCH) ¶ 43542, 1995 Fed.App. 147P (6th Cir. 1995), cert. granted, judgment vacated on other grounds, 116 S.Ct. 2519, 135 L.Ed.2d. 1044, 71 Fair Empl. Prac. Cas. (BNA) 64 (U.S. 1996), on remand to, 128 F.3d. 289, 75 Fair Empl. Prac. Cas. (BNA) 115, 1997 Fed.App. 318P (6th Cir. 1997); Gallagher v. Neil Young Freedom Concert, 49 F.3d. 1442, 98 Ed.Law.Rep. 639 (10th Cir. 1995); Mahoney v. Babbitt, 105 F.3d. 1452 (D.C. Cir. 1997), reh'g denied, 113 F.3d. 219 (D.C. Cir. 1997).

⁵⁰ Medical Institute of Minnesota v. National Ass'n of Trade and Technical Schools, 817 F.2d. 1310, 39 Ed.Law.Rep. 62 (8th Cir. 1987); First Nat. Bank of Kansas City v. Danforth, 523 S.W.2d. 808 (Mo. 1975), cert. denied, 421 U.S. 992, 95 S.Ct. 1999, 44 L.Ed.2d. 483 (1975) and cert. denied, 421 U.S. 1016, 95 S.Ct. 2424, 44 L.Ed.2d. 685 (1975).

⁵¹ Gilmore v. City of Montgomery, Ala., 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); Central Hardware Co. v. N.L.R.B., 407 U.S. 539, 92 S.Ct. 2238, 33 L.Ed.2d. 122, 80 L.R.R.M. (BNA) 2769, 68 Lab. Cas. (CCH) ¶ 12782 (1972), on remand to, 468 F.2d. 252, 81 L.R.R.M. (BNA) 2468, 69 Lab. Cas. (CCH) ¶ 13078 (8th Cir. 1972); Evans v. Newton, 382 U.S. 296, 86 S.Ct. 486, 15 L.Ed.2d. 373 (1966), on remand to, 221 Ga. 870, 148 S.E.2d. 329 (1966); Anderson v. Martin, 375 U.S. 399, 84 S.Ct. 454, 11 L.Ed.2d. 430 (1964); Ward v. St. Anthony Hospital, 476 F.2d. 671 (10th Cir. 1973); Gabaldon v. United Farm Workers Organizing Committee, 35 Cal. App. 3d 757, 111 Cal. Rptr. 203, 86 L.R.R.M. (BNA) 2034, 73 Lab. Cas. (CCH) ¶ 53224 (5th Dist. 1973), cert. denied, 416 U.S. 957, 94 S.Ct. 1972, 40 L.Ed.2d. 307, 86 L.R.R.M. (BNA) 2020, 73 Lab. Cas. (CCH) ¶ 53303 (1974); Dorsey v. Stuyvesant Town Corp., 299 N.Y. 512, 87 N.E.2d. 541, 14 A.L.R.2d. 133 (1949), cert. denied, 339 U.S. 981, 70 S.Ct. 1019, 94 L.Ed. 1385 (1950).

⁵² Edmonson v. Leesville Concrete Co., Inc., 500 U.S. 614, 111 S.Ct. 2077, 114 L.Ed.2d. 660 (1991), on remand to, 943 F.2d. 551 (5th Cir. 1991), reh'g denied, (Oct. 21, 1991) and (declined to extend by, Eiland v. State, 92 Md. App. 56, 607 A.2d. 42 (1992)).

⁵³ Sherman v. Community Consol. School Dist. 21 of Wheeling Tp., 8 F.3d. 1160, 87 Ed.Law.Rep. 57 (7th Cir. 1993), cert. denied, 511 U.S. 1110, 114 S.Ct. 2109, 128 L.Ed.2d. 669 (1994) (holding that the Boy Scouts of America (BSA) was not a "state actor" for purposes of the Fourteenth Amendment).

A hospital's receipt of federal funds by virtue of its participation in an organ-sharing network did not make the hospital a federal actor. Wheat v. Mass, 994 F.2d. 273 (5th Cir. 1993), reh'g denied, (Aug. 11, 1993).

Neighbors' behavior as private individuals in blocking a house owner's move of his house into the neighborhood did not rise to the level of state action for purposes of the Equal Protection Clause. Sofarelli v. Pinellas County, 931 F.2d. 718 (11th Cir. 1991).

But the power of Georgia's presidential candidate selection committee to exclude presidential aspirants from a presidential primary ballot constituted "state action" within the meaning of the Fourteenth Amendment, even though the committee exercised its judgment independently of the state since the committee was an arm of the state. Duke v. Cleland, 5 F.3d. 1399 (11th Cir. 1993), reh'g denied, 13 F.3d. 411 (11th Cir. 1994) and on remand to, 884 F.

1 Observation: The Supreme Court has aptly pointed out that the question of whether particular discriminatory conduct is
2 private, on the one hand, or amounts to "state action," on the other hand, frequently admits of no easy answer.⁵⁴ Moreover,
3 the Court has concluded that no precise or infallible formula for such a determination exists,⁵⁵ and has advised that only by
4 sifting the facts and weighing the circumstances in each case can the state's nonobvious involvement in private conduct be
5 determined.⁵⁶ The crucial factor, however, is the interplay of the governmental and private actions.⁵⁷

6 In dealing with the question whether particular conduct is private or sufficiently involves governmental action so that the
7 Fourteenth Amendment is applicable, the Supreme Court has indicated that although any kind of state action, including
8 indirect or peripheral action, may constitute the requisite governmental action;⁵⁸ nevertheless, the mere receipt of some sort
9 of governmental benefit or service by a private entity does not necessarily subject it to the Equal Protection Clause.⁵⁹
10 Where the impetus for discrimination is private, the state must significantly involve itself with the invidious discrimination
11 in order for the discriminatory action to fall within the ambit of the constitutional prohibition in the Equal Protection
12 Clause.⁶⁰

13 In regard to more specific matters which the Supreme Court has examined in resolving the private versus governmental
14 conduct issue, the court has held that state enforcement of private policies of discrimination constitutes state action to
15 which the Fourteenth Amendment is applicable.⁶¹ Moreover, the Fourteenth Amendment may be applicable in situations
16 where it is found that governmental policies or regulations encourage private discrimination or enable such discrimination
17 to exist.⁶² And the Supreme Court has indicated that nominally private conduct which, through subterfuge, is actually
18 governmental conduct, is subject to the Fourteenth Amendment.⁶³

Supp. 511 (N.D. Ga. 1995), aff'd, 87 F.3d. 1226 (11th Cir. 1996), reh'g and suggestion for reh'g en banc denied, 98 F.3d. 1355 (11th Cir. 1996) and reh'g denied, (Sept. 19, 1996).

⁵⁴ Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972); Evans v. Newton, 382 U.S. 296, 86 S.Ct. 486, 15 L.Ed.2d. 373 (1966), on remand to, 221 Ga. 870, 148 S.E.2d. 329 (1966).

⁵⁵ Gilmore v. City of Montgomery, Ala., 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); Burton v. Wilmington Parking Authority, 365 U.S. 715, 81 S.Ct. 856, 6 L.Ed.2d. 45 (1961).

Decisions on the constitutionality of state involvement in private discrimination do not turn on whether state aid adds up to 51 percent or adds up to only 49 percent of the support of the segregated institution. Norwood v. Harrison, 413 U.S. 455, 93 S.Ct. 2804, 37 L.Ed.2d. 723 (1973), on remand to, 382 F. Supp. 921 (N.D. Miss. 1974).

⁵⁶ Gilmore v. City of Montgomery, Ala., 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); Reitman v. Mulkey, 387 U.S. 369, 87 S.Ct. 1627, 18 L.Ed.2d. 830 (1967); Evans v. Newton, 382 U.S. 296, 86 S.Ct. 486, 15 L.Ed.2d. 373 (1966), on remand to, 221 Ga. 870, 148 S.E.2d. 329 (1966) and (declined to extend by, United Auto Workers, Local No. 5285 v. Gaston Festivals, Inc., 43 F.3d. 902, 148 L.R.R.M. (BNA) 2193 (4th Cir. 1995)) and (declined to extend by, Gallagher v. Neil Young Freedom Concert, 49 F.3d. 1442, 98 Ed.Law.Rep. 639 (10th Cir. 1995)).

⁵⁷ Anderson v. Martin, 375 U.S. 399, 84 S.Ct. 454, 11 L.Ed.2d. 430 (1964); Harvey & Corky Corp. v. Erie County, 56 A.D.2d 136, 392 N.Y.S.2d. 116 (4th Dep't 1977).

⁵⁸ U. S. v. Guest, 383 U.S. 745, 86 S.Ct. 1170, 16 L.Ed.2d. 239 (1966) (modification recognized by, City of Boerne v. Flores, 117 S.Ct. 2157, 138 L.Ed.2d. 624, 74 Fair Empl. Prac. Cas. (BNA) 62, 70 Empl. Prac. Dec. (CCH) ¶ 44785 (U.S.Sup.Ct. 1997)); Mulkey v. Reitman, 64 Cal. 2d 529, 50 Cal. Rptr. 881, 413 P.2d. 825 (1966), cert. granted, 385 U.S. 967, 87 S.Ct. 500, 17 L.Ed.2d. 431 (1966) and judgment aff'd, 387 U.S. 369, 87 S.Ct. 1627, 18 L.Ed.2d. 830 (1967); Kennebec, Inc. v. Bank of the West, 88 Wash. 2d 718, 565 P.2d. 812 (1977).

⁵⁹ Gilmore v. City of Montgomery, Ala., 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972).

⁶⁰ Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972).

Since the Equal Protection Clause does not erect a shield against private discriminatory action no matter how wrong, Blue Cross may refuse to provide coverage for in-hospital radiological services as it has a private right not to provide coverage for every type of medical service. Radiological Soc. of New Jersey v. Sheeran, 175 N.J. Super. 367, 418 A.2d. 1300 (App. Div. 1980), certification denied, 87 N.J. 311, 434 A.2d. 66 (1981).

⁶¹ Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972); Griffin v. State of Md., 378 U.S. 130, 84 S.Ct. 1770, 12 L.Ed.2d. 754 (1964).

⁶² Reitman v. Mulkey, 387 U.S. 369, 87 S.Ct. 1627, 18 L.Ed.2d. 830 (1967); Robinson v. State of Fla., 378 U.S. 153, 84 S.Ct. 1693, 12 L.Ed.2d. 771 (1964); Anderson v. Martin, 375 U.S. 399, 84 S.Ct. 454, 11 L.Ed.2d. 430 (1964).

With regard to the Equal Protection Clause, a city wields state power in amending its charter so as to suspend the operation of an existing ordinance forbidding housing discrimination. Hunter v. Erickson, 393 U.S. 385, 89 S.Ct. 557, 21 L.Ed.2d. 616, 47 Ohio.Op.2d. 100 (1969) (declined to extend by, U.S. v. City of Yonkers, 880 F. Supp. 212, 99 Ed.Law.Rep. 364 (S.D.N.Y. 1995)).

⁶³ Palmer v. Thompson, 403 U.S. 217, 91 S.Ct. 1940, 29 L.Ed.2d. 438 (1971).

1 The mere fact that a private entity is subject to state regulation does not make the Equal Protection Clause applicable,⁶⁴
2 although the Supreme Court has held that the amendment is applicable to the acts of a political party in conducting its
3 primary election where the state regulated primary elections.⁶⁵

4 **3.11 Classification based on religion**

5 Classification of persons on the basis of religion is condemned by the Equal Protection Clause of the Fourteenth
6 Amendment.⁶⁶ State action which treats one religion differently than another will almost always be invidious
7 discrimination in violation of the Equal Protection Clause, although the invidiousness of religious discrimination will vary
8 depending upon the surrounding context.⁶⁷ However, application of the Fair Labor Standards Act to a religious foundation
9 and workers in its commercial activities does not deny equal protection on the basis of differences between treatment of
10 those workers and the government's treatment of its own volunteer workers, as Congress could rationally have concluded
11 that minimum wage coverage of its volunteers is not required to protect the volunteers or to prevent unfair competition with
12 private employers.⁶⁸ Heightened scrutiny is applicable to a statute that applies selectively to a religious activity only if the
13 plaintiff can show that the basis for the distinction was religious, not secular; if the basis for the distinction is secular, then
14 the court reviews the statute to determine whether it classifies persons it affects in a manner rationally related to legitimate
15 governmental objectives.⁶⁹

16 " Caution: Despite the rule prohibiting classifications based on religion, where a statute is neutral on its face and motivated
17 by the permissible purpose of limiting governmental interference with the exercise of religion, there is no justification for
18 applying strict scrutiny, for equal protection analysis purposes, to a statute that passes the Lemon test;⁷⁰ the proper inquiry
19 is whether Congress has chosen a rational classification to further a legitimate end.⁷¹

⁶⁴ Gilmore v. City of Montgomery, Ala., 417 U.S. 556, 94 S.Ct. 2416, 41 L.Ed.2d. 304 (1974); Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S.Ct. 1965, 32 L.Ed.2d. 627 (1972).

⁶⁵ Gray v. Sanders, 372 U.S. 368, 83 S.Ct. 801, 9 L.Ed.2d. 821 (1963).

State statutes requiring candidates in party primary elections to pay filing fees constitute state action within the meaning of the Fourteenth Amendment. Bullock v. Carter, 405 U.S. 134, 92 S.Ct. 849, 31 L.Ed.2d. 92 (1972).

⁶⁶ For issues relating to freedom of religion or the establishment of religion, see §§ 415 et seq.

As to religious, moral, or sociological beliefs as qualifications for voting, see 25 Am Jur 2d, Elections § 160.

Annotation: Construction and application of § 902 of Civil Rights Act of 1964 (42 USCS § 2000h-2) authorizing United States to intervene in private action for relief from denial of equal protection of laws under Fourteenth Amendment on account of race, color, religion, sex, or national origin, 19 A.L.R. Fed. 623.

⁶⁷ Hsu By and Through Hsu v. Roslyn Union Free School Dist. No. 3, 85 F.3d. 839, 109 Ed.Law.Rep. 1145 (2d Cir. 1996), cert. denied, 117 S.Ct. 608, 136 L.Ed.2d. 534 (U.S. 1996).

But an allegation of a minister and a ministry that a municipality violated their fundamental right to the free exercise of religion by erecting and locking a gate between a public park and the property which was to be used for a religious tent revival meeting did not sustain an equal protection claim, absent any evidence that the ministry received different treatment from other similarly situated individuals or groups. Brown v. Borough of Mahaffey, Pa., 35 F.3d. 846 (3d Cir. 1994).

⁶⁸ Tony and Susan Alamo Foundation v. Secretary of Labor, 471 U.S. 290, 105 S.Ct. 1953, 85 L.Ed.2d. 278, 27 Wage & Hour Cas. (BNA) 209, 36 Empl. Prac. Dec. (CCH) ¶ 35147, 102 Lab. Cas. (CCH) ¶ 34655 (1985).

See also Droz v. C.I.R., 48 F.3d. 1120, Unempl. Ins. Rep. (CCH) ¶ 14514B, 95-1 U.S. Tax Cas. (CCH) ¶ 50125, 75 A.F.T.R.2d (P-H) ¶ 95-1327 (9th Cir. 1995), as amended on other grounds on denial of reh'g, (June 1, 1995) and cert. denied, 116 S.Ct. 698, 133 L.Ed.2d. 656 (U.S. 1996) (holding that a taxpayer's equal protection rights were not violated by a statute denying a self-employment social security tax exemption to a taxpayer who had religious objections to the social security system, but who did not belong to a religious organization with its own welfare system, since the basis for the exemption was to ensure that all persons were covered by a welfare plan and since the justification for the action was rationally related to legitimate governmental objectives).

⁶⁹ Olsen v. C.I.R., 709 F.2d. 278, 83-1 U.S. Tax Cas. (CCH) ¶ 9403, 52 A.F.T.R.2d (P-H) ¶ 83-5207 (4th Cir. 1983); Droz v. C.I.R., 48 F.3d. 1120, Unempl. Ins. Rep. (CCH) ¶ 14514B, 95-1 U.S. Tax Cas. (CCH) ¶ 50125, 75 A.F.T.R.2d (P-H) ¶ 95-1327 (9th Cir. 1995), as amended on other grounds on denial of reh'g, (June 1, 1995) and cert. denied, 116 S.Ct. 698, 133 L.Ed.2d. 656 (U.S. 1996).

⁷⁰ For an explanation of the Lemon test, see Am.Jur.2d, Constitutional Law, §419.

⁷¹ Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos, 483 U.S. 327, 107 S.Ct. 2862, 97 L.Ed.2d. 273, 44 Fair Empl. Prac. Cas. (BNA) 20, 43 Empl. Prac. Dec. (CCH) ¶ 37101 (1987); Hsu By and Through Hsu v. Roslyn Union Free School Dist. No. 3, 85 F.3d. 839, 109 Ed.Law.Rep. 1145 (2d Cir. 1996), cert. denied, 117 S.Ct. 608, 136 L.Ed.2d. 534 (U.S. 1996).

1 As applied to the nonprofit activities of religious employers, the provision of the Civil Rights Acts exempting religious
2 organizations from Title VII's prohibition against discrimination in employment on the basis of religion was rationally
3 related to the legitimate purpose of alleviating significant governmental interference with the ability of religious
4 organizations to define and carry out their religious missions, and thus the exemption did not violate the Equal Protection
5 Clause.⁷²

6 **4 Equal treatment**

7 Going along with equal protection is the notion of equal treatment, which requires that the government treat all persons
8 similarly situated the same. This idea has its origins in the Golden Rule documented in the Bible:

9 *"Do unto others as you would have them do unto you."*
10 [[Matt. 7:12.](#)]

11 Equal treatment is referred to by the courts with various terms, such as:

12 1. **Equal treatment**

13 *Article IV, § 2, cl. 1, of the Constitution provides that the "Citizens of each State shall be entitled to all*
14 *Privileges and Immunities of Citizens in the several States." **The provision was designed "to place the citizens***
15 ***of each State upon the same footing with citizens of other States, so far as the advantages resulting from***
16 ***citizenship in those States are concerned.** Paul v. Virginia, 8 Wall. 168, 180, 19 L.Ed. 357 (1869). See also*
17 *Toomer v. Witsell, 334 U.S. 385, 395, 68 S.Ct. 1156, 1162, 92 L.Ed. 1460 (1948) (the Privileges and*
18 *Immunities Clause "was designed to insure to a citizen of State A who ventures into State B the same privileges*
19 *which the citizens of State B enjoy"). The Clause "thus establishes a norm of comity without specifying the*
20 *particular subjects as to which citizens of one State coming within the jurisdiction of another are guaranteed*
21 *equality of treatment." Austin v. New Hampshire, 420 U.S. 656, 660, 95 S.Ct. 1191, 1194, 43 L.Ed.2d. 530*
22 *(1975).*

23 **While the Privileges and Immunities Clause cites the term "Citizens," for analytic purposes citizenship and**
24 **residency are essentially interchangeable.** See *United Building & Construction Trades Council v. Mayor and*
25 *Council of Camden, 465 U.S. 208, 216, 104 S.Ct. 1020, 1026, 79 L.Ed.2d. 249 (1984). **When examining claims***
26 **that a citizenship or residency classification offends privileges and immunities protections, we undertake a**
27 **two-step inquiry.** First, the activity in question must be "'sufficiently basic to the livelihood of the Nation' ... as
28 *to fall within the purview of the Privileges and Immunities Clause...." Id., at 221-222, 104 S.Ct., at 1029,*
29 *quoting Baldwin v. Montana Fish & Game Comm'n, 436 U.S. 371, 388, 98 S.Ct. 1852, 1863, 56 L.Ed.2d. 354*
30 *(1978). For it is " '[o]nly with respect to those "privileges" and "immunities" bearing on the vitality of the*
31 *Nation as a single entity' that a State must accord*65 residents and nonresidents **equal treatment.**" Supreme*
32 *Court of New Hampshire v. Piper, 470 U.S., at 279, 105 S.Ct., at 1276, quoting Baldwin, supra, 436 U.S., at*
33 *383, 98 S.Ct., at 1860. Second, if the challenged restriction deprives nonresidents of a protected privilege, we*
34 *will invalidate it only if we conclude that the restriction is not closely related to the advancement of a*
35 *substantial state interest. Piper, supra, 470 U.S., at 284, 105 S.Ct., at 1278. Appellants assert that the residency*
36 *requirement offends neither part of this test. We disagree.*
37 [*Supreme Court of Virginia v. Friedman, 487 U.S. 59, 108 S.Ct. 2260 (U.S.Va.,1988)*]

38 2. **Fair treatment**

39 *"At a time in our history when the streets of the Nation's cities inspire fear and despair, rather than pride and*
40 *hope, it is difficult to maintain objectivity and concern for our fellow citizens. But, the measure of a country's*
41 *greatness is its ability to retain compassion in time of crisis. No nation in the recorded history of man has a*
42 *greater tradition of revering justice and **fair treatment** for all its citizens in times of turmoil, confusion, and*
43 *tension than ours. This is a ****2794** country which stands tallest in troubled times, a country that clings to*
44 *fundamental principles, cherishes its constitutional heritage, and rejects simple solutions that compromise the*
45 *values that lie at the roots of our democratic system.*

46 *In striking down capital punishment, this Court does not malign our system of government. On the contrary, it*
47 *pays homage to it. Only in a free society could right triumph in difficult times, and could civilization record its*
48 *magnificent advancement. In recognizing the humanity of our fellow beings, we pay ourselves the highest*
49 *tribute. We achieve 'a major milestone in the long road up from barbarism'^{FN164} and join the approximately 70*
50 *other jurisdictions in the world which celebrate their regard for civilization and humanity by shunning capital*
51 *punishment.*^{FN165,}

⁷² Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos, 483 U.S. 327, 107 S.Ct. 2862, 97 L.Ed.2d. 273, 44 Fair Empl. Prac. Cas. (BNA) 20, 43 Empl. Prac. Dec. (CCH) ¶ 37101 (1987).

I dissent. Robert Hall, a Negro citizen, has been deprived not only of the right to be tried by a court rather than by ordeal. He has been deprived of the right of life itself. That right belonged to him not because he was a Negro or a member of any particular race or creed. That right was his because he was an American citizen, because *135 he was a human being. As such, he was entitled to all the respect and fair treatment that befits the dignity of man, a dignity that is recognized and guaranteed by the Constitution. Yet not even the semblance of due process has been accorded him. He has been cruelly and unjustifiably beaten to death by local police officers acting under color of authority derived from the state. It is difficult to believe that such an obvious and necessary right is indefinitely **1052 guaranteed by the Constitution or is foreign to the knowledge of local police officers so as to cast any reasonable doubt on the conviction under Section 20 of the Criminal Code of the perpetrators of this 'shocking and revolting episode in law enforcement.'

[Screws v. U.S., 325 U.S. 91, 65 S.Ct. 1031 (U.S. 1945)]

3. Mutuality.

If we expect aliens to obey our laws, aliens should be able to expect that we will obey our Constitution when we investigate, prosecute, and punish them. We have recognized this fundamental principle of mutuality since the time of the Framers. James Madison, universally recognized as the primary architect of the Bill of Rights, emphasized the importance of mutuality when he spoke out against the Alien and Sedition Acts less than a decade after the adoption of the Fourth Amendment:

"[I]t does not follow, because aliens are not parties to the Constitution, as citizens are parties to it, that, whilst they actually conform to it, they have no right to its protection. **Aliens are no more parties to the laws than they are parties to the Constitution; yet it will not be disputed that, as they owe, on one hand, a temporary obedience, they are entitled, in return, to their protection and advantage.**" Madison's Report on the Virginia Resolutions (1800), reprinted in 4 Elliot's Debates 556 (2d ed. 1836).

Mutuality is essential to ensure the fundamental fairness that underlies our Bill of Rights. Foreign nationals investigated and prosecuted for alleged violations of United States criminal laws are just as vulnerable to oppressive Government*285 behavior as are United States citizens investigated and prosecuted for the same alleged violations. Indeed, in a case such as this where the Government claims the existence of an international criminal conspiracy, citizens and foreign nationals may be codefendants, charged under the same statutes for the same conduct and facing the same penalties if convicted. They may have been investigated by the same agents pursuant to the same enforcement authority. **When our Government holds these codefendants to the same standards of conduct, the Fourth Amendment, which protects the citizen from unreasonable searches and seizures, should protect the foreign national as well.**

Mutuality also serves to inculcate the values of law and order. By respecting the rights of foreign nationals, we encourage other nations to respect the rights of our citizens. Moreover, as our Nation becomes increasingly concerned about the domestic effects of international crime, we cannot forget that the behavior of our law enforcement agents abroad sends a powerful message about the rule of law to individuals everywhere. As Justice Brandeis warned in Olmstead v. United States, 277 U.S. 438, 48 S.Ct. 564, 72 L.Ed. 944 (1928):

"If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means ... would bring terrible retribution. Against that pernicious doctrine, this Court should resolutely set its face." Id., at 485, 48 S.Ct., at 575 (dissenting opinion).

This principle is no different when the United States applies its rules of conduct to foreign nationals. If we seek respect for law and order, we must observe these principles ourselves. **Lawlessness breeds lawlessness.** [U.S. v. Verdugo-Urquidez, 494 U.S. 259, 110 S.Ct. 1056 (U.S. Cal., 1990)]

4. Comity.

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

Below are some biblical examples of equal treatment:

1 1. Exodus 22:21: Treat strangers like you would want to be treated if you were a stranger.

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

4 2. Exodus 23:9: Treat strangers like you would want to be treated if you were a stranger.

5 *"Also you shall not oppress a stranger, for you know the heart of a stranger, because you were strangers in the*
6 *land of Egypt."*
7 *[Exodus 23:9, Bible, NKJV]*

8 3. Leviticus 19:34: Treat strangers like you would want to be treated if you were a stranger.

9 *"The stranger who dwells among you shall be to you as one born among you, and you shall love him as*
10 *yourself; for you were strangers in the land of Egypt: I am the LORD your God."*
11 *[Leviticus 19:34, Bible, NKJV]*

12 4. Leviticus 23:22: Treat the poor and the stranger the way you would want to be treated if you were poor and a stranger.

13 *"When you reap the harvest of your land, you shall not wholly reap the corners of your field when you reap, nor*
14 *shall you gather any gleanings from your harvest. You shall leave them for the poor and for the stranger: I am*
15 *the LORD your God."*
16 *[Lev. 23:22, Bible, NKJV]*

17 5. Deut. 10:19: Treat strangers like you would want to be treated if you were a stranger.

18 *"Therefore love the stranger, for you were strangers in the land of Egypt."*
19 *[Deut. 10:19, Bible, NKJV]*

20 6. Matt. 6:12: Forgive debts if you want your debts forgiven

21 *"And forgive us our debts,*
22 *As we forgive our debtors."*
23 *[Matt. 6:12, Bible, NKJV]*

24 7. Matt. 18:21-35: If you forgive others, you will also be forgiven

25 *"You wicked servant! I forgave you all that debt because you begged me. Should you not also have had*
26 *compassion on your fellow servant, just as I had pity on you?" And his master was angry, and delivered him to*
27 *the torturers until he should pay all that was due to him.*
28 *"So My heavenly Father also will do to you if each of you, from his heart, does not forgive his brother his*
29 *trespasses."*
30 *[Matt. 18:31-35, Bible, NKJV]*

31 8. Matt. 5:7: You will reap what you sow. If you give mercy, you will get it.

32 *"Blessed are the merciful,*
33 *For they shall obtain mercy."*
34 *[Matt. 5:7, Bible, NKJV]*

35 **5 Relationship of Equal Protection to Our Republican Government of Delegated, Limited, and**
36 **Enumerated Powers**

37 The United States Government has been identified as a government of finite, delegated, enumerated powers:

38 *"The Government of the United States is one of delegated powers alone. Its authority is defined and limited by*
39 *the Constitution. All powers not granted to it by that instrument are reserved to the States or the people."*
40 *[United States v. Cruikshank, 92 U.S. 542 (1875)]*
41

42 *We start with first principles. The Constitution creates a Federal Government of enumerated powers. See U.S.*
43 *Const., Art. I, 8. As James Madison wrote, "[t]he powers delegated by the proposed Constitution to the federal*
44 *government are few and defined. Those which are to remain in the State governments are numerous and*

1 indefinite." *The Federalist* No. 45, pp. 292-293 (C. Rossiter ed. 1961). **This constitutionally mandated division**
2 **of authority "was adopted by the Framers to ensure protection of our fundamental liberties."** *Gregory v.*
3 **Ashcroft, 501 U.S. 452, 458 (1991) (internal quotation marks omitted). "Just as the separation and**
4 **independence of the coordinate branches of the Federal Government serves to prevent the accumulation of**
5 **excessive power in any one branch, a healthy balance of power between the States and the Federal**
6 **Government will reduce the risk of tyranny and abuse from either front."** *Ibid.*
7 [*U.S. v. Lopez, 514 U.S. 549 (1995)*]

8 The States of the Union are separate, "foreign", and "sovereign" in respect to the federal government for the purposes of
9 legislative jurisdiction, which means that nearly all federal legislation cannot and does not apply to any portion of a state of
10 the Union:

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

19 **"The determination of the Framers Convention and the ratifying conventions to preserve complete and**
20 **unimpaired state [and personal] self-government in all matters not committed to the general government is**
21 **one of the plainest facts which emerges from the history of their deliberations.** And adherence to that
22 determination is incumbent equally upon the federal government and the states. **State powers can neither be**
23 **appropriated on the one hand nor abdicated on the other. As this court said in *Texas v. White*, 7 Wall. 700,**
24 **725, "The preservation of the States, and the maintenance of their governments, are as much within the**
25 **design and care of the Constitution as the preservation of the Union and the maintenance of the National**
26 **government.** The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible
27 States.' Every journey to a forbidden end begins with the first step; and the danger of such a step by the federal
28 government in the direction of taking over the powers of the states is that the end of the journey may find the
29 states so despoiled of their powers, or-what may amount to the same thing-so [298 U.S. 238, 296] relieved of
30 the responsibilities which possession of the powers necessarily enjoins, as to reduce them to little more than
31 geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under
32 consideration, it had been thought that any such danger lurked behind its plain words, it would never have been
33 ratified. "
34 [*Carter v. Carter Coal Co.*, 298 U.S. 238 (1936)]

35
36 **"To the contrary, the Constitution divides authority between federal and state governments for the protection**
37 **of individuals. State sovereignty is not just an end in itself: "Rather, federalism secures to citizens the**
38 **liberties that derive from the diffusion of sovereign power."** *Coleman v. Thompson*, 501 U.S. 722, 759 (1991)
39 (BLACKMUN, J., dissenting). "Just as the separation and independence of the coordinate branches of the
40 Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy
41 balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse
42 from either front." *Gregory v.* [505 U.S. 144, 182] *Ashcroft*, 501 U.S., at 458. See *The Federalist* No. 51,
43 p. 323. (C. Rossiter ed. 1961).

44 **Where Congress exceeds its authority relative to the States, therefore, the departure from the constitutional**
45 **plan cannot be ratified by the "consent" of state officials. An analogy to the separation of powers among the**
46 **branches of the Federal Government clarifies this point. The Constitution's division of power among the**
47 **three branches is violated where one branch invades the territory of another, whether or not the encroached-**
48 **upon branch approves the encroachment.** In *Buckley v. Valeo*, 424 U.S. 1, 118 -137 (1976), for instance, the
49 Court held that Congress had infringed the President's appointment power, despite the fact that the President
50 himself had manifested his consent to the statute that caused the infringement by signing it into law. See
51 *National League of Cities v. Usery*, 426 U.S., at 842, n. 12. In *INS v. Chadha*, 462 U.S. 919, 944 -959 (1983),
52 we held that the legislative veto violated the constitutional requirement that legislation be presented to the
53 President, despite Presidents' approval of hundreds of statutes containing a legislative veto provision. See *id.*,
54 at 944-945. The constitutional authority of Congress cannot be expanded by the "consent" of the governmental
55 unit whose domain is thereby narrowed, whether that unit is the Executive Branch or the States.

56 **State officials thus cannot consent to the enlargement of the powers of Congress beyond those enumerated in**
57 **the Constitution. Indeed, the facts of this case raise the possibility that powerful incentives might lead both**
58 **federal and state officials to view departures from the federal structure to be in their personal interests. Most**
59 **citizens recognize the need for radioactive waste disposal sites, but few want sites near their homes. As a result,**
60 **while it would be well within the authority of either federal or state officials to choose where the disposal sites**
61 **will be, it is likely to be in the political interest of each individual official to avoid being held accountable to the**
62 **voters for the choice of location. If [505 U.S. 144, 183] a federal official is faced with the alternatives of**

1 choosing a location or directing the States to do it, the official may well prefer the latter, as a means of shifting
2 responsibility for the eventual decision. If a state official is faced with the same set of alternatives - choosing a
3 location or having Congress direct the choice of a location - the state official may also prefer the latter, as it
4 may permit the avoidance of personal responsibility. The interests of public officials thus may not coincide with
5 the Constitution's intergovernmental allocation of authority. Where state officials purport to submit to the
6 direction of Congress in this manner, federalism is hardly being advanced. "
7 [New York v. United States, [505 U.S. 144](#) (1992)]

8
9 "The people of the United States, by their Constitution, have affirmed a division of internal governmental
10 powers between the federal government and the governments of the several states-committing to the first its
11 powers by express grant and necessary implication; to the latter, or [301 U.S. 548, 611] to the people, by
12 reservation, 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the
13 States.' The Constitution thus affirms the complete supremacy and independence of the state within the field of
14 its powers. Carter v. Carter Coal Co., [298 U.S. 238, 295](#), 56 S.Ct. 855, 865. The federal government has no
15 more authority to invade that field than the state has to invade the exclusive field of national governmental
16 powers; for, in the oft-repeated words of this court in Texas v. White, 7 Wall. 700, 725, 'the preservation of the
17 States, and the maintenance of their governments, are as much within the design and care of the Constitution as
18 the preservation of the Union and the maintenance of the National government.' The necessity of preserving
19 each from every form of illegitimate intrusion or interference on the part of the other is so imperative as to
20 require this court, when its judicial power is properly invoked, to view with a careful and discriminating eye
21 any legislation challenged as constituting such an intrusion or interference. See South Carolina v. United
22 States, [199 U.S. 437, 448](#), 26 S.Ct. 110, 4 Ann.Cas. 737."
23 [Steward Machine Co. v. Davis, [301 U.S. 548](#) (1937)]

24 The United States government possesses not sovereignty in and of itself. Rather, We the People, which includes you,
25 possess ALL of the sovereignty.

26 "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system,
27 while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the
28 people, by whom and for whom all government exists and acts."
29 [Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]

30
31 "The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly
32 belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the
33 powers which previous to the Revolution could have been exercised either by the King alone, or by him in
34 conjunction with his Parliament; subject only to those restrictions which have been imposed by the Constitution
35 of this State or of the U.S."
36 [Lansing v. Smith, 21 D. 89, 4 Wendel 9 (1829) (New York)]

37
38 "There is no such thing as a power of inherent Sovereignty in the government of the United States. In this
39 country sovereignty resides in the People, and Congress can exercise no power which they have not, by their
40 Constitution entrusted to it: All else is withheld."
41 [Juilliard v. Greenman, 110 U.S. 421 (1884)]

42
43 "Under our form of government, the legislature is NOT supreme. It is only one of the organs of that
44 ABSOLUTE SOVEREIGNTY which resides in the whole body of the PEOPLE; like other bodies of the
45 government, it can only exercise such powers as have been delegated to it, and when it steps beyond that
46 boundary, its acts.. are utterly VOID."
47 [Billings v. Hall, 7 CA. 1]

48
49 "In Europe, the executive is synonymous with the sovereign power of a state...where it is too commonly
50 acquired by force or fraud, or both...In America, however the case is widely different. Our government is
51 founded upon compact. Sovereignty was, and is, in the people."
52 [The Betsy, 3 Dall 6]

1 "His [the individual's] rights are such as existed by the law of the land long antecedent to the organization of
2 the State, and can only be taken from him by due process of law, and in accordance with the Constitution.
3 Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest
4 or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass
5 upon their rights."
6 [Hale v. Henkel, 201 U.S. 43 (1906):]

7 Strictly speaking, in our republican form of government, the absolute sovereignty of the nation is in the people
8 of the nation; and the residuary sovereignty of each state, not granted to any of its public functionaries, is in the
9 people of the state. 2 Dall. 471
10 [Bouv. Law Dict (1870)]

11 Various Presidents of the United States have acknowledged that the Constitution did NOT delegate ANY of your
12 sovereignty to the government:

13 "...a government which is founded by the people, who possess exclusively the sovereignty..." "In this great
14 nation there is but one order, that of the people, whose power, by a peculiarly happy improvement of the
15 representative principle, is transferred from them, without impairing in the slightest degree their sovereignty, to
16 bodies of their own creation, and to persons elected by themselves, in the full extent necessary for all the
17 purposes of free, enlightened and efficient government. The whole system is elective, the complete sovereignty
18 being in the people, and every officer in every department deriving his authority from and being responsible to
19 them for his conduct."
20 [James Monroe, Second Inaugural Speech March 5, 1821]

21 The only way you can lose the sovereignty God gave you, is to sign a contract or participate in a franchise or "privilege"
22 and thereby give it away usually to the government. All acceptance of "privileges" or franchises from the government
23 represents an implied surrender of your right to have ALL the same EQUAL rights as the entire government itself.

24 "The rights of sovereignty extend to all persons and things not privileged, that are within the territory.
25 They extend to all strangers resident therein; not only to those who are naturalized, and to those who are
26 domiciled therein, having taken up their abode with the intention of permanent residence, but also to those
27 whose residence is transitory. All strangers are under the protection of the sovereign while they are within his
28 territory and owe a temporary allegiance in return for that protection."
29 [Carlisle v. United States, 83 U.S. 147, 154 (1873)]
30

31 "The principle is invoked that one who accepts the benefit [e.g. "public right", "franchise", or "privilege"] of
32 a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General,
33 124 U.S. 581, 8 S.Ct. 631; Wall v. Parrot Silver & Copper Co., 244 U.S. 407, 37 S.Ct. 609; St. Louis, etc., Co.,
34 v. George C. Prendergast Const. Co., 260 U.S. 469, 43 S.Ct. 178."
35 [Ashwander v. T.V.A., 297 U.S. 288 (1936)]

36 In other words, if you want to remain sovereign, you cannot accept any "privileges", benefits, or "franchises" offered by the
37 government, including statutory "U.S. citizen" status under 8 U.S.C. §1401, domicile within the jurisdiction of the federal
38 government, Social Security, Medicare, Medicaid, Unemployment Insurance, marriage licenses, professional licenses, or
39 drivers licenses. We also note that constitutional "citizen of the United States" status under the Fourteenth Amendment is
40 NOT a privilege under federal law and is NOT equivalent to the statutory "U.S. citizen" status described in 8 U.S.C. §1401.
41 A constitutional citizen who is not a statutory citizen is called a "national" or "state national" within federal law. See:

[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>

42 The implications of the concept of delegated powers are vast and far reaching, and beyond the understanding of the average
43 American, who is dumbed-down in the public (e.g. GOVERNMENT) schools on the subject of law and government. For
44 instance:

- 45 1. If our government is one of finite, exclusively delegated powers, then they cannot exercise ANY power that you
46 yourself do not have, because all such powers are DELEGATED from you, who is a part of the ONLY sovereignty,
47 We The People.

48 "... The governments are but trustees [of We The People, the Sovereigns] acting under derived authority and
49 have no power to delegate what is not delegated to them. But the people, as the original fountain might take

1 away what they have delegated and intrust to whom they please. ...The sovereignty in every state resides in the
2 people of the state and they may alter and change their form of government at their own pleasure."
3 [Luther v. Borden, 48 U.S. 1, 12 L.Ed. 581 (1849)]

4 "Derativa potestas non potest esse major primitiva.
5 The power which is derived cannot be greater than that from which it is derived. Wing.Max. 36; Finch. Law, b.
6 1, c. 3, p. 11"
7 [Bouvier's Maxims of Law, 1856, p. 2131
8 Source: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviarsMaxims.htm>]

9 "Delegata potestas non potest delegari.
10 A delegated authority cannot be again delegated. 2 Co. Inst. 597; 5 Bing. N. C. 310; 2 Bouv. Inst. n. 1300."
11 [Bouvier's Maxims of Law, 1856, p. 2131
12 Source: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviarsMaxims.htm>]

13 "Delegatus non potest delegare.
14 A delegate or deputy cannot appoint another. 2 Bouv. Inst. n. 1936; Story, Ag. §33."
15 [Bouvier's Maxims of Law, 1856, 1856, p. 2131
16 Source: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviarsMaxims.htm>]

- 17 2. When the government engages in private business concerns not authorized by the Constitution, or contracts, it must
18 devolve from the status of a "sovereign" to the status of an ordinary person on an equal footing with you in the eyes of
19 all courts:

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

30 See Jones, 1 Cl.Ct. at 85 ("**Wherever the public and private acts of the government seem to commingle, a**
31 **citizen or corporate body must by supposition be substituted in its place, and then the question be determined**
32 **whether the action will lie against the supposed defendant**"); O'Neill v. United States, 231 Ct.Cl. 823, 826
33 (1982) (sovereign acts doctrine applies where, "[w]ere [the] contracts exclusively between private parties, the
34 party hurt by such governing action could not claim compensation from the other party for the governing
35 action"). The dissent ignores these statements (including the statement from Jones, from which case Horowitz
36 drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize
37 the need to treat the government-as-contractor the same as a private party.
38 [United States v. Winstar Corp. 518 U.S. 839 (1996)]

39
40 "**When a State engages in ordinary commercial ventures, it acts like a private person, outside the area of its**
41 **\"core\" responsibilities, and in a way unlikely to prove essential to the fulfillment of a basic governmental**
42 **obligation. A Congress that decides to regulate those state commercial activities rather than to exempt the**
43 **State likely believes that an exemption, by treating the State differently from identically situated private**
44 **persons, would threaten the objectives of a federal regulatory program aimed primarily at private conduct.**
45 Compare, e.g., 12 U.S.C. §1841(b) (1994 ed., Supp. III) (exempting state companies from regulations covering
46 federal bank holding companies); 15 U.S.C. §77c(a)(2) (exempting state-issued securities from federal
47 securities laws); and 29 U. S. C §652(5) (exempting States from the definition of "employer[s]" subject to
48 federal occupational safety and health laws), with 11 U.S.C. §106(a) (subjecting States to federal bankruptcy
49 court judgments); 15 U. S. C. §1122(a) (subjecting States to suit for violation of Lanham Act); 17 U.S.C.
50 §511(a) (subjecting States to suit for copyright infringement); 35 U. S. C. §271(h) (subjecting States to suit for
51 patent infringement). And a Congress that includes the State not only within its substantive regulatory rules but
52 also (expressly) within a related system of private remedies likely believes that a remedial exemption would
53 similarly threaten that program. See Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank,
54 ante, at ___ (Stevens, J., dissenting). It thereby avoids an enforcement gap which, when allied with the
55 pressures of a competitive marketplace, could place the State's regulated private competitors at a significant
56 disadvantage.

57 "**These considerations make Congress' need to possess the power to condition entry into the market upon a**
58 **waiver of sovereign immunity (as \"necessary and proper\" to the exercise of its commerce power) unusually**
59 **strong, for to deny Congress that power would deny Congress the power effectively to regulate private conduct.**

1 Cf. California v. Taylor , 353 U. S. 553, 566 (1957). At the same time they make a State's need to exercise
2 sovereign immunity unusually weak, for the State is unlikely to have to supply what private firms already
3 supply, nor may it fairly demand special treatment, even to protect the public purse, when it does so. Neither
4 can one easily imagine what the Constitution's founders would have thought about the assertion of sovereign
5 immunity in this special context. These considerations, differing in kind or degree from those that would support
6 a general congressional "abrogation" power, indicate that Parden 's holding is sound, irrespective of this
7 Court's decisions in Seminole Tribe of Fla. v. Florida, 517 U.S. 44 (1996), and Alden v. Maine, ante , p. ____.
8 [College Savings Bank v. Florida Prepaid Postsecondary Education Expense, 527 U.S. 666 (1999)]

9 The above concepts imply a clear opportunity for corruption within our system of republican government, which are
10 described below:

- 11 1. Governments who want to exceed their power and Constitutionally delegated authority often choose to engage in
12 private business concerns not specifically authorized by the Constitution itself, such as "social insurance" or private
13 banking. Such private business concerns might include:
 - 14 1.1. Social Security
 - 15 1.2. Medicare
 - 16 1.3. Medicare
 - 17 1.4. Unemployment Insurance
 - 18 1.5. Establishing or running a bank or delegating specific authority to private banks to perform some of their
19 functions, such as the Federal Reserve.
- 20 2. When they create such private business enterprises, they must surrender their sovereign immunity in court and come
21 down to the level of ordinary individuals, as described above. However, oftentimes, they will try to abuse their
22 authority and influence by:
 - 23 2.1. Implementing the venture using private/contract law but falsely portraying said statute as "public law" that
24 EVERYONE must obey, in order to entice ignorant Americans into feeling compelled to participate.
 - 25 2.2. Wrongfully describing such ventures as a "public purpose".
 - 26 2.3. Wrongfully describing the revenues that maintain the enterprise as "taxes" in order to deceive citizens into falsely
27 believing that they have a patriotic duty under the law to participate.
 - 28 2.4. By using tax policies to drive all other private industry competitors out of the marketplace in order to expand their
29 monopoly.

30 The above process of corruption involving portraying what is actually a "private purpose implemented through private
31 law" as a "public purpose implemented through public law" is thoroughly described in the document below:

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

- 32 3. The courts often unconstitutionally and unlawfully interfere with this implied surrender of sovereign immunity by the
33 government upon entering the commercial marketplace by:
 - 34 3.1. Inventing a judicial doctrine called "sovereign immunity". See section 1.11 of the following document for
35 details:

Sovereignty Forms and Instructions Manual, Form #10.005
<http://sedm.org/Forms/FormIndex.htm>
 - 36 3.2. Refusing to respond to proof that the Constitution does not authorize the specific franchise, which makes it a
37 private business activity.
 - 38 3.3. Refusing to recognize the existence or operation of the franchise that gave rise to the private commercial venture.
 - 39 3.4. Refusing to recognize the territorial limits upon the operation of the franchise. For instance, no federal franchise
40 may lawfully extend beyond federal territory. The states of the Union are NOT federal territory.
 - 41 3.5. Falsely describing the private activity as a "public purpose".
 - 42 3.6. Falsely describing the fees associated with participating not a "price" but as "taxes".
 - 43 3.7. Falsely pretending that the statutes that govern the franchise or business activity are "public law" when in fact
44 they are really just "private law" or "contract law" that is voluntary.
- 45 4. The effect of the illegal acts of the courts to interfere with the surrender of sovereign immunity by the government
46 when they enter private business is as follows:
 - 47 4.1. They implement the equivalent of an eventual antitrust monopoly, in violation of the Sherman Antitrust Act
48 found in 18 U.S.C. Chapter 1:
49 http://www.law.cornell.edu/uscode/html/uscode15/usc_sup_01_15_10_1.html
 - 50 4.2. The courts become a "protection racket" for the monopoly, in violation of [18 U.S.C. §1956](#).
 - 51 4.3. Private businesses who were participating in the marketplace are destroyed by the operation of the government
52 monopoly.

1 *“The power to tax is, therefore, the strongest, the most pervading of all the powers of government, reaching*
2 *directly or indirectly to all classes of the people. It was said by Chief Justice Marshall, in the case of McCulloch*
3 *v. The State of Maryland, FN5 that the power to tax is the power to destroy. **A striking instance of the truth of***
4 ***the proposition is seen in the fact that the existing tax of ten per cent. imposed by the United States on the***
5 ***circulation of all other banks than the National banks, drove out of existence every State bank of circulation***
6 ***within a year or two after its passage.** This power can as readily be employed against one class of individuals*
7 *and in favor of another, so as to ruin the one class and give unlimited wealth and prosperity to the other, if*
8 *there is no implied limitation of the uses for which the power may be exercised.”*
9 *[Citizens' Savings & Loan Ass'n v. City of Topeka, 87 U.S. 655 (1874)]*

10 If you would like to learn more about the Constitutional organization of our government, the nature of sovereignty, and the
11 implications of delegated authority, may we recommend the following EXCELLENT free public domain book on
12 Constitutional law:

Treatise on Government, Form #11.207, Joel Tiffany; 577 pages, 34 Mbytes
<http://famguardian.org/Publications/TreatiseOnGovernment/TreatOnGovt.pdf>

13 If you would like to learn more about the concept of “delegated authority” in the context of government, see:

Delegation of Authority Brief
<http://famguardian.org/Subjects/Taxes/ChallJurisdiction/AdminProc/Delegationbrf.htm>

14 **6 Inequality, its effects, and how it is created**

15 **6.1 Legal consequences of inequality**

16 When public servants refuse to recognize the requirement for equal protection and equal treatment, the following
17 consequences ensue:

- 18 1. Idolatry is committed in violation of the first four commandments of the Ten commandments, because those either
19 dispensing or receiving the benefits of the franchise become a privileged class who are above rather than equal with the
20 rest of society.

21 *“I am the LORD your God, who brought you out of the land of Egypt, out of the house of bondage.*

22 **“You shall have no other gods [including governments, earthly laws, money, or a “privileged” class of**
23 **persons] before Me.**

24 *“You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in*
25 *the earth beneath, or that is in the water under the earth; **you shall not bow down to them nor serve them***
26 ***[with our labor, or your earnings from labor]. For I, the LORD your God, am a jealous God, visiting the***
27 ***iniquity of the fathers upon the children to the third and fourth generations of those who hate Me, but***
28 ***showing mercy to thousands, to those who love Me and keep My commandments.**”*
29 *[Exodus 20:2-6, Bible, NKJV]*

- 30 2. Those in society are often compelled into a position of usually economic servitude towards those dispensing the
31 commercial benefits of the franchise, leading to the firing of God as your master and substituting a man or corporation
32 in His sovereign place.

33 *“No one can serve two masters; for either he will hate the one and love the other, or else he will be loyal to the*
34 *one and despise the other. **You cannot serve God and mammon.**”⁷³*
35 *[Jesus in Matt. 6:24, Bible, NKJV]*

- 36 3. Hypocrisy is created in the creation and enforcement of the laws. The only thing Jesus Christ (God’s representative
37 and Legal Counsel) ever bitterly criticized was this type of hypocrisy:

38 *But when he saw many of the Pharisees and Sadducees coming to his baptism, he said to them, “Brood of*
39 *vipers! Who warned you to flee from the wrath to come? Therefore bear fruits worthy of repentance, and do*

⁷³The New King James Version. 1996, c1982 . Thomas Nelson: Nashville

1 not think to say to yourselves, 'We have Abraham as our father.' For I say to you that God is able to raise up
2 children to Abraham from these stones. And even now the ax is laid to the root of the trees. Therefore every tree
3 which does not bear good fruit is cut down and thrown into the fire. I indeed baptize you with water unto
4 repentance, but He who is coming after me is mightier than I, whose sandals I am not worthy to carry. He will
5 baptize you with the Holy Spirit and fire. His winnowing fan is in His hand, and He will thoroughly clean out
6 His threshing floor, and gather His wheat into the barn; but He will burn up the chaff with unquenchable fire."
7 [Jesus in Matt. 3:7-12, Bible, NKJV]

- 8 4. The emphasis of lawmakers shifts from that of providing protection, which is the only legitimate purpose of a de jure
9 government, to the maximization of profit, revenues, power, and authority in the creation and execution of franchises.
10 This leads to:
11 4.1. Corruption within the government by those in receipt of the "privileges" and "franchises", who use their power,
12 influence, and unethically gained wealth to buy favors using campaign contributions committed to those who will
13 help expand their franchise and importance.
14 4.2. Obfuscation of the law in order to deceive people into engaging in franchises, to hide the nature of the franchise,
15 and to hide the voluntary nature of engaging in the franchise.
16 5. Those charged with enforcing the requirement for equal protection and equal treatment in the Dept. of Justice, by
17 refusing or omitting to do their job, confer the equivalent of an unconstitutional "title of nobility" upon those who are
18 violating the requirement, who are usually in the government.

19 *Constitution of the United States*
20 *Article 1, Section 9, Clause 8*

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

- 24 6. Those violating the requirement for equal protection become the recipients of special "privileges" and "franchises" not
25 enjoyed by ordinary citizens.

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

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

34 **In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised**
35 **without legislative grant. To be a corporation is a franchise.** *The various powers conferred on corporations*
36 *are franchises. The execution of a policy of insurance by an insurance company [e.g. Social*
37 *Insurance/Socialist Security], and the issuing a bank note by an incorporated bank [such as a Federal Reserve*
38 *NOTE], are franchises. People v. Utica Ins. Co., 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace*
39 *the property acquired by the exercise of the franchise. Bridgeport v. New York & N. H. R. Co., 36 Conn. 255, 4*
40 *Am.Rep. 63. Nor involve interest inland acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019,*
41 *1020. In a popular sense, the political rights of subjects and citizens are franchises, such as the right of*
42 *suffrage. etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio St. 24, 119 N.E. 195, 199,*
43 **L.R.A.1918E, 352.**

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

45 *Exclusive Franchise. See Exclusive Privilege or Franchise.*

46 *General and Special. The charter of a corporation is its "general" franchise, while a "special" franchise*
47 *consists in any rights granted by the public to use property for a public use but-with private profit. Lord v.*
48 *Equitable Life Assur. Soc., 194 N.Y. 212, 81 N. E. 443, 22 L.R.A.,N.S., 420.*

49 *Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of*
50 *a corporation, is sometimes called a "personal" franchise. as distinguished from a "property" franchise, which*
51 *authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special*
52 *privilege in its employment, as, for example, to construct and operate a railroad. See Sandham v. Nye, 9*
53 *Misc.ReP. 541, 30 N.Y.S. 552.*

1 *Secondary Franchises.* The franchise of corporate existence being sometimes called the "primary" franchise of
2 a corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may,
3 receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls,
4 collect fares, etc. *State v. Topeka Water Co.*, 61 Kan. 547, 60 P. 337; *Virginia Canon Toll Road Co. v. People*,
5 22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or
6 general franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a
7 corporation, while the latter are certain rights and privileges conferred upon existing corporations. *Gulf*
8 *Refining Co. v. Cleveland Trust Co.*, 166 Miss. 759, 108 So. 158, 160.

9 *Special Franchisee.* See *Secondary Franchises, supra*.
10 [*Black's Law Dictionary, Fourth Edition, pp. 786-787*]

11 7. The courts exercise partiality in judgment based on participation in the franchise, in violation of God's command in the
12 Bible not to exercise partiality in judgment (Deut. 1:17, Deut. 16:19, Deut. 10:17, Job 13:10).

13 7.1. They ignore the constraints imposed by the Bill of Rights upon the actions of the government, and thereby violate
14 their oaths of office to support and defend the constitution.

15 7.2. They make usually prejudicial presumptions against those engaged in the franchise. See:

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

16 7.3. They undermine the enforcement of "private rights" of those engaged in the franchise in favor of the government,
17 in deference to the "public rights" conveyed by statute. This happens because those engaging in the "franchise"
18 become essentially part of the government. This is further exhaustively analyzed in section 2 of the document
19 below:

Federal Jurisdiction, Form #05.018
<http://sedm.org/Forms/FormIndex.htm>

20 8. An elite, privileged class of individuals, who are often invisible, is created within society. This turns a republic into the
21 equivalent of a monarchy, where those dispensing the privileges and franchises use their monopoly to control and
22 dominate everyone else. If the benefit or privilege conferred upon them is financial in nature, they often use these
23 pecuniary benefits of the franchise to expand their influence and control and dominate the rest of the populace. An
24 example is the Federal Reserve, which:

25 8.1. Is a private, for-profit confederation of banks that is completely unaccountable to Congress or the American
26 public. For details on this SCAM, read:

27 *The Creature from Jekyll Island*, G. Edward Griffin, American Media, 1998, ISBN 0-912986-21-2. Available at
28 <http://www.realityzone.com>.

29 8.2. Engages in the licensed and privileged franchise of essentially counterfeiting money, which is illegal if we do it.
30 See [18 U.S.C. §472](#).

31 8.3. Banks who participate in the Federal Reserve Counterfeiting franchise are permitted to loan out ten times the
32 amount they have on deposit. In that sense, they are engaging in counterfeiting, which is the creation of money
33 that doesn't exist.

34 **6.2 How "Titles of Nobility" destroy and undermine equality and equal protection**

35 The subject of "titles of nobility" is closely related to the concept of equal protection of the law. Where "titles of nobility"
36 and the special "privileges" they enjoy exist, equal protection is impossible. "Titles of nobility" are mentioned in Article 1,
37 Section 9, Clause 8 of the United States Constitution:

38 *Constitution of the United States*
39 *Article 1, Section 9, Clause 8*

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

43 In this section, we will analyze exactly what "titles of nobility" are and what specific actions or omissions create them. The
44 best resource we have found on the Constitution is the Founder's Constitution. You can read authorities on the subject of
45 Article 1, Section 9, Clause 8 in that document at the link below:

Founder's Constitution, Article 1, Section 9, Clause 8
http://press-pubs.uchicago.edu/founders/tocs/a1_9_8.html

1 Below are some of the annotations originating from the founding fathers from above on this subject:

2 "Dignities and high sounding names have different effects on different beholders. The lustre of the Star and the
3 title of My Lord, over-awe the superstitious vulgar, and forbid them to inquire into the character of the
4 possessor: Nay more, they are, as it were, bewitched to admire in the great, the vices they would honestly
5 condemn in themselves. This sacrifice of common sense is the certain badge which distinguishes slavery from
6 freedom: for when men yield up the privilege of thinking, the last shadow of liberty quits the horizon."
7 [*Reflections on titles, Thomas Paine, May 1775, Life 2:65--67*]

8
9 "Inclosed is the Speech of the President with the Address of the House of Reps. & his reply. You will see in the
10 caption of the address that we have pruned the ordinary stile of the degrading appendages of Excellency, Esqr.
11 &c. and restored it to its naked dignity. Titles to both the President & vice President were formally &
12 unanimously condemned by a vote of the H. of Reps. This I hope will shew to the friends of Republicanism
13 that our new Government was not meant to substitute either Monarchy or Aristocracy, and that the genius of
14 the people is as yet adverse to both."
15 [*James Madison to Thomas Jefferson, 9 May 1789, Papers 12:143*]

16
17 But is there no stimulous to that laudable ardour and generous emulation which the commentator speaks of, to
18 be found in a pure democracy, which may compensate for the absence of ranks and honors? Yes. Virtue; that
19 principle which actuated the Bruti, a Camillus, and a Cato in the Roman republic, a Timoleon, an Aristides,
20 and an Epaminondas among the Greeks, with thousands of their fellow citizens whose names are scarcely yet
21 lost in the wreck of time. That principle whose operation we have seen in our own days and in our own country,
22 and of which, examples will be quoted by posterity so long as the remembrance of American liberty shall
23 continue among men. . . . "Virtue," says Montesquieu, "in a republic is a most simple thing; it is a love of the
24 republic. Love of the republic in a democracy is a love of the democracy: love of the democracy is that of
25 equality. The love of equality in a democracy limits ambition to the sole desire, to the sole happiness, of doing
26 greater services to our own country than the rest of our fellow citizens. . . . But all cannot render equal
27 services: hence distinctions arise here from the principle of equality, even when it seems to be removed, by
28 signal services, or superior abilities."

29 This distinction, the only one which is reconcileable to the genius and principle of a pure republic, is, if we may
30 reason from effect to cause, the most powerful incentive to good government that can animate the human
31 heart, with this advantage over those hereditary honors for which the commentator is so zealous an advocate,
32 that the ambition excited by the former must of necessity be directed to the public good, whilst the latter
33 springing from self love, alone, may exist in the breast of a Caesar or a Cataline. A Franklin, or a
34 Washington, need not the pageantry of honours, the glare of titles, nor the pre-eminence of station to
35 distinguish them. Their heads like the mountain pine are seen above the surrounding trees of the forest, but
36 their roots engross not a larger portion of the soil.

37 Equality of rights, in like manner, precludes not that distinction which superiority in virtue introduces
38 among the citizens of a republic. Washington in retirement was equal, and only equal, in rights, to the
39 poorest citizen of the state. Yet in the midst of that retirement the elevation of his character was superior to
40 that of any prince in the universe, and the lustre of it far transcended the brightest diadem.

41 But even where it conceded that distinctions of rank and honours were necessary to good government, it
42 would by no means follow that they should be hereditary; the same laudable ardour which leads to the
43 acquisition of honor, is not necessary to the preservation of its badges; and these are all which it's hereditary
44 possessors, in general, regard. Had nature in her operations shewn that the same vigour of mind and activity
45 of virtue which manifests itself in a father, descends unimpaired to his son, and from him to latest posterity,
46 in the same order of succession, that his estate may be limited to, some appearance of reason in favour of
47 hereditary rank and honors might have been offered. But nature in every place, and in every age, has
48 contradicted, and still contradicts this theory. The sons of Junius Brutus were traitors to the republic; the
49 emperor Commodus was the son of Antoninus the philosopher; and Domitian was at once the son of
50 Vespasian, and the brother of Titus.

51 If what has been said be a sufficient answer to the necessity of the distinction of ranks and honours to the
52 well government of a state, the commentator himself hath afforded an unanswerable argument against their
53 expedience in a republic, by acknowledging them to be both dangerous and invidious in such a government.
54 And herewith agrees the author of the Spirit of Laws, who informs us, that the principle of a democracy is
55 corrupted, when the spirit of equality is extinct. The same admirable writer gives us a further reason why so
56 heterogeneous a mixture ought not to have a place in any government where the freedom and happiness of
57 the people is thought an object worthy the attention of the government. "A nobility," says he, "think it an
58 honour to obey a king, but consider it as the lowest infamy to share the power with the people."

1 We are indebted to the same author, for the following distinguished features of aristocracy: "If the reigning
2 families observe the laws, aristocracy is a monarchy with several monarchs: but when they do not observe
3 them, it is a despotic state governed by a great many despotic princes. In this case, the republic consists only in
4 respect to the nobles, and among them only. **It is in the governing body; and the despotic state is in the body**
5 **governed. The extremity of corruption is when the power of the nobles becomes hereditary; they can hardly**
6 **then have any moderation." Such is the picture of that order of men who are elevated above the people by the**
7 **distinctions of rank and honours. When the subjects of a monarchy, they are the pillars of the throne, as the**
8 **commentator stiles them; or, according to Montesquieu, the tools of the monarch. . . . When rulers, as in an**
9 **aristocracy, they are the despots of the people. . . . In a mixed government, they are the political Janizaries of**
10 **the state, supporting and insulting the throne by turns, but still threatening and enslaving the people.**

11 In America the senate are not a distinct order of individuals, but, the second branch of the national legislature,
12 taken collectively. **They have no privileges, but such as are common to the members of the house of**
13 **representatives, and of the several state legislatures: we have seen that these privileges extend only to an**
14 **exemption from personal arrests, in certain cases, and that it is utterly lost, in cases of treason, felony, or**
15 **breach of the peace.** They are more properly the privileges of the constituents, than of the members, since it is
16 possible that a state might have no representative, and the United States no legislature, if the members might be
17 restrained from attending their duty, by process issued at the suit of a creditor, or other person who might
18 suppose he had cause of action against them. In England the privileges of the peerage are in some instances an
19 insult to the morals of the people, the honour of a peer, on several occasions, being equipollent with the oath of
20 a commoner. **The exemption from personal arrests in civil cases is extended as well to his servant, as to the**
21 **lord of parliament; to the injury of creditors, and the no small encouragement of fraud and knavery.** And the
22 statutes of scandalum magnatum hang in terrorem over the heads of those who dare to scrutinize, or to question
23 the reality of those superior endowments which the law ascribes, to the immaculate character of a peer or
24 peeress of the realm. **Happy for America that her constitution and the genius of her people, equally secure**
25 **her against the introduction of such a pernicious and destructive class of men."**
26 [St. George Tucker, Blackstone's Commentaries 1:App. 216-22, 295-96, 1803]

27 Next, we examine the annotated constitution published by the Congressional Research Service on the subject of Article 1,
28 Section 9, Clause 8 of the Constitution, which is available at:

[The Constitution of the United States of America, Analysis and Interpretation](http://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf)
<http://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf>

29 Below are the annotations:

30 In 1871 the Attorney General of the United States ruled that: "A minister of the United States abroad is not
31 prohibited by the Constitution from rendering a friendly service to a foreign power, even that of negotiating a
32 treaty for it, provided he does not become an officer of that power . . . but the acceptance of a formal
33 commission, as minister plenipotentiary, creates an official relation between the individual thus commissioned
34 and the government which in this way accredits him as its representative," which is prohibited by this clause of
35 the Constitution.⁷⁴
36 [The Constitution of the United States of America, Analysis and Interpretation, Annotations for Article 1,
37 Section 9, Clause 8, p. 359]

38 The first thing we notice about the above is that this section of the Constitution has the fewest and shortest annotations of
39 any part of the Constitution. Yet we believe this section of the constitution if ignored or left unenforced is the most
40 dangerous to the liberties of the people. Why? Because the abuse and illegal enforcement of franchises and the
41 "privileges" and corresponding "titles of nobility" they create, are the most dangerous to the liberties of the people. This
42 fact is exhaustively documented in the memorandum of law on our website below:

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

43 Next, based on the above, we must summarize the characteristics of a "title of nobility" based on the legislative intent of the
44 references above. A "title of nobility":

- 45 1. Is the anti-thesis of equal protection and works in opposition to equal protection.
- 46 2. Carries with it special "privileges" conveyed or recognized by those administering the government.
- 47 3. Conveys exclusive and special authority or right to engage in a specific activity or benefit while prohibiting others
48 from enjoying the same right or benefit. In that sense, "titles of nobility" behave like a "license".

⁷⁴ 13 Ops. Atty. Gen. 538 (1871).

LICENSE. Certificate or the document itself which gives permission. *Aldrich v. City of Syracuse*, 236 N.Y.S. 614, 617, 134 Misc. ,698. Permission or authority. *Independent School Dist., Class A. No. 1, Cassia County v. Pfost*, 51 Idaho 240, 4 P.2d. 893, 897; *Monsour v. City of Shreveport*, 194 La. 625, 194 So. 569, 571; *Platt v. Bender, La.App.*, 178,So. 678, 682.

Authority or liberty given to do or forbear any act. *Monsour v. City of Shreveport*, 194 La. 625, 194 So. 569, 571. Leave to do thing which licensor could prevent. *Western Electric Co. v. Pacent Reproducer Corporation*, C.C.A.N.Y.. 42 F.2d. 116, 118. Permission by some competent authority to do some act which, without such permission, would be illegal. *State ex rel. Zugravu v. O'Brien*, 130 Ohio St. 23, 196 N.E. 664; *Solberg v. Davenport*, 211 Iowa, 612, 232 N.W. 477, 480; *Standard Oil Co. (Indiana) v. State Board of Equalization*, 110 Mont 5, 99 P.2d. 229, 234. **Permission to do a particular thing, to exercise a certain privilege or to carry on a particular business or to pursue ascertain occupation.** *Blatz Brewing Co. v. Collins*. Cal.App., 160 P.2d. 37, 39, 40. Permission to do something which without the license would not be allowable. *City of Shreveport v. Brister*, 194 La. 615, 194 So. 566, 567. *Great Atlantic & Pacific Tea Co. v. City of Lexington*, 256 Ky. 595, 76 S.W.2d. 894, 896. Privilege from state or sovereign. *M. Itzkowitz & Sons v. Deraghty*. 247 N.Y.S. 703, 704, 139 Misc. 163; *Alabama Power Co. v. Federal Power Commission*, 75 U.S.App.D.C. 315, 128 F.2d. 280, 289. Revocable certificate of convenience and necessity. *Ex parte Lockhart*. 350 Mo. 1220. 171 S.W.2d. 660, 666. To "license" means to confer right or power which does not exist with. out it. *Inter-City Coach Lines v. Harrison*, 172 Ga 390 157 S.E. 673, 676; *S. S. Kresge Co. v. City of Bluefield*, 117 W.Va 17, 183 S.E. 601, 602. [*Black's Law Dictionary, Fourth Edition, p. 1067*]

4. Does not bring out the best in men, nor does it encourage or properly reward virtue or morality wherever it is found. Instead, it:
- 4.1. Produces hypocrisy and discrimination within the government.
 - 4.2. Creates jealousy and envy on the part of those who do not enjoy the privileges thus conveyed.
 - 4.3. Causes those with money and power to abuse their influence to pursue special treatment.
 - 4.4. Undermines the very purpose for which government is established, which is the protection of the public health, safety, and morals, and the furtherance of the public tranquility.
 - 4.5. Encourages lobbyists to bribe or influence those in power for the promotion of their own special interests at the expense of the average American:

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

*The present **assault upon capital** 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).]

5. In the English system of law, is usually hereditary but need not be.
6. When hereditary, is inconsistent with the laws of nature. Seldom is a son or daughter equal in virtue or abilities to their father or mother.

6.3 Franchises are the main method by which "titles of nobility" are conferred and enforced and the people become UNEQUAL and INFERIOR to the government

In law, the concept of special privileges enjoyed by an arbitrarily selected class of persons within society is embodied in the word "franchise". To wit:

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*

1 *NOTE*], are franchises. *People v. Utica Ins. Co.*, 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace
2 the property acquired by the exercise of the franchise. *Bridgeport v. New York & N. H. R. Co.*, 36 Conn. 255, 4
3 Am.Rep. 63. Nor involve interest in land acquired by grantee. *Whitbeck v. Funk*, 140 Or. 70, 12 P.2d. 1019,
4 1020. **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of**
5 **suffrage, etc. *Pierce v. Emery*, 32 N.H. 484; *State v. Black Diamond Co.*, 97 Ohio St. 24, 119 N.E. 195, 199,**
6 **L.R.A.1918E, 352.**

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

8 *Exclusive Franchise.* See *Exclusive Privilege or Franchise.*

9 *General and Special.* The charter of a corporation is its "general" franchise, while a "special" franchise
10 consists in any rights granted by the public to use property for a public use but-with private profit. *Lord v.*
11 *Equitable Life Assur. Soc.*, 194 N.Y. 212, 81 N. E. 443, 22 L.R.A.,N.S., 420.

12 *Personal Franchise.* A franchise of corporate existence, or one which authorizes the formation and existence of
13 a corporation, is sometimes called a "personal" franchise. as distinguished from a "property" franchise, which
14 authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special
15 privilege in its employment, as, for example, to construct and operate a railroad. See *Sandham v. Nye*, 9
16 Misc.ReP. 541, 30 N.Y.S. 552.

17 *Secondary Franchises.* The franchise of corporate existence being sometimes called the "primary" franchise of
18 a corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may,
19 receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls,
20 collect fares, etc. *State v. Topeka Water Co.*, 61 Kan. 547, 60 P. 337; *Virginia Canon Toll Road Co. v. People*,
21 22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or
22 general franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a
23 corporation, while the latter are certain rights and privileges conferred upon existing corporations. *Gulf*
24 *Refining Co. v. Cleveland Trust Co.*, 166 Miss. 759, 108 So. 158, 160.

25 *Special Franchisee.* See *Secondary Franchises, supra.*
26 [*Black's Law Dictionary, Fourth Edition, pp. 786-787*]

27 The extent to which equal protection has been violated or destroyed may be measured by the percentage of the people who
28 participate in or enjoy franchises offered by the government. We allege that these people enjoy what the founders would
29 call a "title of nobility". Franchises include:

30 1. Income taxes. See:

The "Trade or Business" Scam, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>

31 2. Social security. See:

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

32 3. Medicare.

33 4. Unemployment insurance.

34 5. Driver's licenses. See:

Defending Your Right to Travel, Form #06.010
<http://sedm.org/Forms/FormIndex.htm>

35 6. Marriage licenses. See:

Sovereign Christian Marriage, Form #06.009
<http://sedm.org/Forms/FormIndex.htm>

36 7. Professional licenses, including attorney licenses.

37 Typically, governments abuse franchises by compelling participation either directly, or indirectly through private parties
38 who have usually been LIED to by government employees. They do this n order to:

39 1. Compel a surrender of sovereign immunity pursuant to 28 U.S.C. §1605. For details, see sections 1.1 to 1.13 of the
40 following:

Sovereignty Forms and Instructions Manual, Form #10.005
<http://sedm.org/Forms/FormIndex.htm>

1 2. Cause you to waive the constitutional prohibition against bills of attainder, which are administrative penalties for
2 noncompliance. For details, see:

Why Penalties are Illegal for Anything But Government Franchisees, Employees, Contractors, and Agents, Form #05.010
<http://sedm.org/Forms/FormIndex.htm>

3 3. Associate your private property with a "public use" and a "public purpose" and a "public office" and thereby lawfully
4 impose taxes upon it. The practical effect of participating in government franchises is to implement eminent domain
5 over your property without compensation usually. For details, see:

"Public" v. "Private" Employment: You Really Work for Uncle Sam if you Receive Federal Benefits
<http://famguardian.org/Subjects/Taxes/Remedies/PublicVPrivateEmployment.htm>

6 4. Cause you to act in a representative capacity as an officer of the government corporation, and thereby kidnap your legal
7 identity and move it to federal territory not protected by the Bill of Rights pursuant to Federal Rule of Civil Procedure
8 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d). See section 2 of the following for details:

Flawed Tax Arguments to Avoid, Form #08.004
<http://sedm.org/Forms/FormIndex.htm>

9 5. Make you the target of administrative enforcement and supervision by executive branch agencies, thus violating the
10 separation of powers between what is public and what is private. For details, see:

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

11 Specific techniques used by corrupt public employees, judges, and prosecutors within the federal/national government to
12 unlawfully compel participation in franchises and thereby make you UNEQUAL and INFERIOR to the government and a
13 government serf include any one or more of the following:

14 1. Abuse ambiguous terms to describe your citizenship on government forms. This causes you to be confused with a
15 government "employee" or "public officer" in receipt of "privileges". It also causes a surrender of sovereign immunity
16 pursuant to 28 U.S.C. §1602(b)(3). For details, see:

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

17 2. PRESUME that ALL of the four contexts for "United States" are equivalent.

18 3. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They
19 are NOT. A CONSTITUTIONAL citizen is a "non-citizen national" under federal law and NOT a "citizen of the
20 United States".

Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
DIRECT LINK: <http://sedm.org/Forms/MemLaw/WhyANational.pdf>

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

Why Domicile and Becoming a "taxpayer" Require Your Consent, Form #05.002
DIRECT LINK: <http://sedm.org/Forms/MemLaw/WhyANational.pdf>

22 5. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they
23 mean in EVERY context.

24 6. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance,
25 asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY
26 PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

27 7. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions,
28 in violation of the rules of statutory construction. See:

Meaning of the Words "includes" and "including", Form #05.014
DIRECT LINK: <http://sedm.org/Forms/MemLaw/Includes.pdf>

29 8. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the
30 statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC
31 POLICY for the written law.

32 9. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States"
33 as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#)
34 and it is FRAUD. See:

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

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

2 *"When we consider the nature and the theory of our institutions of government, the principles upon which they*
3 *are supposed to rest, and review the history of their development, **we are constrained to conclude that they do***
4 ***not mean to leave room for the play and action of purely personal and arbitrary power.**"*
5 *[Yick Wo v. Hopkins, [118 U.S. 356, 369](#), 6 S. Sup. Ct. 1064, 1071]*

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

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

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

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

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

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

32 **7 Effect of Privileges, Franchises, and other Special Burdens upon equal protection**

33 The following subsections shall analyze the relationship between the requirement for equal protection and privileges,
34 franchises, and other special burdens imposed by the state. Franchises are defined as follows:

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

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

43 ***In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised***
44 ***without legislative grant. To be a corporation is a franchise.** The various powers conferred on corporations*
45 *are franchises. The execution of a policy of insurance by an insurance company [e.g. **Social***
46 ***Insurance/Socialist Security**], and the issuing a bank note by an incorporated bank [such as a **Federal Reserve***
47 ***NOTE**], are franchises. People v. Utica Ins. Co., 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace*
48 *the property acquired by the exercise of the franchise. Bridgeport v. New York & N. H. R. Co., 36 Conn. 255, 4*
49 *Am.Rep. 63. Nor involve interest inland acquired by grantee. Whitbeck v. Funk, 140 Or. 70, 12 P.2d. 1019,*
50 *1020. **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of***
51 ***suffrage. etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio St. 24, 119 N.E. 195, 199,***
52 ***L.R.A.1918E. 352.***

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

1 *Exclusive Franchise. See Exclusive Privilege or Franchise.*

2 *General and Special. The charter of a corporation is its "general" franchise, while a "special" franchise*
3 *consists in any rights granted by the public to use property for a public use but-with private profit. Lord v.*
4 *Equitable Life Assur. Soc., 194 N.Y. 212, 81 N. E. 443, 22 L.R.A.,N.S., 420.*

5 *Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of*
6 *a corporation, is sometimes called a "personal" franchise, as distinguished from a "property" franchise, which*
7 *authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special*
8 *privilege in its employment, as, for example, to construct and operate a railroad. See Sandham v. Nye, 9*
9 *Misc.ReP. 541, 30 N.Y.S. 552.*

10 *Secondary Franchises. The franchise of corporate existence being sometimes called the "primary" franchise of*
11 *a corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may,*
12 *receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls,*
13 *collect fares, etc. State v. Topeka Water Co., 61 Kan. 547, 60 P. 337; Virginia Canon Toll Road Co. v. People,*
14 *22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or*
15 *general franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a*
16 *corporation, while the latter are certain rights and privileges conferred upon existing corporations. Gulf*
17 *Refining Co. v. Cleveland Trust Co., 166 Miss. 759, 108 So. 158, 160.*

18 *Special Franchisee. See Secondary Franchises, supra.*
19 *[Black's Law Dictionary, Fourth Edition, pp. 786-787]*

20 **7.1 Statutory franchises and “public rights”: Privilege Induced Slavery**⁷⁵

21 *"In the matter of taxation, every privilege is an injustice."*
22 *[Voltaire]*

23 *"The more you want, the more the world can hurt you."*
24 *[Confucius]*

25 *"If you think of yourselves as helpless and ineffectual, it is certain that you will create a despotic government to*
26 *be your master. The wise despot, therefore, maintains among his subjects a popular sense that they are helpless*
27 *and ineffectual."*
28 *[Frank Herbert, The Dosadi Experiment]*

29 Anyone who has been married instinctively knows what “privilege-induced slavery” is. They understand that you have to
30 give up some of your “rights” for the benefits and “privileges” associated with being married. For instance, one of the
31 rights that the government forces you to give up using the instrument it created called the “marriage license”, especially if
32 you are a man, is sovereignty over your property and your labor. As we said in the previous section, if you get married
33 with a state marriage license, then control over your property and labor is surrendered ultimately to the government,
34 because if your spouse becomes dissatisfied, the marriage license gives the government absolute authority to hijack all your
35 property and your labor for the imputed “public good”, but as you will find out, the chief result of this hijacking is actually
36 injustice . The marriage license authorizes a family law judge to abuse your property and your labor without your voluntary
37 consent to create a welfare state for women intent on rebelling against their husbands and using marriage as a means of
38 economic equalization. We explain in our book entitled Sovereign Christian Marriage that this very characteristic of
39 marriage licenses issued by the state accomplishes the following unjust results:

- 40 1. Usurps and rebels against the sovereignty of God by interfering with His plan for marriage and family clearly spelled
41 out in the Bible.
- 42 2. Encourages spouses to get divorced, because at least one of them will be financially rewarded with the property and
43 labor of the other for doing so.
- 44 3. Makes marriage into legalized prostitution, where the sex comes during the marriage and the money comes after
45 marriage and the state and family court judge becomes the pimp and the family law attorneys become tax collectors for
46 the pimp.

47 The above defects in the institution of marriage caused by the government “privilege” called state-issued marriage licenses,
48 of course, are the natural result of violating God’s/Natural law on marriage found in the Bible, where Eph. 5:22-24 makes

⁷⁵ Adapted from Great IRS Hoax, Form #11.302, Section 4.3.12 with permission. <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

1 the man, and not the government or the woman, the sovereign in the context of families. This is what happens whenever
2 mankind rebels against God's authority by trying to improve on God's design for the family: massive injustice.
3 Remember, that God created man first, and out of man's rib was created woman, which makes man the sovereign, and this
4 conclusion is completely consistent with the concept of Natural Order discussed in section 4.1 of the Great IRS Hoax, Form
5 #11.302.

6 *"For a man indeed ought not to cover his head, since he is made in the image and glory of God; but woman is*
7 *the glory of man. For man is not from woman, but woman from man. Nor was man created for the woman, but*
8 *woman for the man."*
9 *[1 Cor. 11:7-9, Bible, NKJV]*

10 If you are going to arrogantly call this attitude chauvinistic, politically incorrect, or bigoted then you're slapping God in the
11 face and committing blasphemy because this is the way GOD designed the system and who are YOU to question that?

12 *"But indeed, O man, who are you to reply against God? Will the thing formed say to him who formed it, 'Why*
13 *have you made me like this?' Does not the potter have power over the clay, from the same lump to make one*
14 *vessel for honor and another for dishonor?"*
15 *[Romans 9:20-21, Bible, NKJV]*

16 If you would like to learn more about this subject, we refer you to the following book on our website:

[Sovereign Christian Marriage](http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm), Form #06.009
<http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm>

17 The government uses this very same concept of privilege-induced slavery in the "constructive contract" you in effect sign
18 by becoming a "citizen" or availing yourself of a government benefit. Here is the phrase that one of our astute readers uses
19 to describe it in his book Social Security, Mark of the Beast, Form #11.407, which is posted on our website for your reading
20 pleasure:

21 *"Protection draws subjection."*
22 *[Steven Miller]*

23 In a sense, when you become a "citizen", you "marry" the state in order to have its protection, and the terms of this
24 constructive "marriage contract" are documented in section 4.11 of the Great IRS Hoax, Form #11.302. You marry the
25 state by promising it "allegiance" (see 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22)(B)), which is just a fancy legal
26 term for obedience and fidelity and mutual protection. We have an article on our website entitled "The Citizenship
27 Contract" by George Mercier that actually describes in detail the terms of the citizenship contract below:

<http://famguardian.org/PublishedAuthors/Indiv/MercierGeorge/InvContracts--TheCitizenshipContract.htm>

28 Here is the way the U.S. supreme Court describes this marriage contract:

29 *"There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies*
30 *an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the*
31 *persons associated becomes a member of the nation formed by the association. He owes it allegiance and is*
32 *entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is*
33 *a compensation for the other; allegiance for protection and protection for allegiance."*
34 *[Minor v. Happersett, 88 U.S. (21 Wall.) 162, 166-168 (1874)]*

35 Like marriage licenses, signing the "citizenship contract" means you give up some of your rights, and as a matter of fact,
36 the government wants you to believe that you give up the same rights by becoming a citizen as you do by getting a
37 marriage license. When you marry the federal government by becoming a "U.S. citizen", you in effect are assimilated into
38 the federal corporation called the "United States" defined in 28 U.S.C. §3002(15)(A) and are classified by the courts as an
39 officer of that corporation in receipt of taxable privileges. You also then become completely subject to the jurisdiction of
40 that corporation. If you are a child of God, at the point when you married the state as a citizen, you united God with an
41 idolatrous, mammon state and sold yourself into legal slavery voluntarily, in direct violation of the Bible:

42 *"No one can serve two masters: for either he will hate the one, and love the other; or else he will hold to the*
43 *one, and despise the other. Ye cannot serve God and mammon."*

1 [Matt. 6:24, Bible, NKJV]

2 "Do not be unequally yoked together with unbelievers. For what fellowship has righteousness with
3 lawlessness? And what communion has light with darkness?"
4 [2 Cor. 6:14, Bible, NKJV]

5 As expected, God's law once again says that we should not become statutory citizens [franchisees] of this world, and
6 especially if it is dominated by unbelievers:

7 "For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ"
8 [Philippians 3:20]

9 "These all died in faith, not having received the promises, but having seen them afar off were assured of them,
10 embraced them and confessed that they were strangers and pilgrims on the earth."
11 [Hebrews 11:13]

12 "Beloved, I beg you as sojourners and pilgrims, abstain from fleshly lusts which war against the soul..."
13 [1Peter 2:1]

14 "Do you not know that friendship with the world is enmity with God? Whoever therefore wants to be a friend of
15 the world makes himself an enemy of God."
16 [James 4:4]

17 One of the reasons God doesn't want us to become citizens of this world is because when we do, we have violated the first
18 commandment and committed idolatry, by replacing God with an artificial god called government, who then provides
19 protection for us that we for one reason or another can't or won't trust or have faith in God to provide. This lack of faith
20 then becomes our downfall. The words of the Apostle Paul resolve why this is:

21 "But he who doubts is condemned if he eats, because he does not eat from faith; **for whatever is not from faith**
22 **in God is sin.**"
23 [Rom. 14:23, Bible, NKJV]

24 Is it moral or ethical for the government to try to manipulate our rights out of existence by replacing them with taxable and
25 regulatable "privileges" by procuring our consent and agreement? Here is what the U.S. Supreme Court says on this
26 subject:

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

38 So the bottom line is that it is not permissible for a state to try to undermine your Constitutional rights by making privileges
39 they offer contingent on surrendering Constitutional rights, but they do it anyway because we let them get away with it, and
40 because they are very indirect about how they do it.

41 In a very real sense, the government has simply learned how to use propaganda to create fear and insecurity in the people,
42 and then they invent vehicles to turn eliminating your fear into a profit center that requires you to become citizens and pay
43 taxes to support. For instance, they use the Federal Reserve to create the Great Depression by contracting the money
44 supply, and then they get these abused people worried and feeling insecure about retirement and security in the early
45 1930's, and then invent a new program called Social(ist) Security to help eliminate their fear and restore your sense of
46 security. But remember, in the process of procuring the "privilege" to be free of anxiety about old age, you have
47 surrendered sovereignty over your person and labor to the government, and they then have the moral authority to tax your
48 wages and make you into a serf and a peon to pay off the federal debt accumulated to run that program.

1 *"The righteousness[and contentment] of the upright will deliver them, but the unfaithful will be caught by their*
2 *lust [for security or government benefits]."*
3 *[Prov. 11:6, Bible, NKJV]*

4 Another favorite trick of governments is to make something illegal and then turn it into a "privilege" that is taxed. This is
5 how governments maximize their revenues. They often call the tax a "license fee", as if to imply that you never had the
6 right to do that activity without a license. You will never hear a government official admit to it, but the government
7 reasoning is that the tax amounts to a "bribe" or "tribute" to the government to get them to honor or respect the exercise of
8 some right that is cleverly disguised as a taxable "privilege" and to enforce payment of the bribe to a corrupt officer in a
9 court of law. Unless you know what your rights are, it will be very difficult to recognize this subtle form of usury. Here is
10 what the courts have to say about this kind of despicable behavior by the government:

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

16 Clear thinking about our freedom and liberty demands that when faced with situations like this, we ask ourselves, where
17 does the government derive its authority and "privileges"?. The answer is:

18 **..from the PEOPLE!**

19 The Declaration of Independence says so!:

20 *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their*
21 *Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to*
22 *secure these rights, governments are instituted among men, **deriving their just powers from the consent of the***
23 ***governed."***

24 Instead, we ought to charge government employees a tax for the "privilege" of having the authority and the "privilege"
25 from the people to serve (not "govern", but SERVE) them, and the tax that government servants pay us for that privilege
26 should be equal to whatever they charge us for the privileges they delegate back to us using the authority we gave them!
27 We need to think clearly about this because it's very easy to get trapped in bad logic by deceitful lawyers and politicians
28 who want to get into your bank account and enslave you with their unjust laws and extortion cleverly disguised as
29 legitimate taxes. We should always remember who the public servants are and who the public is. *We are the public and*
30 *government employees are the servants!* Start acting like the boss for once and tell the government what you expect out of
31 them. The only reason the government continues to listen to us is because:

- 32 1. We vote our officials into office.
- 33 2. If we don't like the laws they pass, we can nullify them every time we sit down on a jury or a grand jury.
- 34 3. If the above two approaches don't keep their abuse of power in check, we can buy guns to protect ourselves from
35 government abuse.

36 For instance, the government started issuing marriage licenses in about 1923 and charged people for the "privilege". But
37 then we have to ask ourselves what a license is. A license is permission from the state to perform an act which, without a
38 license, would be illegal. Is it illegal to get married without the blessing of the state? Did Adam and Eve have a marriage
39 license from God? Absolutely NOT. Marriage licenses, driver's licenses, and professional licenses are a scam designed to
40 increase control of the state over your life and turn you into a financial slave and serf to the government!

41 The IRS uses privilege-induced slavery to its advantage as well. For instance, it:

- 42 1. Sets the rate of withholding for a given income slightly higher than it needs to be so that Americans who paid tax will
43 have to file to get their money back. In the process of filing, these unwitting citizens:
 - 44 1.1. Have to incriminate themselves on their tax returns.
 - 45 1.2. Forfeit most of the Constitutional rights, including the First (right to NOT communicate with your government),
46 Fourth (seizure), and Fifth Amendment (self-incrimination) protections.

- 1 1.3. Tell the IRS their employer, which later allows the IRS to serve the private employer illegally with a “Notice of
2 Levy” and steal assets in violation of due process protections in the Constitution in the Fifth Amendment.
- 3 2. On the W-4 form, makes it a privilege just to hold onto your income. The regulations written by the Treasury illegally
4 (and unconstitutionally) say that if a person does not submit a W-4 or submits an incorrect W-4, the employer (who
5 really isn’t an “employer” because it isn’t a federal employer who has “employees” as defined in 26 CFR §31.3401(c))
6 must withhold at the single zero rate. Thus, it becomes a “privilege” to just receive the money you earned *without* tax
7 deducted! The only way you can preserve the “privilege” is to incriminate yourself by filling out the W-4, in violation
8 of the Fifth Amendment.
- 9 3. The federal judiciary and the IRS will wickedly tell you that because of the Anti-Injunction Act found at 26 U.S.C.
10 §7421, if you dispute the amount of tax you owe or you assert non-liability, you must pay the tax FIRST before you are
11 permitted to file a lawsuit and subject your case to judicial review. In effect, what *Congress has done by legislation is*
12 *forced you to bribe the government in order to have the privilege to sue them!* If you assert that you are a
13 “nontaxpayer” and a person not liable for tax, the IRS will try to get your case dismissed because corrupt judges will
14 assert “sovereign immunity”. See section 1.4.2 of the [Sovereignty Forms and Instructions Manual, Form #10.005](#) for
15 further details on this scam. For those of you who are Christians, this scam quite clearly violates the bible, which
16 declares:

17 *“And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.”*
18 *[Exodus 23:8]*

- 19 4. Your state government will tell you that you MUST give them a valid Social Security Number in order for you to get a
20 state driver’s license. They will do this in spite of the fact that traveling is a right and not a government privilege. In
21 the words of the U.S. Supreme Court and lower courts:

22 *“The right to travel is part of the ‘liberty’ that a citizen cannot be deprived without due process of law.”*
23 *[Kent v. Dulles, 357 U.S. 116 (1958); U.S. v. Laub, 385 U.S. 475 (1967)]*

25 *“**Even the Legislature has no power to deny to a citizen the right to travel upon the highway and transport***
26 ***his property in the ordinary course of his business or pleasure,** though this right may be regulated in*
27 *accordance with the public interest*207 and convenience. Where one undertakes, however, to make a greater*
28 *use of the public highways for his own private gain, as by the operation of a stagecoach, an omnibus, a truck,*
29 *or a motorbus, the state may not only regulate the use of the vehicles on the highway, but may prohibit it. A*
30 *municipality can do so only under a power expressly granted by the state. Ex parte Dickey, 76 W. Va. 576, 85 S.*
31 *E. 781, L. R. A. 1915F, 840.*

32 [. . .]

33 ***All persons, in the absence of legislative edict, are vested with the right to the use of the streets and highways***
34 ***for travel** from one place to another in connection with their business, when such use is incidental to that*
35 *business. This is an ordinary use of the streets and highways, and is frequently characterized as an inherent or*
36 *natural right.”*
37 *[Chicago Motor Coach vs. Chicago, 169 NE 22; Ligare vs. Chicago, 28 NE 934; Boon vs. Clark, 214 SSW 607;*
38 *25 Am.Jur. (1st) Highways Sect.163]*

39 To give you just one more example of how privilege-induced slavery leads to government abuse, let's look at licenses to
40 practice law. The only rational basis for having any kind of professional license is *consumer protection*, but the legal
41 profession has totally distorted and twisted this concept to benefit them, which amounts to a massive conflict of interest.
42 For instance:

- 43 1. Only licensed attorneys can defend others in court. This prevents family members or friends or paralegals from
44 providing low-cost legal assistance in court, and creates a greater marketplace and monopoly for legal services by
45 attorneys. This also means that a lot more people go without legal representation, because they can’t afford to hire a
46 lawyer to represent them. Is that justice, or is that simply the spread of oppression and injustice in the name of profit
47 for the legal profession?
- 48 2. Even if the attorney is licensed to practice law from the socialist state, the court can revoke their right to defend anyone
49 in a court of law. For instance:
- 50 2.1. Look at what the court did to attorney Jeffrey Dickstein in *United States v. Collins*, 920 F.2d. 619, (10th Cir.
51 11/27/1990), which we showed in section 6.6.4.5 of the *Great IRS Hoax*, Form #11.302. If you look at the ruling
52 for this case, you will find that the court withdrew defendant Collins right to be represented by Attorney

Dickstein, because they called attorney Dickstein a “vexatious litigant”. He was therefore deprived of his choice of competent legal counsel, because the court viewed his counsel as “politically incorrect”.
2.2. Refer also to what the court did to attorney Oscar Stilley in section 6.8.1 of the Great IRS Hoax, Form #11.302 as he defended Dr. Phil Roberts on tax charges. The court said, and we quote:

“The practice of law, sir, is a privilege, especially in Federal Court. You’re close to losing that privilege in this court, Mr. Stilley.”

3. Clients with attorneys are given favoritism by the court in the award of attorney fees against the other side. This leads attorneys to inflate their fees if they expect sanctions, in order to coerce the opposing side to settle. In most courts, pro per or pro se litigants are either not allowed or seldom are awarded attorney fees against the opposing side. Only litigants who have counsel can get attorney fee awards by the court. In effect, the courts treat the time and expense of pro per litigants in defending themselves as *irrelevant and completely without value!* That’s right.. if you as a pro per litigant keep track of your time diligently and bill for it at a rate less than an attorney in your motion for sanctions against the other side, the judge (who incidentally used to be a lawyer and probably still has lawyer golf buddies he wants to bring business to) will laugh you out of the courtroom! This has the effect of incentivizing people to have expensive legal counsel and incentivizes the lawyers to prolong the litigation and maximize their hourly rate to maximize their income. If you then ask a judge why they don’t award attorney fee sanctions to pro per litigants, he might get defensive and say: “*Pro per litigants are high maintenance, and make extra work for the court because they don’t know what they are doing.*” And yet these same courts and judges are the ones who earlier, as attorneys practicing law, intimidated and perpetuated the very ignorance on the part of their clients that made these people ignorant litigants as pro pers! All this rhetoric is just a smokescreen for the real agenda, which is maximizing business for and profits of those who practice law, and restricting the supply of qualified talent in order to keep the prices and the income of attorneys artificially high.

If we avail ourselves of a “privilege” granted by the state through operation of any statute that does not involve the exercise of a fundamental right, then we cannot have a constitutional grounds for redress of grievances against the statute:

“Anyone who partakes of the benefits or privileges of a given statute, or anyone who even places himself into a position where he may avail himself of those benefits at will, cannot reach constitutional grounds to redress grievances in the courts against the given statute.”
[Ashwander v. T.V.A., 297 U.S. 288, 346, 56 S.Ct. 466, 482, 80 L.Ed. 688 (1936)]*[underlines added]*

“These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself, is under no obligation to provide a remedy through the courts. United States ex rel. Dunlap v. Black, 128 U.S. 40; Ex parte Atocha, 17 Wall. 439; Gordon v. United States, 7 Wall. 188, 195; De Groot v. United States, 5 Wall. 419, 431-433; Comegys v. Vasse, 1 Pet. 193, 212. (2) That, where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174-175; Arnson v. Murphy, 109 U.S. 238; Barnett v. National Bank, 98 U.S. 555, 558; Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35. Still, the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See Medbury v. United States, 173 U.S. 492, 198; Parish v. MacVeagh, 214 U.S. 124; McLean v. United States, 226 U.S. 374; United States v. Laughlin, 249 U.S. 440. But here, Congress has provided:

“That any claim which shall be presented and acted on under authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered.

“These words express clearly the intention to confer upon the Treasury Department exclusive jurisdiction and to make its decision final. The case of United States v. Harmon, 147 U.S. 268, strongly relied upon by claimants, has no application. Compare D. M. Ferry & Co. v. United States, 85 F. 550, 557.”
[United States v. Babcock, 250 U.S. 328 (1919)]

But if we are simply trying to exist, by working and receiving a paycheck, voting, serving on jury duty, and fulfilling our various civic and family duties, we cannot be taxed for the mere privilege of existing:

“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]

1 “Legislature...cannot name something to be a taxable privilege unless it is first a privilege.” [Taxation West
2 Key 43]...”The Right to receive income or earnings is a right belonging to every person and realization and
3 receipt of income is therefore not a ‘privilege’, that can be taxed.”
4 [Taxation West Key 933]-[Jack Cole Co. v. MacFarland, 337 S.E.2d. 453, Tenn.]

5 7.2 Residence and state citizenship

6 In considering the application of the Equal Protection Clause of the Fourteenth Amendment to legislation discriminating
7 between the residents and nonresidents of a state, the Equal Protection Clause cannot be invoked unless the action of a state
8 denies the equal protection of the laws to persons "within its jurisdiction." If persons are, however, in the purview of this
9 clause, within the jurisdiction of a state, the clause guarantees to all so situated, whether citizens or residents of the state or
10 not, the protection of the state's laws equally with its own citizens.⁷⁶ A state is not at liberty to establish varying codes of
11 law, one for its own citizens and another governing the same conduct for citizens of sister states, except in a case when the
12 apparent discrimination is not to cast a heavier burden upon the nonresident in its ultimate operation than the one falling
13 upon residents, but is to restore the equilibrium by withdrawing an unfair advantage.⁷⁷ On the other hand, a nonresident
14 may not complain of a restriction no different from that placed upon residents.⁷⁸

15 The limitation on the right of one state to establish preferences in favor of its own citizens does not depend solely on the
16 guarantee of equal protection of the laws,⁷⁹ which does not protect persons not within the jurisdiction of such a state. These
17 limitations are broader, and nonresidents of a state who are noncitizens are also—even though they are not within the
18 jurisdiction of a state, as that phrase is employed in the Equal Protection Clause—protected from discrimination by Article
19 IV, § 2 of the Federal Constitution, which secures equal privileges and immunities in the several states to the citizens of
20 each state. Moreover, any citizen of the United States, regardless of residence or whether he or she is within the jurisdiction
21 of a state, is protected in the privileges and immunities which arise from his United States citizenship by the privileges and
22 immunities clause of the Fourteenth Amendment.

23 There is much authority which recognizes the right of the state under certain circumstances to classify residents and
24 nonresidents.⁸⁰ Utilization of different, but otherwise constitutionally adequate, procedures for residents and nonresidents

⁷⁶ Wheeling Steel Corp. v. Glander, 337 U.S. 562, 69 S.Ct. 1291, 93 L.Ed. 1544, 40 Ohio Op. 101, 55 Ohio.L.Abs. 305 (1949).

South Carolina's exemption statute that limits exemption for personal injury awards to only South Carolina residents did not deprive a nonresident of equal protection of the laws where the classification of residents versus nonresidents was reasonably related to the legislative purpose of protecting residents from financial indigency, and where the classification was based upon the state's interest in preventing its citizens from becoming dependent on the state for support. American Service Corp. of South Carolina v. Hickle, 312 S.C. 520, 435 S.E.2d. 870 (1993), reh'g denied, (Oct. 20, 1993) and cert. denied, 510 U.S. 1193, 114 S.Ct. 1298, 127 L.Ed.2d. 651 (1994).

⁷⁷ Smith v. Loughman, 245 N.Y. 486, 157 N.E. 753 (1927), cert. denied, 275 U.S. 560, 48 S.Ct. 119, 72 L.Ed. 426 (1927) and reargument denied, 247 N.Y. 546, 161 N.E. 176 (1928).

A statute requiring out-of-state hunters to be accompanied by resident guides denied equal protection; the statutory classification and its legitimate objectives were tenuous and remote. State v. Jack, 167 Mont. 456, 539 P.2d. 726 (1975).

⁷⁸ People ex rel. Salisbury Axle Co. v. Lynch, 259 N.Y. 228, 181 N.E. 460 (1932).

⁷⁹ Smith Setzer & Sons, Inc. v. South Carolina Procurement Review Panel, 20 F.3d. 1311 (4th Cir. 1994); Kasom v. City of Sterling Heights, 600 F. Supp. 1555 (E.D. Mich. 1985), judgment aff'd, 785 F.2d. 308 (6th Cir. 1986).

The state had a legitimate and substantial interest in granting a preference to bidders for state highway contracts who contribute to the state's economy through construction activities within the state. APAC-Mississippi, Inc. v. Deep South Const. Co., Inc., 288 Ark. 277, 704 S.W.2d. 620 (1986).

Classifications between resident and nonresident vendors established by a statute which gives preference to resident vendors, under certain circumstances, when the state purchases supplies, services, and goods are rationally related to the state's legitimate interest to benefit its taxpayers, and thus do not deny equal protection of the laws to nonresidents, even though nonresidents who maintain offices in the state and pay state taxes are accorded a preference over other nonresidents. Gary Concrete Products, Inc. v. Riley, 285 S.C. 498, 331 S.E.2d. 335 (1985).

Note, however, that such schemes may violate the privileges and immunities clauses of Article IV, § 2 of the United States Constitution, and the Fourteenth Amendment thereto.

⁸⁰ Martinez v. Bynum, 461 U.S. 321, 103 S.Ct. 1838, 75 L.Ed.2d. 879, 10 Ed.Law.Rep. 11 (1983) (nonresident school students); Zobel v. Williams, 457 U.S. 55, 102 S.Ct. 2309, 72 L.Ed.2d. 672 (1982) (holding that new residents of a state may not be subjected to discriminatory treatment simply because of their recent migration); Jones v. Helms, 452 U.S. 412, 101 S.Ct. 2434, 69 L.Ed.2d. 118 (1981), on remand to, 660 F.2d. 120 (5th Cir. 1981); Fireside Nissan, Inc. v. Fanning, 30 F.3d. 206 (1st Cir. 1994) (nonresident automobile dealership owners); Mohme v. City of Cocoa, 328 So.2d. 422 (Fla. 1976), appeal after remand, 356 So.2d. 2 (Fla. Dist. Ct. App. 4th Dist. 1977); State v. Alley, 274 A.2d. 718 (Me. 1971).

A program of state bounties for destruction of Maryland-titled junk cars was not violative of the Equal Protection Clause, despite stricter proof of ownership requirements for out-of-state scrap processors. Hughes v. Alexandria Scrap Corp., 426 U.S. 794, 96 S.Ct. 2488, 49 L.Ed.2d. 220 (1976).

1 does not, by itself, trigger heightened scrutiny under the Equal Protection Clause.⁸¹ Thus, reasonable residency
2 requirements are permissible under the Equal Protection Clause in cases involving voting in elections,⁸² or local
3 referendums,⁸³ for holding public office,⁸⁴ for jury service,⁸⁵ and for the purpose of receiving various types of government
4 benefits,⁸⁶ or for tuition purposes,⁸⁷ are quite common, and are generally, though not always, held to be valid and proper.
5 However, a statute providing for county-wide territorial jurisdiction of a municipal court may violate the equal protection
6 rights of county residents who are subject to the municipal court's territorial jurisdiction, but not enfranchised to elect
7 municipal judges.⁸⁸ Residence may also be a proper condition precedent to commencement of various suits. 24 On the
8 other hand, many license and tax laws which discriminate against nonresidents have been held to violate the Equal
9 Protection Clause.⁸⁹

10 A statute which discriminates unjustly against residents in favor of nonresidents violates the Equal Protection Clause,⁹⁰
11 however, there must be an actual discrimination against residents in order to invalidate a statute. Where residents and

A Kansas statute and rules of court permitting an out-of-state lawyer to practice before Kansas tribunals only if he associates a member of the Kansas bar with him, as an attorney of record, does not violate the Fourteenth Amendment either on its face or as applied to a lawyer maintaining law offices and a practice of law both out of state and in Kansas. *Martin v. Walton*, 368 U.S. 25, 82 S.Ct. 1, 7 L.Ed.2d. 5 (1961), reh'g denied, 368 U.S. 945, 82 S.Ct. 376, 7 L.Ed.2d. 341 (1961).

⁸¹ *Whiting v. Town of Westerly*, 942 F.2d. 18 (1st Cir. 1991).

⁸² *Rosario v. Rockefeller*, 410 U.S. 752, 93 S.Ct. 1245, 36 L.Ed.2d. 1 (1973), reh'g denied, 411 U.S. 959, 93 S.Ct. 1920, 36 L.Ed.2d. 419 (1973) (a 30-day residential requirement is permissible); *Marston v. Lewis*, 410 U.S. 679, 93 S.Ct. 1211, 35 L.Ed.2d. 627 (1973) (a 50-day durational voter residency requirement and a 50-day voter registration requirement for state and local elections are not unconstitutional under the Equal Protection Clause); *Ballas v. Symm*, 494 F.2d. 1167 (5th Cir. 1974); *Opinion of the Justices*, 111 N.H. 146, 276 A.2d. 825 (1971).

A governmental unit may, consistently with equal protection requirements, legitimately restrict the right to participate in its political processes to those who reside within its borders. *Holt Civic Club v. City of Tuscaloosa*, 439 U.S. 60, 99 S.Ct. 383, 58 L.Ed.2d. 292 (1978).

Excluding out-of-state property owners from voting on a water district matter while granting that right to Colorado residents who own property within the district but who do not live within the district does not violate the Fourteenth Amendment. *Millis v. Board of County Com'rs of Larimer County*, 626 P.2d. 652 (Colo. 1981).

On the other hand, under the Equal Protection Clause, persons living on the grounds of the National Institutes of Health, a federal enclave situated in Maryland, are entitled to protect their stake in elections by exercising their right to vote, and their living on such grounds cannot constitutionally be treated as basis for concluding that they do not meet Maryland residency requirements for voting. *Evans v. Corman*, 398 U.S. 419, 90 S.Ct. 1752, 26 L.Ed.2d. 370 (1970).

⁸³ As to residence qualifications of the signers of initiative or referendum petitions, see 42 Am Jur 2d, Initiative and Referendum § 29.

⁸⁴ See 63C Am Jur 2d, Public Officers and Employees § 81.

⁸⁵ See 47 Am Jur 2d, Jury §§ 100, 147-149.

⁸⁶ *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 94 S.Ct. 1076, 39 L.Ed.2d. 306 (1974) (a state statute requiring a year's residence in a county as a condition to an indigent's receiving nonemergency hospitalization or medical care at the county's expense is repugnant to the Equal Protection Clause); *Cole v. Housing Authority of City of Newport*, 435 F.2d. 807 (1st Cir. 1970) (two-year residency requirement for eligibility for low-income housing violates the Equal Protection Clause).

In the absence of a showing that the provisions of state statutes and of a District of Columbia statute enacted by Congress, prohibiting public assistance benefits to residents of less than a year, were necessary to promote compelling governmental interests, such prohibitions create a classification which constitutes an invidious discrimination denying such residents equal protection of the laws. *Shapiro v. Thompson*, 394 U.S. 618, 89 S.Ct. 1322, 22 L.Ed.2d. 600 (1969).

But the exclusion of migrant agricultural workers from the beneficial provisions of various federal and state statutes concerning social legislation in such areas as unemployment compensation, minimum hours and wages, Social Security, and worker's compensation is not unconstitutional. *Doe v. Hodgson*, 478 F.2d. 537, 21 Wage & Hour Cas. (BNA) 23, 71 Lab. Cas. (CCH) ¶ 32909 (2d Cir. 1973), cert. denied, 414 U.S. 1096, 94 S.Ct. 732, 38 L.Ed.2d. 555, 21 Wage & Hour Cas. (BNA) 446, 72 Lab. Cas. (CCH) ¶ 33004 (1973).

⁸⁷ *Vlandis v. Kline*, 412 U.S. 441, 93 S.Ct. 2230, 37 L.Ed.2d. 63 (1973).

For a state university to require proof that a law student had actually secured postgraduation employment in the state as a condition precedent to granting him residence status for purposes of tuition fees violated the Equal Protection Clause. *Kelm v. Carlson*, 473 F.2d. 1267, 67 Ohio.Op.2d. 275 (6th Cir. 1973).

But a state statute requiring four months' continuous residency independent of school attendance in order to establish domicile in the state for tuition purposes does not violate the Equal Protection Clause. *Thompson v. Board of Regents of University of Nebraska*, 187 Neb. 252, 188 N.W.2d. 840 (1971).

⁸⁸ *State v. Webb*, 323 Ark. 80, 913 S.W.2d. 259 (1996), opinion supplemented on other grounds on denial of reh'g, 323 Ark. 80, 920 S.W.2d. 1 (1996).

⁸⁹ See 51 Am Jur 2d, Licenses and Permits §§ 31, 79, 121, 123; 71 Am Jur 2d, State and Local Taxation § 172.

As to particular types of licenses or permits, see specific topics (e.g., as to fishing or hunting licenses, see 35 Am Jur 2d, Fish and Game §§ 34, 45).

⁹⁰ *Little v. Smith*, 124 Kan. 237, 257 P. 959, 57 A.L.R. 100 (1927).

1 nonresidents are treated alike, there is no discrimination.⁹¹ A state regulatory statute exempting nonresidents does not deny
2 the equal protection of the laws guaranteed by the Fourteenth Amendment, where it rests upon a state of facts that can
3 reasonably be conceived to constitute a distinction or difference in state policy.⁹²

4 The constitutional guarantee as to the equal protection of the laws may render invalid statutes and ordinances which effect
5 an unlawful discrimination in favor of a municipality or its inhabitants. Such enactments invalidly attempt to give a
6 preference to a class consisting of residents of a political subdivision of a state.⁹³

7 **7.3 Protection against special burdens and privileges**

8 The theory underlying constitutional requirements of equality is that all persons in like circumstances and like conditions
9 must be treated alike, both as to privileges conferred and as to liabilities or burdens imposed. The organic principle of
10 equality includes within its application a granted privilege as well as a regulated right. Equality of benefit is required no
11 less than equality of burden.⁹⁴

12 Every citizen should share the common benefits of a government the common burdens of which he or she is required to
13 bear. Thus, legislation granting special privileges and imposing special burdens may conflict with the Equal Protection
14 Clause of the Federal Constitution,⁹⁵ as well as with the more specific provisions of some state constitutions, which,
15 although varying slightly in terminology, have the general effect of prohibiting the granting of special privileges or
16 immunities. So long as all are treated alike under like circumstances, however, neither the federal nor the state provisions
17 are violated.⁹⁶ General rules that apply evenhandedly to all persons within a jurisdiction comply with the Equal Protection
18 Clause; only when a governmental unit adopts a rule that has a special impact on less than all the persons subject to its
19 jurisdiction does the question whether equal protection is violated arise.⁹⁷ It would thus appear that particular laws
20 granting special privileges and immunities must run the gauntlet between the provisions of the Federal Constitution which
21 secure the equal protection of the laws and those of state constitutions which prohibit either special legislation or special
22 laws granting privileges and immunities, and also that the inherent limitations on legislative power may themselves be
23 sufficient to nullify such laws.⁹⁸

24 **7.4 State Constitutional Provisions as to special privileges**

25 Provisions to be found in the constitutions of many states have the general effect of prohibiting the grant of special
26 privileges or immunities.⁹⁹ Such guarantees in the state constitutions are in nature simply a protection of those

⁹¹ *Geo. B. Wallace, Inc. v. Pfast*, 57 Idaho 279, 65 P.2d. 725, 110 A.L.R. 613 (1937).

⁹² *Allied Stores of Ohio, Inc. v. Bowers*, 358 U.S. 522, 79 S.Ct. 437, 3 L.Ed.2d. 480, 9 Ohio.Op.2d. 321, 82 Ohio.L.Abs. 312 (1959).

⁹³ *Schrager v. City of Albany*, 197 Misc. 903, 99 N.Y.S.2d. 697 (Sup. Ct. 1950); *Richter Concrete Corp. v. City of Reading*, 166 Ohio St. 279, 2 Ohio.Op.2d. 169, 142 N.E.2d. 525 (1957).

⁹⁴ *Carozza v. Federal Finance &Credit Co.*, 149 Md. 223, 131 A. 332, 43 A.L.R. 1 (1925); *Rosenblum v. Griffin*, 89 N.H. 314, 197 A. 701, 115 A.L.R. 1367 (1938).

⁹⁵ *Silver v. Silver*, 108 Conn. 371, 143 A. 240, 65 A.L.R. 943 (1928), aff'd, 280 U.S. 117, 50 S.Ct. 57, 74 L.Ed. 221, 65 A.L.R. 939 (1929); *Decker v. Pouvaillsmith Corp.*, 252 N.Y. 1, 168 N.E. 442 (1929); *Bowman v. Virginia State Entomologist*, 128 Va. 351, 105 S.E. 141, 12 A.L.R. 1121 (1920).

⁹⁶ *Frazier v. State Tax Commission*, 234 Ala. 353, 175 So. 402, 110 A.L.R. 1479 (1937); *Mamma v. Alexander Auto Service Co.*, 333 Ill. 158, 164 N.E. 173, 61 A.L.R. 649 (1928); *Bolivar Tp. Board of Finance of Benton County v. Hawkins*, 207 Ind. 171, 191 N.E. 158, 96 A.L.R. 271 (1934).

⁹⁷ *New York City Transit Authority v. Beazer*, 440 U.S. 568, 99 S.Ct. 1355, 59 L.Ed.2d. 587, 1 A.D. Cas. (BNA) 73, 19 Fair Empl. Prac. Cas. (BNA) 149, 19 Empl. Prac. Dec. (CCH) ¶ 9027 (1979); *Alexander v. Whitman*, 114 F.3d. 1392 (3d Cir. 1997), cert. denied, 118 S.Ct. 367, 139 L.Ed.2d. 286 (U.S. 1997).

⁹⁸ *Fountain Park Co. v. Hensler*, 199 Ind. 95, 155 N.E. 465, 50 A.L.R. 1518 (1927); *State v. Savage*, 96 Or. 53, 184 P. 567 (1919), opinion adhered to on denial of reh'g, 189 P. 427 (Or. 1920).

⁹⁹ *State Board of Tax Com'rs of Ind. v. Jackson*, 283 U.S. 527, 51 S.Ct. 540, 75 L.Ed. 1248, 73 A.L.R. 1464, 75 A.L.R. 1536 (1931), leave to file for reh'g granted, 51 S.Ct. 651, 75 L.Ed. 1474 (U.S. 1931) and reh'g denied, (Oct. 12, 1931) (Indiana Constitution); *Carley &Hamilton v. Snook*, 281 U.S. 66, 50 S.Ct. 204, 74 L.Ed. 704, 68 A.L.R. 194 (1930) (California Constitution); *Frazier v. State Tax Commission*, 234 Ala. 353, 175 So. 402, 110 A.L.R. 1479 (1937); *Austin v. Lambert*, 11 Cal. 2d 73, 77 P.2d. 849, 115 A.L.R. 849 (1938); *People ex rel. Heydenreich v. Lyons*, 374 Ill. 557, 30 N.E.2d. 46, 132 A.L.R. 511 (1940); *Storen v. Sexton*, 209 Ind. 589, 200 N.E. 251, 104 A.L.R. 1359 (1936).

While there is no such express prohibition in the Florida Constitution, special privileges or immunities may be granted only to advance a public purpose as distinguished from a private interest or purpose. *Liquor Store v. Continental Distilling Corp.*, 40 So.2d. 371 (Fla. 1949).

1 fundamental or inherent rights which are common to all citizens; they have been described as being the antithesis of the
2 Fourteenth Amendment, since the latter operates to prevent abridgment by the states of the constitutional rights of citizens
3 of the United States and the former prevents the state from granting special privileges or immunities and exemptions from
4 otherwise common burdens. One prevents the curtailment of the constitutional rights of citizens, and the other prohibits the
5 enlargement of the rights of some in discrimination against others.¹⁰⁰ However, the tests as to the granting of special
6 privileges and immunities by a state are substantially similar to those used in determining whether the equal protection of
7 the laws has been denied by a state.¹⁰¹

8 The general principle involved in constitutional equality guarantees forbidding special privileges or immunities seems to be
9 that if legislation, without good reason and just basis, imposes a burden on one class which is not imposed on others in like
10 circumstances or engaged in the same business, it is a denial of the equal protection of the laws to those subject to the
11 burden and a grant of an immunity to those not subject to it.¹⁰² Such provisions of the state constitutions permit
12 classification, if it is not arbitrary, is reasonable, and has a substantial basis and a proper relation to the objects sought to be
13 accomplished.¹⁰³ And a state constitutional provision that no member of the state shall be deprived of any of the rights or
14 privileges secured to any citizen thereof, unless by the law of the land or the judgment of his or her peers, prohibits class
15 legislation, but does not forbid classification so long as it is not unreasonable or arbitrary.¹⁰⁴

16 Observation: In determining the scope of the class singled out by a statute for special burdens or benefits, a court will not
17 confine its view to the terms of the specific statute, but will judge its operation against the background of other legislative,
18 administrative, and judicial directives which govern the legal rights of similarly situated persons.¹⁰⁵ A constitutional
19 provision prohibiting the grant of special privileges applies to municipal ordinances as well as to acts of the legislature.¹⁰⁶

20 If a state constitutional provision states that no special privileges or immunities shall ever be granted to any citizen or class
21 of citizens which shall not be granted upon the same terms to all citizens, it is not available to aliens who are not citizens.
22 ¹⁰⁷

23 **7.5 Imposition of burdens**

24 In the exercise of the undoubted right of classification, it may often happen that some classes are subjected to regulations
25 and some individuals are burdened with obligations which do not rest on other classes or other individuals not similarly
26 situated, but this fact does not necessarily vitiate a statute, because it would practically defeat legislation if it were laid

¹⁰⁰ Bolivar Tp. Board of Finance of Benton County v. Hawkins, 207 Ind. 171, 191 N.E. 158, 96 A.L.R. 271 (1934); Savage v. Martin, 161 Or. 660, 91 P.2d. 273 (1939).

¹⁰¹ State Board of Tax Com'rs of Ind. v. Jackson, 283 U.S. 527, 51 S.Ct. 540, 75 L.Ed. 1248, 73 A.L.R. 1464, 75 A.L.R. 1536 (1931), leave to file for reh'g granted, 51 S.Ct. 651, 75 L.Ed. 1474 (U.S. 1931) and reh'g denied, (Oct. 12, 1931); Rosenblum v. Griffin, 89 N.H. 314, 197 A. 701, 115 A.L.R. 1367 (1938); Milwaukie Co. of Jehovah's Witnesses v. Mullen, 214 Or. 281, 330 P.2d. 5, 74 A.L.R.2d. 347 (1958), appeal dismissed, 359 U.S. 436, 79 S.Ct. 940, 3 L.Ed.2d. 932 (1959).

The United States Constitution, the Fourteenth Amendment thereto, and the California Constitution, Art. I § 11, requiring the uniform operation of all laws of a general nature, and § 21, prohibiting the granting of privileges or immunities to any citizen or class of citizens not granted to all citizens on the same terms, provide generally equivalent but independent protections in their respective jurisdictions. Department of Mental Hygiene v. Kirchner, 62 Cal. 2d 586, 43 Cal. Rptr. 329, 400 P.2d. 321 (1965).

¹⁰² Tipton County v. Rogers Locomotive & Machine Works, 103 U.S. 523, 26 L.Ed. 340 (1880); Fountain Park Co. v. Hensler, 199 Ind. 95, 155 N.E. 465, 50 A.L.R. 1518 (1927).

¹⁰³ Mansur v. City of Sacramento, 39 Cal.App.2d. 426, 103 P.2d. 221 (3d Dist. 1940); People ex rel. Heydenreich v. Lyons, 374 Ill. 557, 30 N.E.2d. 46, 132 A.L.R. 511 (1940); Ferch v. Housing Authority of Cass County, 79 N.D. 764, 59 N.W.2d. 849 (1953).

A state constitutional provision barring the grant of special privileges and immunities is violated by a statute embodying an arbitrary classification. Power, Inc. v. Huntley, 39 Wash. 2d 191, 235 P.2d. 173 (1951).

¹⁰⁴ Thomas v. Housing and Redevelopment Authority of Duluth, 234 Minn. 221, 48 N.W.2d. 175 (1951).

¹⁰⁵ Brown v. Merlo, 8 Cal. 3d 855, 106 Cal. Rptr. 388, 506 P.2d. 212, 66 A.L.R.3d. 505 (1973).

¹⁰⁶ Acton v. Henderson, 150 Cal.App.2d. 1, 309 P.2d. 481 (1st Dist. 1957).

Generally, as to constitutional restrictions on special or local laws granting privileges and immunities, see 73 Am Jur 2d, Statutes §§ 38, 39, 41.

¹⁰⁷ See 3A Am Jur 2d, Aliens and Citizens § 1955.

1 down as an invariable rule that a statute is void if it does not bring all within its scope or subject all to the same burdens.¹⁰⁸
2 Thus, it is of the essence of a classification that on one class are cast duties and burdens different from those resting on the
3 general public and that the very idea of classification is that of inequality, so that the mere fact of inequality in no manner
4 determines the matter of constitutionality.¹⁰⁹ The general rule as to classification in the imposition of burdens is that no
5 one may be subject to any greater burdens and charges than are imposed on others in the same calling or condition.¹¹⁰ No
6 burden can be imposed on one class of persons, natural or artificial, and arbitrarily selected, which is not in like conditions
7 imposed on all other classes.¹¹¹

8 A statute infringes the constitutional guarantee of equal protection if it singles out for discriminatory legislation particular
9 individuals not forming an appropriate class and imposes on them burdens or obligations or subjects them to rules from
10 which others are exempt.¹¹² Under the guise of the exercise of the police power, it is not competent either for the
11 legislature or for a municipality to impose unequal burdens upon individual citizens.¹¹³

12 Observation: If a legislative classification or distinction neither burdens a fundamental right nor targets a suspect class, the
13 United States Supreme Court will uphold it against an equal protection challenge so long as it bears a rational relation to
14 some legitimate end.¹¹⁴ Thus, if, under a particular classification, all persons affected by a statute are treated alike in the
15 burdens imposed upon them, the legislation is not open to the objection that it denies to any the equal protection of the
16 laws.¹¹⁵

17 **7.6 Grant of privileges**

18 Without violating the limitations inherent in the constitutional requirements as to the equal protection of the laws,
19 appropriate classifications may be made. When made on natural and reasonable grounds, the grant of rights to one class will
20 not necessarily amount to a denial of the equal protection of the laws to members of other classes.¹¹⁶ In all cases, however,
21 where a classification is made for the purpose of conferring a special privilege on a class, there must be some good and
22 valid reason why that particular class should alone be the recipient of the benefit.¹¹⁷ Under the Federal Constitution,
23 distinctions in rights and privileges that are based on some reason not applicable to all are generally sustained.¹¹⁸ But if

¹⁰⁸ *Cotting v. Godard*, 183 U.S. 79, 22 S.Ct. 30, 46 L.Ed. 92 (1901).

¹⁰⁹ *International Harvester Co. v. State of Missouri ex inf. Attorney General*, 234 U.S. 199, 34 S.Ct. 859, 58 L.Ed. 1276 (1914); *People v. Monroe*, 349 Ill. 270, 182 N.E. 439, 85 A.L.R. 605 (1932); *Bratberg v. Advance-Rumely Thresher Co.*, 61 N.D. 452, 238 N.W. 552, 78 A.L.R. 1338 (1931).

¹¹⁰ *Truax v. Corrigan*, 257 U.S. 312, 42 S.Ct. 124, 66 L.Ed. 254, 27 A.L.R. 375 (1921); *Marallis v. City of Chicago*, 349 Ill. 422, 182 N.E. 394, 83 A.L.R. 1222 (1932).

¹¹¹ *Atlantic Coast Line R. Co. v. Ivey*, 148 Fla. 680, 5 So.2d. 244, 139 A.L.R. 973 (1941); *Dimke v. Finke*, 209 Minn. 29, 295 N.W. 75 (1940); *State v. Northwestern Elec. Co.*, 183 Wash. 184, 49 P.2d. 8, 101 A.L.R. 189 (1935).

¹¹² *Stewart Dry Goods Co. v. Lewis*, 294 U.S. 550, 55 S.Ct. 525, 79 L.Ed. 1054 (1935), reh'g denied, 295 U.S. 768, 55 S.Ct. 652 (1935) and reh'g denied, 295 U.S. 768, 55 S.Ct. 652, 79 L.Ed. 1709 (1935) and reh'g denied, 295 U.S. 768, 55 S.Ct. 652, 79 L.Ed. 1709 (1935) and reh'g denied, 295 U.S. 768, 55 S.Ct. 652, 79 L.Ed. 1709 (1935).

¹¹³ *Chickasha Cotton Oil Co. v. Cotton County Gin Co.*, 40 F.2d. 846, 74 A.L.R. 1070 (C.C.A. 10th Cir. 1930); *Beasley v. Cunningham*, 171 Tenn. 334, 103 S.W.2d. 18, 110 A.L.R. 306 (1937).

¹¹⁴ *Vacco v. Quill*, 117 S.Ct. 2293, 138 L.Ed.2d. 834 (U.S. 1997), for concurring opinion, see, 117 S.Ct. 2302 (U.S. 1997); *Romer v. Evans*, 517 U.S. 620, 116 S.Ct. 1620, 134 L.Ed.2d. 855, 109 Ed.Law.Rep. 539, 70 Fair Empl. Prac. Cas. (BNA) 1180, 68 Empl. Prac. Dec. (CCH) ¶ 44013 (1996) (declined to extend by, *Benjamin v. Jacobson*, 935 F. Supp. 332 (S.D.N.Y. 1996)).

¹¹⁵ *Staten Island Rapid Transit Ry. Co. v. Phoenix Indemnity Co.*, 281 U.S. 98, 50 S.Ct. 242, 74 L.Ed. 726 (1930); *Kocsis v. Chicago Park Dist.*, 362 Ill. 24, 198 N.E. 847, 103 A.L.R. 141 (1935); *Buckler v. Hilt*, 209 Ind. 541, 200 N.E. 219, 103 A.L.R. 901 (1936); *Commonwealth v. Watson*, 223 Ky. 427, 3 S.W.2d. 1077, 58 A.L.R. 212 (1928).

¹¹⁶ *Sanger v. City of Bridgeport*, 124 Conn. 183, 198 A. 746, 116 A.L.R. 1031 (1938).

¹¹⁷ *Champlin Refining Co. v. Cruse*, 115 Colo. 329, 173 P.2d. 213 (1946).

Equal protection principles require that distinctions drawn by a statute granting an economic benefit to one class while denying it to another must at least bear some rational relationship to a conceivable legitimate state purpose. *Steed v. Imperial Airlines*, 10 Cal. 3d 323, 110 Cal. Rptr. 217, 515 P.2d. 17 (1973), reh'g granted, opinion not citable, (Dec. 14, 1973) and opinion vacated on other grounds, 12 Cal. 3d 115, 115 Cal. Rptr. 329, 524 P.2d. 801, 68 A.L.R.3d. 1204 (1974), appeal dismissed, 420 U.S. 916, 95 S.Ct. 1108, 43 L.Ed.2d. 387 (1975).

¹¹⁸ *Weisfield v. City of Seattle*, 180 Wash. 288, 40 P.2d. 149, 96 A.L.R. 1190 (1935); *Williams v. Hofmann*, 66 Wis.2d. 145, 223 N.W.2d. 844, 76 A.L.R.3d. 880 (1974).

1 there are other general classes situated in all respects like the class benefited by a statute, with the same inherent needs and
2 qualities which indicate the necessity or expediency of protection for the favored class, and legislation discriminates
3 against, casts a burden upon, or withholds the same protection from the other class or classes in like situations, the statute
4 cannot stand.¹¹⁹

5 An otherwise valid statute or ordinance conferring a privilege is not rendered invalid merely because it chances that
6 particular persons find it hard or even impossible to comply with precedent conditions upon which enjoyment of the
7 privilege is made to depend.¹²⁰

8 **Implications of Requirement for Equal Protection and Equal Treatment upon Conduct of** 9 **Government**

10 **8.1 Implications of equal protection generally**

11 The implications of the requirement for equal protection and equal treatment upon the government are vast and far
12 reaching. This constitutional requirement implies that:

- 13 1. No government or court can exercise any authority that you yourself do not also possess as a co-equal sovereign,
14 except to the extent that you delegated it away by:
 - 15 1.1. Choosing a civil domicile within in their jurisdiction on federal territory.
 - 16 1.2. Contracting with them and thereby consenting to the civil statutes that regulate the contract or franchise.
 - 17 1.3. Engaging in injurious criminal acts that injured the EQUAL rights of a fellow sovereign neighbor or legal
18 "person".
- 19 2. The judge has no more powers than a single man or either litigant. Only EXPRESS, identified provisions within a civil
20 law that you have EXPRESSLY consented to can impose a civil obligation upon you personally.

21 *"...the judge is on a level with the members of the bar as he is with his fellow-citizens, his title to distinction
22 and respect resting on no other foundation than his virtues and qualities as a man"*
23 *[Bradley v. Fisher, 80 U.S. 335, 355 (1872)]*

- 24 3. If a court orders you to do something, it better be disposed and able to enforce the same requirement against:
 - 25 3.1. The government.
 - 26 3.2. Your opponent within litigation.
 - 27 3.3. Every public servant.
- 28 4. The courts are not empowered to "presume" the existence of your consent to surrender any of your sovereignty to
29 them.

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

- 33 5. The government must approach waivers of sovereign immunity on your part exactly the same way as they approach
34 their own such waivers under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97. When you want to sue
35 them in civil court, you must produce a statute that represents an express waiver of sovereign immunity and consent to
36 be sued. Therefore, when they want to impose or enforce any CIVIL obligation of you, they must produce a
37 CONTRACT in which you expressly and in writing:
 - 38 5.1. Agreed to the civil obligation sought to be enforced.
 - 39 5.2. Agreed absent duress to choose a domicile that made you subject to the civil statute sought to be enforced. In
40 other words, you had to consent to be "governed" before the civil statute can be enforced. This is because the
41 Declaration of Independence says that the foundation of ALL the government's authority is "consent of the

The courts have generally rejected the contention that low-cost housing laws or ordinances are invalid as granting special privileges or immunities because they designated families or persons of low income as tenants. See 40 Am Jur 2d, Housing Laws and Urban Redevelopment § 3.

¹¹⁹ McErlain v. Taylor, 207 Ind. 240, 192 N.E. 260, 94 A.L.R. 1284 (1934); Abrams v. Bronstein, 33 N.Y.2d. 488, 354 N.Y.S.2d. 926, 310 N.E.2d. 528 (1974); Kurtz v. City of Pittsburgh, 346 Pa. 362, 31 A.2d. 257, 145 A.L.R. 1134 (1943).

¹²⁰ Gant v. Oklahoma City, 289 U.S. 98, 53 S.Ct. 530, 77 L.Ed. 1058 (1933).

governed”, which means you must consent to acquire the status of being among “the governed” before the CIVIL laws accomplishing the “governing” become relevant or enforceable.

5.3. You were not protected by the Constitution at the time you consented because physically present on federal territory. The Declaration of Independence says our rights are Unalienable, which means the can’t lawfully be sold, bargained away, or transferred by ANY commercial process, including consent to a franchise.

6. The government must EQUALLY enforce the SAME method of acquiring rights and procuring consent against ALL parties. For instance:

6.1. If they allow third parties to file false information returns that essentially illegally “elect” you into a public office called a “trade or business” and do not prosecute the filers of these false reports, then YOU have the EQUAL right to treat all requests for your services, property, or right received as administrative correspondence as consent to engage in YOUR anti-franchise franchise in which THEY become YOUR uncompensated personal servants and officers.

6.2. If they insist that they are entitled PRESUME that YOU are a “person” or “individual” under their private law franchise agreement, then you have an EQUAL right to do the same thing to them under YOUR franchise agreement, so long as they receive advanced notice of that fact.

6.3. If they assert the right to PRESUME anything and don’t call it a violation of due process of law that it is, then YOU have an equal right to both presume and believe anything you want about the meaning of any word on any government form and cannot be penalized, taxed, or injured by it.

7. If the courts want to enforce the terms of a franchise upon you that might cause surrender any portion of your constitutionally protected rights, then they must insist that proof of lawful consent to the franchise must appear on the record of the proceedings AND that you were domiciled on federal territory at the time you consented and therefore subject to the statutes offering the franchise. They cannot disguise the proof of consent by making invisible “presumptions”, but must insist on identifying what constitutes said proof.

Let’s now apply these concepts to some practical situations.

1. If the government can pass a law stating that all contracts with the government must be reduced to a writing signed by the government, then you have an equal right to define precisely what form your consent must take to a government franchise BEFORE it become obligatory upon you personally.

“Every man is supposed to know the law. A party who makes a contract [or enters into a franchise, which is also a contract] with an officer [of the government] without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation of the law.”
[Clark v. United States, 95 U.S. 539 (1877)]

2. If the IRS sanctions and even encourages third parties to file usually false information returns (IRS forms W-2, 1098, 1099, and 1042s) that effectively and unlawfully “elect” you into public office and into their indentured service under a franchise agreement WITHOUT your consent and without compensation, then it must enforce an equal method of acquiring rights over government property by electing them into YOUR service.

3. If the IRS claims the authority to file administrative liens against your property without a court order, then you must have the equal right to lien their property using the public record.

4. If the IRS claims the authority to PRESUME whatever they want is included within the meaning of a legal term used in a statute, you are entitled to be PROTECTED in the EQUAL right to presume it is NOT included. This means, for instance, that if they want to PRESUME that the term “trade or business” as defined in 26 U.S.C. §7701(a)(26) includes things OTHER than “the functions of a public office” even though the law nowhere states this, then you have an EQUAL right to presume that NOTHING else is included and not be tried for willful failure to file a tax return after ACTING on that presumption.

5. If the government claims the authority to levy your assets without a court order in the enforcement of a franchise codified in I.R.C. Subtitle A that you never consented to, then you must have the equal right to levy their assets under your own franchise agreement.

6. If the IRS can do an assessment on you without the authority of any enacted law, then you can do an assessment on them which includes the entire value of their assessment PLUS any amount you demand for your services in responding to their illegal activities. 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>

7. If the IRS can use presumption unsupported by any admissible evidence to make you into a “taxpayer” without your consent, then you are equally free to engage in the same kind of presumption to make yourself into a “nontaxpayer”

with no liability. The information returns, such as IRS forms W-2, 1042-S, 1098, and 1099, that connect you to the “trade or business” franchise are unsigned hearsay evidence that is NOT admissible, and even if it were admissible, it would still be inadmissible because most persons against whom these are filed are not engaged in the “trade or business” franchise as required by 26 U.S.C. §6041. See:

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

On the subject of conclusive presumptions of the above kind that might prejudice your rights, the courts and other authorities have said:

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

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

“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. In Bailey the constitutional right was given by the Thirteenth Amendment. In the case before us the accused, in my judgment, has been denied his right to the kind of trial by jury guaranteed by Art. III, 2, and the Sixth Amendment, as well as to due process of law and freedom from self-incrimination guaranteed by the Fifth Amendment. And of course the principle announced in the Bailey case was not limited to rights guaranteed by the Thirteenth Amendment. The Court said in Bailey:

“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.” 219 U.S., at 239.

Thus the Court held that presumptions, while often valid (and some of which, I think, like the presumption of death based on long unexplained absence, may perhaps be even salutary in effect), must not be allowed to stand where they abridge or deny a specific constitutional guarantee.”
[United States v. Gainly, 380 U.S. 63 (1965)]

8. If the IRS can penalize you for misusing THEIR forms or THEIR procedures, then you can make your own forms and submit the information they demand on YOUR forms, copyright and license the forms, and then penalize them for misusing the forms or the information on them. See:

Payment Delinquency and Copyright Violation Notice, Form #07.106
<http://sedm.org/Forms/FormIndex.htm>

9. If the IRS can give “pseudonyms”, which are fake names, to its agents, then you must have the EQUAL right to use any name or number for yourself that you desire and insist that ALL their records reflect the pseudonym and not real name. See Dept. of Justice Criminal Tax Manual, 2001 Edition, Section 40.03[10]:

Dept. of Justice, Criminal Tax Manual, 2001 Edition
40.03[10] Use of Pseudonyms by IRS Revenue Agents and Officers

Criminal prosecutors should be aware that IRS Revenue Agents and Officers are permitted to use officially-issued pseudonyms in their dealings with the public. The use of official pseudonyms was first permitted in 1992 pursuant to a decision of the Federal Service Impasse Panel (FSIP) [FN8]. Department of the Treasury, Internal Revenue Service and National Treasury Employees Union, No. 91 FSIP 229 at 4 (March 10, 1992). As part of the IRS Restructuring Act of 1997, Congress codified the use of pseudonyms with an effective date of July 22, 1998. Pub.L. 105-206, Title III, Section 3706, July 22, 1998, 112 Stat. 778.

Use of pseudonyms is intended to prevent personal harassment of IRS employees by taxpayers and other members of the public, especially tax protesters. Among the problems identified by the Treasury Employees' Union, and upon which the FSIP relied, were assaults, threats, obscene phone calls at work and at home, and filing of false interest and dividend reports (Form 1099), and false liens, against IRS employees. The Union

1 cited a 1988 Federal Bureau of Investigation Report, which found that more IRS enforcement officers suffered
2 more assaults than any other law enforcement group in the Federal Government.

3 The FSIP held that "employees shall only be required to identify themselves by last name" and "[i]f an
4 employee believes that due to the unique nature of [his/her] last name, and/or the nature of the office locale,
5 that the use of the last name will still identify [him/her] [s/he] may 'register' a pseudonym with his or her
6 supervisor." The IRS Restructuring and Reform Act of 1997 requires that an employee give "adequate
7 justification. . . including protection of personal safety" and obtain prior approval from his or her supervisor
8 before using a pseudonym.

9 The pseudonym may be issued only in place of the employee's last name; the real first name must be used.
10 Once a pseudonym is issued, it is used by that employee at all times while on duty, whether working in the field
11 or in the office. *All history sheets, liens, levies and summonses are signed using the pseudonym.* Pocket
12 commissions (credentials) are issued in the pseudonym only. However, the IRS-issued identification, which
13 allows access to IRS facilities, may only be issued in the employee's real name.

14 There has been very little litigation concerning the use of pseudonyms and what has occurred involves
15 summons enforcement. Generally, courts have not found fault with the practice. See, e.g., Sanders v. United
16 States, No. 94-1497, 1995 WL 257812 (10th Cir. May 2, 1995); Springer v. Internal Revenue Service, Nos. S-
17 97-0091 WBS GGH, S-97- 0092 WBS GGH, S-97-0093 WBS GGH, 1997 WL 732526 (E.D. Cal. Sept. 12,
18 1997); United States v. Wirenius, No. CV 93-6786 JGD, 1994 WL 142394, at *n.2 (C.D. Cal. Feb. 11, 1994);
19 Dvorak v. Hammond, No. CIV 3-94- 601, 1994 WL 762194, at *n.1 (D. Minn. Dec. 5, 1994). But see United
20 States v. Nolen, 4:96-CV-934-A (N.D. Texas, 1997) (refusal of District Court to allow a Revenue Agent to use
21 a pseudonym to testify and stating that it would not allow such practice in the future). In Nolen, the AUSA
22 called the Revenue Agent to the stand, asked him to state his name for the record and then immediately had the
23 RA identify that name as his pseudonym. The Court took issue with the fact that the RA gave his pseudonym as
24 his name, despite previous disclosure of the pseudonym to the court in the declaration signed by the RA.

25 Obviously, as officers of the court, government attorneys should not submit declarations or affidavits signed by
26 an IRS employee using a pseudonym without informing the court that a pseudonym is being used. Likewise,
27 caution should be exercised when tendering any witness who is using a pseudonym. Particular care should be
28 taken if your summary witness/IRS expert witness has used a pseudonym; in those instances the witness should
29 either relinquish the pseudonym or not be used as a witness. In that regard, the IRS recognizes that the court
30 must be informed about the use of a pseudonym and that the employee's legal name may ultimately have to be
31 disclosed, depending on the circumstances of the case. Minimally, consultation with your supervisor and with
32 the IRS about how best to proceed in these instances is advised.
33 [SOURCE: <http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.01>]

34 The U.S. Supreme Court has also very eloquently pointed out that "equal protection" implies that any one government
35 treats all persons the same, but NOT that ALL states, municipalities, or counties treat them the same:

36 *"If, however, we take into view the general objects and purposes of the Fourteenth Amendment, we shall find no*
37 *reasonable ground for giving it any such application. These are to extend United States citizenship to all natives*
38 *and naturalized persons and to prohibit the states from abridging their privileges or immunities and from*
39 *depriving any person of life, liberty, or property without due process of law and from denying to any person*
40 *within their jurisdiction the equal protection of the laws. It contemplates persons and classes of persons. It has*
41 *not respect to local and municipal regulations that do not injuriously affect or discriminate between persons or*
42 *classes of persons within the places or municipalities for which such regulations are made. The amendment*
43 *could never have been intended to prevent a state from arranging and parceling out the jurisdiction of its*
44 *several courts at its discretion. No such restriction as this could have been in view or could have been included*
45 *in the prohibition that "no state shall deny to any person within its jurisdiction the equal protection of the*
46 *laws." It is the right of every state to establish such courts as it sees fit and to prescribe their several*
47 *jurisdictions as to territorial extent, subject matter, and amount, and the finality and effect of their decisions,*
48 *provided it does not encroach upon the proper jurisdiction of the United States and does not abridge the*
49 *privileges and immunities of citizens of the United States, and does not deprive any person of his rights*
50 *without due process of law nor deny to any person the equal protection of the laws, including the equal right*
51 *to resort to the appropriate courts for redress. The last restriction, as to the equal protection of the laws, is*
52 *not violated by any diversity in the jurisdiction of the several courts as to subject matter, amount, or finality*
53 *of decision if all persons within the territorial limits of their respective jurisdictions have an equal right, in*
54 *like cases and under like circumstances, to resort to them for redress. Each state has the right to make*
55 *political subdivisions of its territory for municipal purposes, and to regulate their local government. As*
56 *respects the administration of justice, it may establish one system of courts for cities and another for rural*
57 *districts, one [101 U.S. 31] system for one portion of its territory and another system for another portion.*
58 *Convenience, if not necessity, often requires this to be done, and it would seriously interfere with the power of a*
59 *state to regulate its internal affairs to deny to it this right. We think it is not denied or taken away by any thing*
60 *in the Constitution of the United States, including the amendments thereto.*

61 *"We might go still further and say with undoubted truth that there is nothing in the Constitution to prevent*
62 *any state from adopting any system of laws or judicature it sees fit for all or any part of its territory. If the*

1 State of New York, for example, should see fit to adopt the civil law and its method of procedure for New
2 York City and the surrounding counties, and the common law and its method of procedure for the rest of the
3 state, there is nothing in the Constitution of the United States to prevent its doing so. This would not, of itself,
4 within the meaning of the Fourteenth Amendment, be a denial to any person of the equal protection of the
5 laws. If every person residing or being in either portion of the state should be accorded the equal protection
6 of the laws prevailing there, he could not justly complain of a violation of the clause referred to. For, as
7 before said, it has respect to persons and classes of persons. It means that no person or class of persons shall
8 be denied the same protection of the laws which is enjoyed by other persons or other classes in the same
9 place and under like circumstances.

10 The Fourteenth Amendment does not profess to secure to all persons in the United States the benefit of the
11 same laws and the same remedies. Great diversities in these respects may exist in two states separated only by
12 an imaginary line. On one side of this line, there may be a right of trial by jury, and on the other side no such
13 right. Each state prescribes its own modes of judicial proceeding. If diversities of laws and judicial
14 proceedings may exist in the several states without violating the equality clause in the Fourteenth
15 Amendment, there is no solid reason why there may not be such diversities in different parts of the same
16 state. A uniformity which is not essential as regards different states cannot be essential as regards different
17 parts of a state, provided that in each and all there is no infraction of the constitutional provision. Diversities
18 [101 U.S. 32] which are allowable in different states are allowable in different parts of the same state. Where
19 part of a state is thickly settled and another part has but few inhabitants, it may be desirable to have different
20 systems of judicature for the two portions -- trial by jury in one, for example, and not in the other. Large cities
21 may require a multiplication of courts and a peculiar arrangement of jurisdictions. It would be an unfortunate
22 restriction of the powers of the state government if it could not, in its discretion, provide for these various
23 exigencies.

24 If a Mexican state should be acquired by treaty and added to an adjoining state or part of a state in the
25 United States, and the two should be erected into a new state, it cannot be doubted that such new state might
26 allow the Mexican laws and judicature to continue unchanged in the one portion and the common law and
27 its corresponding judicature in the other portion. Such an arrangement would not be prohibited by any fair
28 construction of the Fourteenth Amendment. It would not be based on any respect of persons or classes, but on
29 municipal considerations alone, and a regard to the welfare of all classes within the particular territory or
30 jurisdiction.

31 *It is not impossible that a distinct territorial establishment and jurisdiction might be intended as, or might have*
32 *the effect of, a discrimination against a particular race or class, where such race or class should happen to be*
33 *the principal occupants of the disfavored district. Should such a case ever arise, it will be time enough then to*
34 *consider it. No such case is pretended to exist in the present instance.*
35 *[Missouri v. Lewis, 101 U.S. 22 (1879)]*

36 The remainder of this section consists of the closing arguments from an injunction contempt hearing in federal district court
37 brought by the government against one of our members in which the member very effectively uses the requirement of equal
38 protection to make the government look REALLY bad. We include it here to show you how to apply the concepts in this
39 section to a real life situation in court against the government.
40

41 **CLOSING ARGUMENTS FOR CIVIL CONTEMPT HEARING, UNITED STATES DISTRICT COURT**

- 42 1. I find it ironic that the very purpose of the First Amendment was to protect those who expose government wrongdoing,
43 that the speech sought to be enjoined has the main purpose of exposing and preventing government wrongdoing, and
44 yet this court refuses to protect the free speech, right of assembly, and right to petition that results from such lawful
45 exercises.
- 46 2. I find it truly ironic that the court can reclassify religious beliefs against the wishes of the speaker and yet refuses the
47 EQUAL right of me to reclassify its orders from legal speech into political speech that need not obeyed.
- 48 3. I find it ironic that the court thinks it can prohibit me from introducing evidence based on silence, and yet does not
49 apply the same standard to its own order in the context of all the issues it remained silent on and defaulted to. If my
50 evidence is excluded, then the court's own order must also be excluded based on similar silence relating to all the
51 issues the court defaulted to in Docket _____, Exhibit _____.
- 52 4. I find it truly ironic that the only way this court has been able to convict me of false commercial speech is by engaging
53 in false commercial speech itself by perjuring the record to reclassify religious and political speech and beliefs that are
54 NONfactual into factual commercial speech.
- 55 5. I find it truly ironic that this court respects the IRS disclaimer on their website and yet does not allow others such as
56 SEDM and Family Guardian the same equal right and protection.
- 57 6. I find it truly ironic that People such as myself who have chosen voluntarily to help educate people about law and to
58 obey and enforce it are being falsely accused of leading others to disobey the law using materials they are specifically

1 PROHIBITED from reading or using. The SEDM Member Agreement, SEDM Disclaimer, and Family Guardian
2 Disclaimers all indicate that “taxpayers” are not authorized to read or use any of the materials that are the subject of
3 this proceeding, and “taxpayers” are the only audience this court can have any jurisdiction over.

- 4 7. I find it truly ironic that I am being falsely accused of engaging in factual and false speech that identifies itself as
5 simply a belief and not a fact or evidence. Does this court REALLY intend to create what essentially amounts to a
6 THOUGHT CRIME in this case?
- 7 8. I find it truly unconscionable that I am being expected to be responsible for the consequences of what amounts to a
8 personal journal posted on the internet by several authors for all to read and whose only authorized audience is the
9 authors themselves and not other readers.
- 10 9. If find it truly ironic that the Plaintiff and this Court can expect me to take responsibility for speech that isn’t even
11 mine, and yet they refuse to take responsibility to even read or apply or admit into evidence anything that I say or
12 write.
- 13 10. I find it truly ironic that this court insists on enforcing the provisions of what amount to private law and a contract to
14 enforce a federal franchise, being a “trade or business”, and yet refuses me the EQUAL right to enforce the provisions
15 of the SEDM Member Agreement, against persons who clearly consented to it by availing themselves of similarly
16 “privileged” materials.
- 17 11. I find it truly ironic that this court can use the unlawful exclusion of evidence to propagate false beliefs and
18 presumptions that amount to a state-sponsored religion, and yet denies others the EQUAL right of a bona fide religious
19 ministry to practice their religion and express their beliefs.
- 20 12. I find it truly ironic that the Plaintiff and his biased anonymous witnesses are permitted to use nothing but presumption
21 and beliefs to convict an innocent person, and then turn around and deny that person the EQUAL right to presume that
22 he is INNOCENT. Under our system of jurisprudence, all men must be presumed innocent until proven guilty.

23 If the court is going to uphold and sustain this kind of hypocrisy, then I cannot in good conscience cooperate with any of its
24 orders.

25 I am a reasonable person, but my religious beliefs do NOT permit me to participate in a state-sponsored civil religion of the
26 kind created in this courtroom. I recognize this proceeding not as a legal war, but a spiritual war.

27 *“For we do not wrestle against flesh and blood, but against principalities, against powers, against the rulers of*
28 *the darkness of this age,[a] against spiritual hosts of wickedness in the heavenly places.”*
29 *[Eph. 6:12, Bible, NKJV]*

30 This is a worship service, the court is the church, the Internal Revenue Code is the state-sponsored Bible, and it is nothing
31 but a presumption that is not positive law. Mr. _____[U.S. attorney name] is the state licensed and “ordained” deacon
32 who is conducting this particular worship service. He was “ordained” by the chief priests of the _____[statename]
33 Supreme Court. This religion is a Civil Religion, and it is based on glorifying and empowering man and governments made
34 up of men instead of the true and living God. Of this subject, the Bible says and requires the following:

35 *“It is better to trust the Lord*
36 *Than to put confidence in man.*
37 *It is better to trust in the Lord*
38 *Than to put confidence in princes [or government, or the ‘state’].”*
39 *[Psalm 118:8-9, Bible, NKJV]*

40 The Internal Revenue Code regulates the tithes to this state-sponsored church. Those who want to voluntarily join this
41 government church simply choose a domicile within the “United States”, which is the District of Columbia, and thereby
42 shift their allegiance from God to a political ruler, thus FIRING God from their life. The “faith” practiced by this civil
43 religion is called “presumption”. People who practice this satanic religion are motivated primarily by fear rather than love
44 for their God or their neighbor. Those who are members of this church are called “U.S. persons”, “taxpayers”, and “public
45 officers” who are acting in a representative capacity not of the true and living God, but a pagan, socialist, money-grubbing
46 politician whose only concern is expanding and aggrandizing his own vain importance. What the Plaintiff is attempting to
47 do in this case is destroy and discredit a competing religion, Christianity, in order to elevate his religion to top, and he is
48 doing it in violation of the First Amendment. He has done so by refusing to recognize a religion for what it is, by turning
49 its parishoners into “customers”, and by reclassifying its beliefs to make them into factual commercial speech in violation
50 of the First Amendment. There is no stare decisis that could or does permit this malicious attempt to dis-establish a religion
51 by the Plaintiff. His presence here is an immune response to a competing religion. On this subject, Rousas Rushdoony has
52 said:

1 “. . . there can be no tolerance in a law-system for another religion. Toleration is a device used to introduce a
2 new law-system as a prelude to a new intolerance. Legal positivism, a humanistic faith, has been savage in its
3 hostility to the Biblical law-system and has claimed to be an "open" system. But Cohen, by no means a
4 Christian, has aptly described the logical positivists as "nihilists" and their faith as "nihilistic absolutism."¹²¹
5 Every law-system must maintain its existence by hostility to every other law-system and to alien religious
6 foundations or else it commits suicide."
7 [*The Institutes of Biblical Law*, Rousas John Rushdoony, 1973, The Craig Press, Library of Congress Catalog
8 Card Number 72-79485, pp. 4-5, *Emphasis added*]

9 I cannot condone the abuse of the machinery of this state-sponsored church and tribunal to allow the government to
10 promote and expand a civil religion of the kind clearly demonstrated here today. The only law I can or will recognize is
11 God's Law found in THIS BOOK [hold up the Holy Bible]. By that Sovereign and Eternal Law, I cannot lawfully
12 participate as a "citizen" or "domiciliary" of this corrupted forum, be subject to any civil laws within the forum, or
13 participate in any of its franchises such as a "trade or business", Socialist Security, or any other method of surrendering the
14 sovereignty God gave me and delegating it to the a pagan ruler. I am instead a "stateless person", a "foreign sovereign", a
15 "transient foreigner", a "non-citizen national", and a nonresident alien and I have a protected First Amendment right to
16 make that choice to disassociate from governments that have become corrupt and are not fulfilling their Biblical mandate of
17 providing ONLY protection such as this one. As a stateless person, I can still be a law abiding American by obeying
18 ONLY the criminal laws of the area I temporarily occupy but do not inhabit. By obeying God's Laws, I satisfy the criminal
19 laws, and so I am NOT a bad American in any sense. It is not a crime under God's laws to not subject yourself to laws
20 which require your explicit consent and choice of domicile in order to be subject to.

21 It is a violation of the First Amendment for this court to interfere with the right to change one's domicile and politically
22 disassociate, or to falsely and maliciously label such a protected political choice of disassociation as an illegal "tax shelter"
23 that can lawfully be enjoined. If this court cannot lawfully involve itself in "political questions", then it also cannot
24 interfere with the political right to disassociate by changing one's domicile and allegiance, abandoning the protections of a
25 corrupted government, and restoring God to His sovereign role as our ONLY Lawgiver, King, and Judge.

26 **8.2 Implications in court**

27 The important thing we want to emphasize is that equality is the foundation of all of your rights and freedom and that the
28 ONLY way you can become UNEQUAL in relation to any de jure government in a civil setting or during civil litigation is
29 WITH your express consent in some form. This fact was also stated by Eleanor Roosevelt, when she said:

30 *"No one can make you feel inferior without your consent."*
31 [*Eleanor Roosevelt*]

32 When litigating against any government, it is of the utmost importance to:

- 33 1. Insist on an equity and common law proceeding rather than civil law proceeding. Civil statutory law is only for public
34 officers in the government.
- 35 2. Invoke the same sovereign immunity as the government.
- 36 3. Shift the burden of proof to the government to produce evidence of consent IN WRITING to any and every civil
37 obligation or statutory "status" they seek to enforce in civil court.
- 38 4. Insist that the right to be treated equally attaches to the LAND you stand on, and not your status as a citizen, and THE
39 LAND is protected by the Constitution.

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

43
44 *"The Fourteenth Amendment guarantees the equal protection of the law to anyone who may be within the*
45 *territorial jurisdiction of a State. That Amendment does not suggest by its terms that equal treatment might*
46 *be denied a person depending upon how long that person has been within the jurisdiction of the State. The*

1 Fourteenth Amendment does, however, expressly recognize one elementary basis for distinguishing between
2 persons who may be within a State's jurisdiction at any particular time -- by setting forth the requirements for
3 state citizenship. **But it is significant that the Citizenship Clause of the Fourteenth Amendment expressly**
4 **equates citizenship only with simple residence.**{2} That Clause does not provide for, and does not allow for,
5 degrees of citizenship based on length of residence.{3} And the Equal Protection Clause would not tolerate
6 such distinctions. [457 U.S. 70] In short, as much as the right to travel, equality of citizenship is of the essence
7 in our Republic. As the Court notes, States may not "divide citizens into expanding numbers of permanent
8 classes." Ante at 64.
9 [Zobel v. Williams, 457 U.S. 55 (1982)]

- 10 5. Insist that the evidence of consent MUST be in writing in a form that YOU and not They prescribe, because that is
11 exactly what the government does and you are entitled to perfect equality in relation to any and every government,
12 which is a "person" under the law:

13 *In analyzing whether Congress has waived the immunity of the United States, we must construe waivers strictly*
14 *in favor of the sovereign, see McMahon v. United States, 342 U. S. 25, 27 (1951), and not enlarge the waiver "*
15 *'beyond what the language requires,' "* Ruckelshaus v. Sierra Club, 463 U. S. 680, 685-686 (1983), quoting
16 Eastern Transportation Co. v. United States, 272 U. S. 675, 686 (1927). *The no-interest rule provides an added*
17 *gloss of strictness upon these usual rules.*

18 *"[T]here can be no consent by implication or by use of ambiguous language. Nor can an intent on the part of*
19 *the framers of a statute or contract to permit the recovery of interest suffice where the intent is not translated*
20 *into affirmative statutory or contractual terms. The consent necessary to waive the traditional immunity must be*
21 *express, and it must be strictly construed."* United States v. N. Y. Rayon Importing Co., 329 U. S., at 659.
22 [Library of Congress v. Shaw, 478 U.S. 310 (1986)]

23 Any civil obligation enforced absent EXPRESS [NOT implied] consent procured absent duress and in a form that only you
24 can prescribe then becomes theft and violation of due process if it relates to rights or physical property and slavery if it
25 relates to your services.

26 **9 Authorities on equal protection and equal treatment**

27 *No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the*
28 *United States; nor shall any State deprive any person of life, liberty, or property, without due process of law;*
29 *nor deny to any person within its jurisdiction the equal protection of the laws.*
30 [Fourteenth Amendment, Section 1, Clause 2]

31
32 *"But arbitrary selection can never be justified by calling it classification. The equal protection demanded by the*
33 *fourteenth amendment forbids this. No language is more worthy of frequent and thoughtful consideration than*
34 *these words of Mr. Justice Matthews, speaking for this court, in Yick Wo v. Hopkins, 118 U.S. 356, 369, 6*
35 *S.Sup.Ct. 1064, 1071: 'When we consider the nature and the theory of our institutions of government, the*
36 *principles upon which they are supposed to rest, and review the history of their development, we are*
37 *constrained to conclude that they do not mean to leave room for the play and action of purely personal and*
38 *arbitrary power.' The first official action of this nation declared the foundation of government in these words:*
39 *'We hold these truths to be self-evident, [165 U.S. 150, 160] that all men are created equal, that they are*
40 *endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of*
41 *happiness.' While such declaration of principles may not have the force of organic law, or be made the basis of*
42 *judicial decision as to the limits of right and duty, and while in all cases reference must be had to the organic*
43 *law of the nation for such limits, yet the latter is but the body and the letter of which the former is the thought*
44 *and the spirit, and it is always safe to read the letter of the constitution in the spirit of the Declaration of*
45 *Independence. **No duty rests more imperatively upon the courts than the enforcement of those***
46 ***constitutional provisions intended to secure that equality of rights which is the foundation of free***
47 ***government.**"*
48 [Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897)]

49
50 *'It was undoubtedly the object of the clause [Article 4, Section 2 Clause 1 of the Constitution] in question to*
51 *place the citizens of each state upon the same footing with citizens of other states, so far as the advantages*
52 *resulting from citizenship in those states are concerned. It relieves them from the disabilities of alienage in*
53 *other states; it inhibits discriminating legislation against them by other states; it gives them the right of free*
54 *ingress into other states, and egress from them; it insures to them in other states the same freedom possessed by*
55 *the citizens of those states in the acquisition and enjoyment of property and in the pursuit of happiness; and it*
56 *secures them in other states the equal protection of their laws. It has been justly said that no provision in the*
57 *Constitution has tended so strongly to constitute the citizens of the United States one people as this.*

1 *'Indeed, without some provision of the kind removing from the citizens of each state the disabilities of alienage*
2 *in the other states, and giving them equality of privilege with citizens of those states, the republic would have*
3 *constituted little more than a league of states; it would not have constituted the Union which now exists.'*
4 *[Paul v. Virginia, 75 U.S. 168 (1868)]*
5

6 **The Equal Protection Clause of the Fourteenth Amendment "is essentially a direction that all persons**
7 **similarly situated should be treated alike."** *Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432, 439*
8 *(1985); see also Plyler v. Doe, 457 U.S. 202, 216 (1982). Under our rational basis standard of review,*
9 *"legislation is presumed to be valid and will be sustained if the classification drawn by the statute is rationally*
10 *related to a legitimate state interest." Cleburne v. Cleburne Living Center, supra, at 440; see also Department*
11 *of Agriculture v. Moreno, 413 U.S. 528, 534 (1973); Romer v. Evans, 517 U.S. 620, 632-633 (1996);*
12 *Nordlinger v. Hahn, 505 U.S. 1, 11-12 (1992).*

13 *Laws such as economic or tax legislation that are scrutinized under rational basis review normally pass*
14 *constitutional muster, since "the Constitution presumes that even improvident decisions will eventually be*
15 *rectified by the democratic processes." Cleburne v. Cleburne Living Center, supra, at 440; see also Fitzgerald*
16 *v. Racing Assn. of Central Iowa, ante, p. ___; Williamson v. Lee Optical of Okla., Inc., 348 U.S. 483 (1955). **We***
17 **have consistently held, however, that some objectives, such as "a bare . . . desire to harm a politically**
18 **unpopular group," are not legitimate state interests.** *Department of Agriculture v. Moreno, supra, at 534. See*
19 *also Cleburne v. Cleburne Living Center, supra, at 446-447; Romer v. Evans, supra, at 632. When a law*
20 *exhibits such a desire to harm a politically unpopular group, we have applied a more searching form of*
21 *rational basis review to strike down such laws under the Equal Protection Clause.*

22 [. . .]

23 *The Equal Protection Clause "neither knows nor tolerates classes among citizens." Id. at 623 (quoting Plessy*
24 *v. Ferguson, 163 U.S. 537, 559 (1896) (Harlan, J. dissenting)).*
25 *[Lawrence v. Texas, 539 U.S. 558, 123 S.Ct. 2472 (2003)]*

26 **10 Summary and Conclusions**

27 This section shall summarize the evidence, findings, and conclusions contained within this authoritative document:

- 28 1. Equal protection and equal treatment is the foundation of all free governments.
- 29 2. The basis for equal protection and equal treatment is a government of "finite, delegated, and specifically enumerated
30 powers".
 - 31 2.1. The sovereign people, "We The People", are the masters over their "public servants" in government. All power
32 and authority is delegated to them through the federal and state constitutions.
 - 33 2.2. The government can exercise no power not explicitly granted to them in the Constitution.
 - 34 2.3. All rights not delegated to the government are reserved to the people and the state, pursuant to the Tenth
35 Amendment.
 - 36 2.4. Those who do not choose a domicile within the jurisdiction of the created government reserve all their rights and
37 may lawfully exercise all the same powers and authorities that the government itself possesses. See:
38

<i>Why Domicile and Income Taxes are Voluntary</i> , Form #05.002 http://sedm.org/Forms/FormIndex.htm
--
 - 39 2.5. Whatever any federal judicial officer can do to you also can do, because all of his power was delegated to him by
40 you through the Constitution of the United States of America.
 - 41 2.6. The Declaration of Independence basically says that the government can only govern those who CONSENT to be
42 governed.

42 *"That to secure these rights, Governments are instituted among Men, **deriving their just powers from the***
43 **consent of the governed**, --That whenever any Form of Government becomes destructive of these ends, it is the
44 *Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such*
45 *principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and*
46 *Happiness.*
47 *[Declaration of Independence,*
48 *SOURCE: http://www.archives.gov/national-archives-experience/charters/declaration_transcript.html]*

49 If you don't consent, you are empowered by the Declaration of Independence to FIRE the government to create
50 your own SELF government, to change your legal domicile, and to and divorce the one that provides "protection
51 services" in the area you occupy. See:

Legal Notice of Change in Domicile/Citizenship and Divorce from the United States, Form #10.001
<http://sedm.org/Forms/FormIndex.htm>

- 1 3. The opposite of equal protection is:
2 3.1. Discrimination and partiality in judgment by the Executive and Judicial branches of the government.
3 3.2. A government that runs exclusively based on “franchises” and “privileges” and “favors” dispensed at great
4 economic advantage to them.
5 3.3. A corporation masquerading as a government that neither recognizes nor enforces the very purpose of its creation,
6 which is the protection of rights documented but not conveyed by the Bill of Rights, which are the first Ten
7 Amendments to the United States Constitution.
- 8 4. The practical effect of unequal protection and the dispensing of special “favors” and “franchises” by the government
9 within a republican form of government is:
10 4.1. To transform a “government” into a for-profit corporation. See 28 U.S.C. §3002(15)(A). See:
11 *Corporate Takeover of the U.S Government Well Underway*
12 <http://familyguardian.tax-tactics.com/Subjects/Freedom/Articles/CorporatizationOfGovt.htm>
13 4.2. To corrupt the legal process by those buying favors to expand the benefits of franchises to themselves.
14 4.3. The abuse of the tax system to advance THEFT by the government and to implement wealth redistribution.
15 4.4. Relentless and uncontrolled expansion of government power and political control over the population using
16 professional licensing.
17 4.5. The economic enslavement of those not in receipt of the “privileges” and “franchises”.
18 4.6. Partiality and favoritism by the courts in favor of those who provide the most financial benefits to the
19 government, which usually come through either campaign contributions or through unlawfully administered tax
20 collection.
21 4.7. Discrimination by jurors in receipt of the benefits of franchises.
22 4.8. The destruction of and disregard for “private rights” in favor of “public rights” conveyed to Congress in
administering the franchises that make the protection provided “unequal”.
23 4.9. The destruction of the Separation of Powers Doctrine that is the heart of the United States Constitution. See:
24 *Government Conspiracy to Destroy the Separation of Powers, Form #05.023*
25 <http://sedm.org/Forms/FormIndex.htm>
- 26 5. Those who want their Constitutionally rights protected by the government and not ignored by the courts have an
27 obligation to terminate participation in all franchises that might cause unequal protection or “privilege”, including the
28 following:
29 5.1. Socialist Security. See:
30 *Resignation of Compelled Social Security Trustee, Form #06.002*
31 <http://sedm.org/Forms/FormIndex.htm>
- 32 5.2. The federal income tax found in the Internal Revenue Code Subtitle A. This tax is a tax upon a franchise called a
“trade or business”, which is defined as “the functions of a public office”. See:
33 *The “Trade or Business” Scam, Form #05.001*
34 <http://sedm.org/Forms/FormIndex.htm>
- 35 5.3. Professional licenses, and especially those whose participation requires a Socialist Security Number.
36 5.4. Government “insurance” programs such as Medicare, Medicaid, and Unemployment insurance (FICA).
37 5.5. Driver’s licenses. See:
38 *Defending Your Right to Travel, Form #06.010*
39 <http://sedm.org/Forms/FormIndex.htm>

11 Resources for further study and rebuttal

33 A number of additional resources are available for those who wish to further investigate the contents of the pamphlet:

- 34 1. *Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: Equal Protection.* Family Guardian
35 Fellowship
36 <http://famguardian.org/TaxFreedom/CitesByTopic/EqualProtection.htm>
37 2. *Enumeration of Inalienable Rights, Form #10.002.* Itemized list of all rights to life, liberty, and property which the
38 government may not deny EQUALLY to all citizens, residents, and inhabitants who are not in receipt of government
39 privileges or franchises.
40 <http://sedm.org/Forms/FormIndex.htm>

- 1 3. *Socialism: The New American Civil Religion*, Form #05.016-proves that the current de facto government as an
2 unconstitutional state-sponsored religion that violates the First Amendment.
- 3 4. Discrimination and Racism Page – Family Guardian Website
4 <http://famguardian.org/Subjects/Discrimination/discrimination.htm>
- 5 5. *Fourteenth Amendment Annotated*. See section 1, which mandates equal protection of the law to all “citizens of the
6 United States”.
7 <http://caselaw.lp.findlaw.com/data/constitution/amendment14/>
- 8 6. *The Trade or Business Scam*, Form #05.001. Describes the federal franchise or “public right” that the federal income
9 tax is built upon, and how it results in a surrender of both rights and or equal protection.
10 <http://sedm.org/Forms/FormIndex.htm>
- 11 7. *Resignation of Compelled Social Security Trustee*, Form #06.002. Describes the federal franchise or “public right”
12 which is the chief means for manufacturing federal “taxpayers” under the Internal Revenue Code, how it results in a
13 surrender of Constitutional rights and equal protection, and how to quit the system.
14 <http://sedm.org/Forms/FormIndex.htm>
- 15 8. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017
16 <http://sedm.org/Forms/FormIndex.htm>
- 17 9. *Government has become idolatry and a false religion*: Article which describes why the federal courts have become
18 churches and our government has become a false god and a religious cult which can only be approached or interfaced
19 with as a person in receipt of statutory franchises :
20 <http://famguardian.org/Subjects/Taxes/Articles/Christian/GovReligion.htm>