

# ***PROOF THAT THERE IS A “STRAW MAN”***

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# **TABLE OF CONTENTS**

<b>TABLE OF CONTENTS .....</b>	<b>2</b>
<b>LIST OF TABLES.....</b>	<b>3</b>
<b>LIST OF FIGURES.....</b>	<b>3</b>
<b>TABLE OF AUTHORITIES .....</b>	<b>3</b>
<b>1 Introduction .....</b>	<b>21</b>
<b>2 WHAT is a “straw man”? .....</b>	<b>22</b>
2.1 Commercial transaction .....	23
2.2 Agency (office).....	28
2.3 Property being acquired or transferred that would otherwise not be allowed or unlawful .....	35
<b>3 HOW is the straw man created? .....</b>	<b>40</b>
<b>4 WHY was the straw man created? .....</b>	<b>47</b>
4.1 Government can’t lawfully impose duties upon private citizens .....	47
4.2 Government can’t lawfully pay public monies to private persons .....	49
4.3 Government can’t lawfully maintain records on private persons without violating their Fourth Amendment Rights .....	61
4.4 Government can’t lawfully use, benefit from, or tax your private property without your consent.....	66
<b>5 The Ability to Regulate Private Rights and Private Conduct is Repugnant to the Constitution .....</b>	<b>70</b>
<b>6 Public Office and Public Interest: The Straw Man’s Clothes.....</b>	<b>75</b>
6.1 How the straw man is created and gets his “clothes” .....	75
6.2 The State Created Office of “person” .....	78
6.3 Legal Requirements for Occupying a “Public Office” .....	86
6.4 “Public Office” v. “Public Officer” .....	92
<b>7 Metaphors that explain the straw man .....</b>	<b>94</b>
7.1 Work world.....	95
7.2 Christianity .....	96
7.3 Computer Programming .....	96
<b>8 Franchises implemented as trusts are the vehicle used to create the “straw man” .....</b>	<b>97</b>
<b>9 The Founding Fathers and the Bible Both Say You Shouldn’t Engage in Commerce or Franchises with the Government or Act as a “Straw Man” .....</b>	<b>101</b>
<b>10 Proof of the existence of the straw man .....</b>	<b>104</b>
10.1 All Government enforcement authority almost exclusively over only the “straw man” .....	104
10.2 Internal Revenue Code, Subtitle A is an Excise Tax Upon the “Straw Man” .....	107
10.3 The Information Return Scam .....	115
10.4 Definition of “income” means earnings of a trust or estate .....	124
10.5 IRS Form 1040 .....	125
10.6 Social Security .....	127
10.7 How banks become “persons” and “public officers” under federal law .....	130
10.8 Federal Rule of Civil Procedure 17 .....	134
10.9 The Privacy Act identifies the “straw man” .....	135
10.10 Taxpayer Identification Numbers Issued to the Straw Man.....	136
10.11 UCC places the Straw Man in the District of Columbia.....	141
10.12 IRS Liens are against the “straw man” .....	141
10.13 All IRS correspondence is directed at the “straw man” and not private persons .....	143
10.14 IRS Withholding Notices Are Directed at the Straw Man .....	143
10.15 Tax Court and IRS Notices of Deficiency are directed ONLY at the “Straw Man” .....	144
<b>11 Why it is THEFT to use the straw man for PRIVATE gain or advantage.....</b>	<b>146</b>
<b>12 Legal Actions Against the “Straw Man”.....</b>	<b>148</b>
12.1 Proving consent that creates the “straw man” in court .....	149

12.2	Franchise (property) courts .....	152
12.3	Proceedings against “straw man” are “in rem” .....	154
12.4	Disassociating yourself from the “straw man” on the record of the proceeding.....	156
12.5	Effect of representing the “straw man” on your standing .....	160
12.6	Effect of franchises on Constitutional Requirement for “due process of law”: NONE REQUIRED .....	162
12.7	Investigating further.....	165
<b>13</b>	<b>How most people are fraudulently deceived into thinking they are the Straw Man .....</b>	<b>165</b>
<b>14</b>	<b>ALL CAPS NAME fallacies .....</b>	<b>169</b>
<b>15</b>	<b>Lawfully Avoiding the Duties of the Straw Man.....</b>	<b>170</b>
15.1	In General .....	170
15.2	Resignation of Compelled Social Security Trustee, Form #06.002.....	173
15.3	Legal Notice of Change in Domicile/Citizenship Records and Divorce From the United States, Form #10.001 .....	174
15.4	Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001 .....	176
15.5	Tax Form Attachment, Form #04.201 .....	176
15.6	Why It is Illegal for Me to Request or Use a Taxpayer Identification Number, Form #04.205 .....	177
15.7	IRS Form 56: Disconnecting from the Straw man.....	177
15.8	Delegation of Authority Order from God to Christians, Form #13.007 .....	177
15.9	Liening the Straw Man so he can’t do you any harm .....	178
15.10	The Government “Benefits” Scam, Form #05.040 .....	178
<b>16</b>	<b>Legal Remedies for Identity Theft.....</b>	<b>178</b>
<b>17</b>	<b>Conclusions and summary .....</b>	<b>183</b>
<b>18</b>	<b>Resources for Further Study and Rebuttal .....</b>	<b>194</b>
<b>19</b>	<b>Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government .....</b>	<b>195</b>

## LIST OF TABLES

Table 1:	Two methods for taxation .....	52
Table 2:	Rules for converting private property to a public use or a public office .....	75
Table 3:	Instances where Taxpayer Identification Number is MANDATORY .....	137
Table 4:	Statutory remedies for those compelled to act as public officers and straw man .....	178

## LIST OF FIGURES

Figure 1:	Social Security Card: Back .....	44
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## TABLE OF AUTHORITIES

### Constitutional Provisions

Art. 1, Sec. 8.....	95
Art. III .....	34, 149, 150
Article 1, Section 10.....	179
Article 1, Section 8, Clause 17 .....	32

Article 1, Section 8, Clause 3 .....	54
Article 1, Section 9, Clause 8 .....	192
Article 4, Section 3, Clause 2 .....	40, 153, 186, 189
Article 4, Section 4 .....	41
Article I .....	160
Article III .....	153, 165, 189
Bill of Rights .....	55, 86
Declaration of Independence .....	73, 171, 179, 188
Federalist Paper No. 79 .....	60
Fifth Amendment .....	164
Fifth Amendment Takings Clause .....	117
First Amendment .....	72
Fourteenth Amendment, Section 1 .....	52
Fourth Amendment .....	62, 136
Thirteenth Amendment .....	38, 48, 49, 56, 60, 134, 185, 189, 193, 196, 197, 204
U.S. Constitution, Fifth Amendment .....	117
U.S. Constitution, Ninth Amendment .....	87
United States Constitution, Preamble .....	30

## Statutes

1 Stat. 23-24 .....	89
1 U.S.C. §204 .....	26
1 U.S.C. Sec 1 .....	79
10 U.S.C. §333 .....	92
16 Stat. 419 .....	33, 130
18 U.S.C. §§1581, 1593 .....	204
18 U.S.C. §1028(a)(7) .....	96
18 U.S.C. §1028A .....	96
18 U.S.C. §1346 .....	92
18 U.S.C. §1583 .....	53
18 U.S.C. §1589 .....	53
18 U.S.C. §1593 .....	189
18 U.S.C. §1918 .....	92
18 U.S.C. §1951 .....	60
18 U.S.C. §1956 .....	60
18 U.S.C. §201 .....	42
18 U.S.C. §201(a)(1) .....	43
18 U.S.C. §208 .....	41, 120
18 U.S.C. §210 .....	118
18 U.S.C. §242 .....	53
18 U.S.C. §247 .....	53
18 U.S.C. §3 .....	60
18 U.S.C. §654 .....	38, 42, 118, 189
18 U.S.C. §876 .....	53
18 U.S.C. §880 .....	53
18 U.S.C. §912 .....	39, 79, 117, 118, 122, 128, 144, 154, 158, 192, 204
22 U.S.C., Foreign Relations and Intercourse, Section §611 .....	92
26 U.S.C. §§3401(d) and 7701(a)(16) .....	146
26 U.S.C. §§671 to 679 .....	139
26 U.S.C. §§6901 and 6903 .....	40
26 U.S.C. §§7206 and 7207 .....	121
26 U.S.C. §§7206, 7207 .....	204
26 U.S.C. §§7701(a)(39) and 7408(d) .....	161
26 U.S.C. §1 .....	113, 125, 127, 128, 131, 138, 190
26 U.S.C. §1(h)(11)(C)(i)(II) .....	138, 190
26 U.S.C. §1313 .....	130, 154, 186
26 U.S.C. §162 .....	125, 127, 131, 139, 150, 190

26 U.S.C. §2105 .....	90
26 U.S.C. §32 .....	113, 125, 131, 190
26 U.S.C. §3401(c) .....	96, 144, 166, 186, 203, 205
26 U.S.C. §3401(c) .....	79
26 U.S.C. §3401(d) .....	166
26 U.S.C. §3402 .....	119
26 U.S.C. §3402(p) .....	119
26 U.S.C. §501(c) .....	138
26 U.S.C. §6013(g) and (h) .....	139
26 U.S.C. §6041(a) .....	116, 125, 144
26 U.S.C. §6093 .....	129
26 U.S.C. §6109 .....	141, 147
26 U.S.C. §6114 .....	138, 190
26 U.S.C. §6331 .....	108, 143
26 U.S.C. §6331(a) .....	143, 166
26 U.S.C. §643 .....	125
26 U.S.C. §643(b) .....	126, 128, 150, 166
26 U.S.C. §6671 .....	101, 111, 200
26 U.S.C. §6671(b) .....	101, 123, 135, 186, 200
26 U.S.C. §6702 .....	122
26 U.S.C. §6712 .....	138, 190
26 U.S.C. §6901 .....	126, 129, 143
26 U.S.C. §6902(a) .....	146
26 U.S.C. §6902(b) .....	146
26 U.S.C. §6903 .....	58, 126, 143
26 U.S.C. §7201 .....	179
26 U.S.C. §7203 .....	111, 179
26 U.S.C. §7206 .....	39, 119
26 U.S.C. §7206 and 7207 .....	117, 144
26 U.S.C. §7207 .....	39, 119
26 U.S.C. §7343 .....	123, 135, 186, 200
26 U.S.C. §7408(d) .....	110, 142
26 U.S.C. §7434 .....	39, 121, 144
26 U.S.C. §7441 .....	160, 189
26 U.S.C. §7442 .....	145
26 U.S.C. §7701 .....	133
26 U.S.C. §7701(a)(1) .....	156
26 U.S.C. §7701(a)(10) .....	166
26 U.S.C. §7701(a)(14) .....	94, 130, 146, 154, 159, 185, 186
26 U.S.C. §7701(a)(16) .....	118, 139
26 U.S.C. §7701(a)(26) .....	39, 56, 87, 91, 94, 108, 113, 128, 138, 144, 146, 159, 164, 166, 171, 186, 187, 201
26 U.S.C. §7701(a)(30) .....	96, 130, 139, 186
26 U.S.C. §7701(a)(31) .....	109, 120, 144
26 U.S.C. §7701(a)(39) .....	142
26 U.S.C. §7701(a)(9) and (a)(10) .....	95, 109, 128, 130, 136, 139, 142, 166, 186, 194
26 U.S.C. §7701(b)(1)(A) .....	43, 130, 135, 159, 186
26 U.S.C. §7701(b)(5) .....	120
26 U.S.C. §7701(b)(A) .....	137
26 U.S.C. §7701(c) .....	159
26 U.S.C. §864 .....	193
26 U.S.C. §864(c) (3) .....	127
26 U.S.C. §871 .....	95, 139
26 U.S.C. §871(a) .....	125, 190
26 U.S.C. §871(b) .....	127, 138
26 U.S.C. §871(b)(1) .....	127
26 U.S.C. §871(f) .....	138, 139
26 U.S.C. §894 .....	138, 190

26 U.S.C. §911 .....	94, 95
28 U.S.C. §§754 and 959(a) .....	110, 135
28 U.S.C. §144 .....	40, 120
28 U.S.C. §1603(b)(3) .....	154
28 U.S.C. §1605 .....	104, 154
28 U.S.C. §1605(a)(2) .....	35
28 U.S.C. §3002(15)(A) .....	58, 70, 74, 129, 135
28 U.S.C. §453 .....	153
28 U.S.C. §455 .....	40, 120
3 Stat. 587, sect. 7 .....	72
31 U.S.C. §321(d) .....	129
31 U.S.C. §5331 .....	63
4 U.S.C. §105-113 .....	101
4 U.S.C. §110(d) .....	166
4 U.S.C. §72 .....	32, 56, 89, 91, 94, 95, 109, 118, 129, 138, 154, 160, 187, 194, 204
42 U.S.C. §1994 .....	123, 189, 192, 193
42 U.S.C. §405(c)(2)(C)(i) .....	96
42 U.S.C. §408(a)(7) .....	96
44 U.S.C. §1505(a) .....	137
44 U.S.C. §1508 .....	106
44 U.S.C. §3412 .....	145
48 U.S.C. §1612 .....	91
5 U.S.C. §2105 .....	31, 136, 144, 186, 204
5 U.S.C. §2105(a) .....	75, 79, 96
5 U.S.C. §301 .....	137
5 U.S.C. §552 .....	106
5 U.S.C. §552a .....	129
5 U.S.C. §552a(a)(13) .....	42, 54, 129, 131, 136, 141
5 U.S.C. §552a(a)(2) .....	55, 64, 130, 166
5 U.S.C. §552a(b) .....	64
5 U.S.C. §553(a)(1) .....	106
5 U.S.C. §553(a)(2) .....	106
50 U.S.C. §841 .....	104, 124, 192
8 U.S.C. §1101(a)(3) .....	188
8 U.S.C. §1401 .....	36, 43, 130, 135, 159, 188
8 U.S.C. §1481 .....	92
Administrative Procedures Act, 5 U.S.C. §553 .....	105
Bank Secrecy Act .....	65, 66, 67
Bank Secrecy Act of 1970 .....	132, 134
Buck Act of 1940 .....	101
Calif.Evid.Code, §600 .....	26
California Civil Code, Section 1589 .....	154, 187
Civ. Code Cal. (1903), 2260 .....	99
Civ. Code Cal. (1903), 2282 .....	98
Civ. Code La. art. 2293 .....	25
Declaratory Judgments Act, 28 U.S.C. §2201(a) .....	159, 167
District of Columbia Act of 1871 .....	130
Federal Register Act, 44 U.S.C. §1505 .....	105
Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 .....	29, 148
Freedom of Information Act .....	136
Hawaii Revised Statutes, §271-1 .....	76
House of Representatives, Ex. Doc. 99, 1867 .....	115
I.R.C. (26 U.S.C.) sections 1, 32, and 162 .....	54
I.R.C. §501(c)(3) .....	43
I.R.C. Section 1040 .....	143
I.R.C. Subtitle A .....	107, 116, 128, 133, 161
Internal Revenue Code .....	108, 118, 169, 205, 207



Internal Revenue Code of 1939.....	146
Internal Revenue Code or 1939.....	101
Internal Revenue Code Subtitles A and C.....	96
Internal Revenue Code, Subtitle A.....	39, 43, 56, 58, 59, 65, 108, 116, 136, 159
Internal Revenue Code, Subtitle B.....	143
Mass. Rev. Laws (1902). ch. 147, 12.....	98
Model Penal Code. Q 223.0.....	62
Omnibus Taxpayer Bill of Rights Act.....	120
Privacy Act.....	136
Privacy Act, 5 U.S.C. §552a.....	63
Privacy Act, 5 U.S.C. §552a(a)(13).....	54
Public Salary Tax Act of 1939.....	101
Rev. Civ. Code So. Dak. (1903), §1638.....	99
Rev. Civ. Code So. Dak. (1903), 1651.....	98
Rev. Code N. Dak (1895), 4298.....	98
Revenue Act of 1926 (44 Stat. 10–87).....	146
Securities Act of 1933.....	138
Social Security Act.....	58, 59, 128
Social Security Act, Title 42, Chapter 7.....	159
Tax Reform Act of 1969.....	202
Technical and Miscellaneous Revenue Act of 1988.....	120
Title 42.....	59
Title 5 of the U.S. Code.....	63, 136
Trust Indenture Act of 1939, 15 U.S.C., Chapter 2A.....	100
U.C.C. §9-102.....	46
U.C.C. §9-102 (44).....	46
U.C.C. §9-102 (80).....	46
U.C.C. §9-307.....	33, 142, 194
U.C.C. 1-207.....	191
U.C.C. 1-308.....	191
U.C.C. Section 1-308.....	47
Uniform Commercial Code.....	23, 46, 142
Uniform Commercial Code, Sections 3.401, 3. 402, and 3.419.....	46

## Regulations

20 CFR §422.103(d).....	45, 96, 129, 140, 170, 176, 178, 184
20 CFR §422.104.....	100
20 CFR 422.103(d).....	147
22 CFR, Foreign Relations, Sections §§92.12 - 92.30.....	92
26 CFR §1.1-1(a)(2)(ii).....	186, 202
26 CFR §1.1-1(c).....	186
26 CFR §1.144101(c )(3).....	130
26 CFR §1.1441-1.....	202
26 CFR §1.1441-1(c )(26).....	139
26 CFR §1.1441-1(c )(3).....	95, 156, 159, 166, 186
26 CFR §1.1441-1(c )(3)(ii).....	139
26 CFR §1.1441-1(e)(5).....	138
26 CFR §1.1441-1(e)(5)(ii).....	138
26 CFR §1.1441-4(b)(4).....	139
26 CFR §1.1441-5(c).....	139
26 CFR §1.1441-5(e).....	139
26 CFR §1.1441-6.....	190
26 CFR §1.1441-6(g)(1).....	139
26 CFR §1.1461-1(c )(2)(i).....	139
26 CFR §1.469-9.....	139
26 CFR §1.6012.....	110

26 CFR §1.871-2(b) .....	172
26 CFR §301.6109-1(b) .....	137, 138, 157, 193
26 CFR §301.6109-1(b)(1).....	193
26 CFR §301.7701-5 .....	35, 137, 139
26 CFR §31.3401(a)-3.....	78, 119
26 CFR §31.3401(a)-3(a) .....	119, 144
26 CFR §31.3401(c )-1 .....	144, 166, 186, 203
26 CFR §31.3402(p)-1 .....	78, 119, 144
26 CFR §601.105 .....	145
26 CFR §601.201(k)(2) .....	120
26 CFR §601.702 .....	106
31 CFR §103.30(c )(11) .....	133
31 CFR §103.30(d)(2) .....	63, 132
31 CFR §202.2 .....	43, 65, 113, 131, 134
44 FR 53066, Sept. 11, 1979, as amended at 46 FR 28152, May 26, 1981 .....	131
44 FR 53066, Sept. 11, 1979, as amended at 46 FR 28152, May 26, 1981; 62 FR 45521, Aug. 27, 1997 .....	65
5 CFR §2635.101 .....	94, 112, 126
5 CFR §2635.101(b).....	89
62 FR 45521, Aug. 27, 1997 .....	132
Federal Register.....	103, 105, 106, 107, 108
Treasury Regulations.....	207

## Rules

F.R.Civ.P. 17(b) .....	161
F.R.Civ.P. 17(d) .....	161
Fed.R.Civ.P. 17(b).....	194
Fed.R.Crim.P. 43.....	154
Federal Rule of Civil Procedure 17(b) .....	59, 62, 94, 110, 127, 135, 154
Federal Rule of Civil Procedure 17(d) .....	135
Federal Rule of Civil Procedure 8(b)(6).....	196
Tax Court Rule 13(a).....	145, 160

## Cases

A. J. Yawger & Co. v. Joseph, 184 Ind. 228, 108 N.E. 774, 775 .....	24
A.C. Aukerman Co. v. R.L. Chaides Constr. Co., 960 F.2d. 1020, 1037 (Fed.Cir.1992) .....	26
Allen v. Forrest, 8 Wash. 700, 36 P. 971.....	151, 198
American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358.....	168
American La France Fire Engine Co., to Use of American La France & Foamite Industries, v. Borough of Shenandoah, C.C.A.Pa., 115 F.2d. 886, 867.....	24, 68
Andrews v. Andrews, 188 U.S. 14, 23 S.Ct. 237, 47 L.Ed. 366.....	155, 206
Andrews v. O'Grady, 44 Misc.2d 28, 252 N.Y.S.2d. 814, 817 .....	28
Arkansas-Missouri Power Co. v. Brown, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534 .....	150, 197
Arnson v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920.....	34, 161, 164, 173
Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936) .....	90, 94, 139, 168
Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936) .....	100, 133, 186
Atherton v. Atherton, 181 U.S. 155, 21 S.Ct. 544, 45 L.Ed. 794, .....	155, 206
Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d 464 (1977) .....	33, 148
Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13 ..33, 148	
Backus v. Lebanon, 11 NH 19.....	151, 198
Baker v. Montana Petroleum Co., 99 Mont 465, 44 P.2d. 735.....	150, 197
Balzac v. Porto Rico, 258 U.S. 298 (1922) .....	172
Barnet v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212 .....	34, 161, 164, 173



Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326.....	25, 175, 205
Benton Harbor v. Michigan Fuel & Light Co. 250 Mich 614, 231 N.W. 52, 71 A.L.R. 114.....	151, 198
Berea College v. Kentucky, 211 U.S. 45 (1908).....	74
Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427.....	150, 197
Bliss v. Hoy, 70 Vt. 534, 41 A. 1026.....	24, 69
Bogle v. Bogle, 3 Allen, 158.....	98
Boise Artesian Hot & Cold Water Co. v. Boise City, 230 U.S. 84, 57 L.Ed. 1400, 33 S.Ct. 997.....	151, 198
Bollow v. Federal Reserve Bank of San Francisco, 650 F.2d. 1093 (9th Cir. 1981).....	46
Bowditch v. Banuelos, 1 Gray, 220.....	98
Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973).....	59, 136
Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134.....	25, 175, 205
Bruggeman v. Independent School Dist., No. 4, Union Tp., Mitchell County, 227 Iowa 661, 289 N.W. 5, 8, 11.....	24
Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683.....	148
Budd v. People of State of New York, 143 U.S. 517 (1892).....	39, 57, 68, 73, 75, 104, 116, 149, 152, 163, 169, 187
Buffalo Pressed Steel Co. v. Kirwan, 138 Md. 60, 113 A. 628, 630.....	23, 174, 197
Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325.....	78, 132, 159, 166, 204
Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961).....	32, 157
Calder v. Bull, 3 U.S. 386 (1798).....	52
Caldwell v. Missouri State Life Ins. Co., 148 Ark. 474, 230 S.W. 566, 568.....	24
Caldwell v. Missouri State Life Ins. Co., 230 S.W. 566, 568, 148 Ark. 474.....	24, 68
Calif. Bankers Assoc. v. Shultz, 416 U.S. 21, 44, 39 L.Ed. 2d 812, 94 S.Ct 1494.....	106
California Bankers Ass'n v. Shultz, 416 U.S. 21 (1974).....	131, 133
California Bankers Ass'n v. Shultz, 416 U.S. 21,29, 94 S.Ct. 1494 (U.S.Cal. 1974).....	64, 65
California Bankers Ass'n v. Shultz, 416 U.S. 21,55, 94 S.Ct. 1494 (U.S.Cal. 1974).....	64
California Bankers Association v. Shultz, 416 U.S. 21 (1974).....	131
Camden v. Allen, 2 Dutch., 398.....	35, 38, 50, 76, 130, 140
Cameron, to Use of Cameron v. Eynon, 332 Pa. 529, 3 A.2d. 423, 424.....	24, 68
Cargill v. Thompson, 57 Minn. 534,59 N.W. 638.....	165
Carroll v. Fetty, 121 W.Va 215, 2 SE.2d 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S Ct 85.....	25, 175
Carruth v. Carruth, 118 Mass. 431.....	98
Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936).....	39, 63, 90, 139, 168
Catlett v. Hawthorne, 157 Va. 372, 161 S.E. 47, 48.....	111
Central Transp. Co. v. Pullman's Palace Car Co., 139 U.S. 24, 35 L.Ed. 55, 11 S.Ct. 478.....	151, 198
Cereghino v. State By and Through State Highway Commission, 230 Or. 439. 370 P.2d. 694. 697.....	36, 61, 66
Chicago ex rel. Cohen v. Keane, 64 Ill.2d 559, 2 Ill.Dec. 285, 357 N.E.2d. 452.....	30, 41, 87, 92
Chicago General R. Co. v. Chicago, 176 Ill. 253, 52 N.E. 880.....	150, 197
Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d 555, 37 Ill.Dec. 291, 402 N.E.2d. 181.....	30, 41, 87, 92
Chicago v. Chicago Union Traction Co., 199 Ill. 259, 65 N.E. 243.....	151, 198
Chisholm v. Georgia (February Term, 1793) 2 U.S. 419, 2 Dall. 419, 1 L. Ed 440.....	83
Chisholm v. Georgia, 2 Dall. (2 U.S.) 419, 1 L.Ed. 440, 455 (1793).....	49, 83, 195
Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 1 L.Ed. 440 (1793).....	163
Chrysler Light & P. Co. v. Belfield, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337.....	150, 197
Church of Scientology v. U.S. Dept. of Justice (1979), 612 F.2d 417, 425.....	78
Cincinnati v. Cincinnati & H. Traction Co., 245 U.S. 446, 62 L.Ed. 389, 38 S.Ct. 153.....	151, 198
City of Boerne v. Florez, Archbishop of San Antonio, 521 U.S. 507 (1997).....	43, 55, 103, 116, 183
City of Dallas v. Mitchell, 245 S.W. 944 (1922).....	197
Civil Service Comm'n v. Letter Carriers, 413 U.S. 548, 556 (1973).....	59, 136
Clark v. Peoples Savings and Loan Ass'n of De Kalb County, 221 Ind. 168, 46 N.E.2d. 681, 682, 144 A.L.R. 1495.....	24
Clark v. United States, 95 U.S. 539 (1877).....	25
Clarksburg Electric Light Co. v. Clarksburg, 47 W.Va. 739, 35 S.E. 994.....	151, 198
Cleveland Bed. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215.....	34, 163, 168
Colautti v. Franklin, 439 U.S. 379 (1979).....	204
Colautti v. Franklin, 439 U.S. 379, 392, and n. 10 (1979).....	204
Colautti v. Franklin, 439 U.S. at 392-393, n. 10.....	79, 132, 159, 166, 172, 204
Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747.....	151, 198
Colvin v. Reed, 55 Pa. 375.....	155
Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108.....	173

Connick v. Myers, 461 U.S. 138, 147 (1983).....	58, 136
Cotton v. United States, 11 How. 229, 231 (1851).....	31, 122
Couch v. United States, 409 U.S., at 328, 93 S.Ct., at 615,.....	64
Court in Estelle v. Williams, 425 U.S. 501 (1976).....	154
Craig v. Craig, 3 Barb. Ch. 76.....	98
Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292.....	33, 148
Cruger y. Halliday, 11 Paige, 314 .....	98
Cubic Corp. v. Marty, 4 Dist., 185 C.A.3d. 438, 229 Cal.Rptr. 828, 833 .....	69, 98
Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 SW 104.....	151, 198
Curley v. United States, 791 F.Supp. 52 .....	106
Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035 .....	30, 38, 70, 86, 92, 139
Daniels v. Dean, 2 Cal.App. 421, 84 P. 332 (1905) .....	46
Davis v. Davis. TexCiv-App., 495 S.W.2d. 607. 611 .....	36, 61, 66
Dayton v. South Covington & C. Street R. Co., 177 Ky. 202, 197 S.W. 670 .....	151, 198
De Groot v. United States, 5 Wall. 419, 431, 433, 18 L.Ed. 700 .....	173
Dean v. Lanford, 9 Rich. Eq. (S. C.) 423 .....	98
Del Vecchio v. Bowers, 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 (1935).....	26
Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d. 719 (CA. 1932) .....	155, 206
Delo v. Lashely, 507 U.S. 272 (1993).....	154
Ditson v. Ditson, 4 R. I. 87.....	155, 206
Dodd v. United States, 223 F Supp 785 .....	106
Dollar Savings Bank v. United States, 19 Wall. 227.....	27
Dollar Savings Bank v. United States, 19 Wall. 227, 239 (1874) .....	82
Donovan v. Kansas City, 352 Mo. 430, 175 S.W.2d. 874, 884.....	23
Dore v. Southern Pacific Co. (1912), 163 Cal. 182, 124 P. 817.....	46
Downes v. Bidwell, 182 U.S. 244 (1901).....	63, 67, 72, 190
Dred Scott v. Sandford, 60 U.S. 393 (1856).....	29, 67, 112, 125, 184
Dufour v. Stacey, 90 Ky 288, 14 SW 48 .....	151, 198
Duncan v. Duncan, 265 Pa. 464, 109 A. 220. ....	155
East Ohio Gas Co. v. Akron, 81 Ohio.St. 33, 90 N.E. 40.....	151, 198
Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972).....	124
Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991) .....	33, 157
Elbert County v. Brown, 16 Ga.App. 834, 86 S.E. 651, 665 .....	24
Elliott v. Eugene, 135 Or 108, 294 P 358.....	151, 198
Ellis v. Boston, H. & E. Railroad, 107 Mass. 1 .....	98
Evans v. Gore, 253 U.S. 245 (1920).....	119
Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696.....	34, 161, 164, 172
Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413. ....	148
Ex parte Blain, L. R. 12 Ch. Div. 522, 528 .....	168
Ex parte Virginia, 100 U.S. 339, 346 .....	95
Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196 .....	34, 161, 164, 173
Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144.....	25, 175, 205
Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641 .....	27
Fink v. Goodson-Todman Enterprises, Limited, 9 C.A.3d. 996, 88 Cal.Rptr. 679, 690 .....	28
First Nat. Bank v. Matlock, 99 Okl. 150. 226 P. 328, 331, 36 A.L.R. 1088 .....	24
Flemming v. Nestor, 363 U.S. 603 (1960) .....	26, 99, 159, 186
Flesch v. Circle City Excavating & Rental Corp., 137 Ind.App. 695, 210 N.E.2d. 865.....	154, 205
Floyd Acceptances, 7 Wall (74 U.S. 169) 666 (1869).....	46
Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) .....	79, 132, 159, 166, 172, 204
Franklin County v. Public Utilities Com. 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429 .....	150, 197
Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583.....	121
Fulton Light, Heat & Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536.....	36, 61, 66
Gardner v. Broderick, 392 U.S. 273, 277 -278 (1968) .....	58, 136
Georgia Dep't of Human Resources v. Sistrunk, 249 Ga 543, 291 S.E.2d. 524 .....	29, 41, 87, 92
Georgia R. & Power Co. v. Atlanta, 154 Ga 731, 115 S.E. 263.....	36, 174, 185
Giaccio v. State of Pennsylvania, 382 U.S. 399; 86 S.Ct. 518 (1966).....	37
Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773 .....	25, 175, 205

Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962).....	25, 175
Glidden Co. v. Zdanok, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 .....	33, 148
Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35.....	34, 161, 164, 172
Gorton v. Doty, 57 Idaho 792, 69 P.2d. 136,139.....	28
Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303.....	150, 151, 197, 198
Graves v. People of State of New York, 306 U.S. 466 (1939) .....	94
Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581 .....	100, 133
Grosjean v. American Press Co., 297 U.S. 233, 244 (1936) .....	74
Grossbier v. Chicago, St. P., M. & O. Ry. Co., 173 Wis. 503. 181 N.W. 746, 748 .....	24
Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897) .....	67
H. Liebes & Co. v. Klengenberg, C. C.A.Cal.. 23 F.2d. 611. 612.....	23, 174, 197
Hagar v. Reclamation Dist., No. 108, 111 U.S. 701, 28 L.Ed. 569, 4 Sup.Ct.Rep. 663.....	164
Hague v. C.I.O., 307 U.S. 496, 507, 519.....	95
Hale v. Henkel, 201 U.S. 43 at 47 (1906) .....	84
Hale v. Henkel, 201 U.S. 43, 74 (1906) .....	43, 54
Hale v. Henkel, 201 U.S. 43, 74-75, 26 S.Ct. 370, 378-379, 50 L.Ed. 652 (1906) .....	63
Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724.....	63, 90, 138, 168
Hanson v. Vernon, 27 Ia., 47.....	76, 140
Harman v. Forssenius, 380 U.S 528 at 540, 85 S.Ct. 1177, 1185 (1965).....	121
Harris v. Harris, 83 N.M. 441,493 P.2d. 407, 408.....	36, 61, 66
Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964).....	43, 55, 103, 116
Heider v. Unicum, 142 Or 416, 20 P.2d. 384 .....	25, 175, 205
Helvering v. Davis, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937).....	65, 131, 133
Herriott v. City of Seattle, 81 Wash.2d 48, 500 P.2d. 101, 109 .....	171
Hoffmann v. Kinealy, Mo., 389 S.W.2d. 745, 752.....	61
Home Telephone & Telegraph Co. v. Los Angeles, 227 U.S. 278, 287.....	95
Howell v. Bowden, TexCiv. App.. 368 S.W.2d. 842, &18 .....	36, 61, 66
Humble Oil & Re. fining Co. v. Bell, Tex.Civ.App., 172 S.W.2d. 800, 803 .....	28
In re Bergeron, 220 Mass. 472, 107 N.E. 1007, 1008, Ann.Cas.1917A, 549.....	111
In re Mytinger, D.C.Tex. 31 F.Supp. 977,978,979.....	51
In re Olmstead, 24 App. Div. (N. Y.) 190 .....	98
In re Pierce, Butler & Pierce Mfg. Co., D.C.N.Y., 231 F. 312, 318.....	24
In re Riggle's Will, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22.....	43, 140, 154, 206
In re Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022 .....	162
In re Winship, 397 U.S. 358, 364 (1970) .....	154
Indiana State Ethics Comm'n v. Nelson (Ind App) 656 N.E.2d. 1172.....	30, 41, 87, 92
Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d. 372, 375, 376.....	153
Insurance Co. v. New Orleans, 13 Fed. Cas. 67 (C.C.D.La. 1870) .....	74
Interurban R. & Terminal Co. v. Public Utilities Com., 98 Ohio.St. 287, 120 N.E. 831, 3 A.L.R. 696.....	151, 198
James v. Bowman, 190 U.S. 127, 139 (1903) .....	43, 55, 103, 116
Jefferson County Pharmaceutical Assn., Inc. v. Abbott Laboratories, 460 U.S. 150, 161, n. 21 (1983).....	82
Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.....	29, 41, 87, 92
Johnson Freight Lines v. Davis, 170 Tenn. 177, 93 S.W.2d. 637, 639 .....	28
Johnson v. United States, 228 U.S. 457, 458, 33 S.Ct. 572, 57 L.Ed. 919 (1913) .....	64
Justice v. Lang, 42 N.Y. 496, 1 Am.Rep. 576 .....	23, 174, 197
Kaehn v. St. Paul Co-op. Ass'n, 156 Minn. 113, 194 N.W. 112.....	111
Kansas Gas & E. Co. v. Independence (CA10) 79 F2d 32, 638, 100 A.L.R. 1479 .....	151, 198
Katz v. Brandon, 156 Conn. 521, 245 A.2d. 579, 586 .....	51
Kawanakoa v. Polyblank, 205 U.S. 349, 353, 27 S. Ct. 526, 527, 51 L.Ed. 834 (1907) .....	82
Kazubowski v. Kazubowski, 45 Ill.2d 405, 259 N.E.2d. 282, 290.....	162
Kelley v. Johnson, 425 U.S. 238, 247 (1976).....	58, 136
Kellum v. Browning's Adm'r. 231 Ky. 308. 21 S.W.2d. 459, 465 .....	24, 69
Klee v. U. S., C.C.A.Wash.. 53 F.2d. 58, 61 .....	28
Labberton v. General Cas. Co. of America, 53 Wash.2d 180, 332 P.2d. 250, 252. 254.....	36, 61, 66
Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710.....	30, 38, 70, 86, 92, 139
Landon v. Kansas City Gas Co., C.C.A.Kan., 10 F.2d. 263, 266.....	24, 68
Lane v. Railey, 280 Ky. 319, 133 S.W.2d. 74, 79, 81 .....	27

Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196.....	150, 197
Lechmere Tire and Sales Co. v. Burwick, 360 Mass. 718, 720, 721, 277 N.E.2d. 503.....	69, 98
Lee v. Travelers' Ins. Co. of Hartford, Conn., 173 S.C. 185, 175 S.E. 429 .....	23, 174, 197
Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928).....	74
License Cases, 5 How. 583 .....	43, 71, 79
License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866) .....	40, 91, 94, 139, 187, 200
Lincoln v. Superior Court (1928), 95 Cal.App. 35, 271 P. 1107.....	46
Linn v. Ross, 10 Ohio 414, 36 Am.Dec. 95 .....	24
Lippencott v. Allander, 27 Iowa 460.....	36, 174, 185
Loan Association v. Topeka, 20 Wall. 655 (1874).....	35, 38, 50, 53, 76, 104, 130, 140
Louisville v. Cumberland Tel. & Tel. Co., 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572 .....	151, 198
Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13 .....	150, 151, 197, 198
Luther v. Borden, 48 U.S. 1 (1849).....	167
Macy v. Heverin, 44 Md.App. 358, 408 A.2d. 1067, 1069 .....	88
Madera Waterworks v. Madera, 228 U.S. 454, 57 L.Ed. 915, 33 S.Ct. 571.....	151, 198
Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697 .....	29, 41, 87, 92
Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803) .....	166
Marsh v. Alabama, 326 U.S. 501 (1946).....	32, 157
Matter of Mayor of N.Y., 11 Johns., 77 .....	35, 38, 50, 76, 130, 140
Matter of Miller, 15 Abb. Pr. 277.....	98
McCulloch v. Md., 4 Wheat. 431 .....	76
McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925 .....	162
McLean v. United States, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260.....	34, 161, 164, 173
Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779.....	34, 161, 164, 173
Meese v. Keene, 481 U.S. 465, 484 (1987).....	204
Meese v. Keene, 481 U.S. 465, 484-485 (1987) .....	79, 132, 159, 166, 172, 204
Meredith v. United States, 13 Pet. 486, 493.....	27
Mexican Petroleum Corporation of Louisiana v. North German Lloyd, D.C.La., 17 F.2d. 113,114 .....	23, 174, 197
Michigan Employment Sec. Commission v. Patt, 4 Mich.App. 228, 144 N.W.2d. 663, 665.....	51
Michigan Tel. Co. v. St. Joseph, 121 Mich 502, 80 N.W. 383.....	151, 198
Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954).....	108, 170
Miller's Appeal, 100 Pa. 568, 45 Am.Rep. 394 .....	24, 68
Milwaukee Electric R. & Light Co. v. Railroad Com., 153 Wis. 592, 142 N.W. 491, affd 238 US 174, 59 L ed 1254, 35 S.Ct. 820.....	151, 198
Milwaukee v. White, 296 U.S. 268 (1935).....	27
Montana Power Co. v. Bokma, Mont., 457 P.2d. 769, 772, 773.....	51
Mugler v. Kansas, 123 U.S. 623 (1887) .....	74
Munn v. Illinois, 94 U.S. 113 (1876) .....	43, 71, 75, 79
Murray v. City of Charleston, 96 U.S. 432 (1877).....	26
Murray's Lessee v. Hoboken Land & Improvement Co., 18 How. 272, 284 (1856) .....	33, 148
New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885).....	27
New York Electric Lines Co. v. Empire City Subway Co., 235 U.S. 179, 59 L.Ed. 184, 35 S.Ct. 72.....	151, 198
New York Life Ins. Co. v. Gamer, 303 U.S. 161, 171, 58 S.Ct. 500, 503, 82 L.Ed. 726 (1938) .....	26
Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100.....	78, 132, 159, 166, 204
Ngiraingas v. Sanchez, 495 U.S. 182 (1990).....	109, 122
Northern Liberties v. St. John's Church, 13 Pa. St., 104.....	35, 38, 50, 76, 104, 130, 140
Northern Ohio Traction & Light Co. v. Ohio, 245 U.S. 574, 62 L.Ed. 481, 38 S.Ct. 196 .....	151, 198
Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983).....	33
Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983).....	149
Northwestern Tel. Exch. Co. v. Anderson, 12 N.D. 585, 98 N.W. 706.....	151, 198
Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn 140, 83 N.W. 527, 86 N.W. 69.....	151, 198
O'Connor v. Ortega, 480 U.S. 709, 723 (1987) .....	58, 136
Ohio Pub. Serv. Co. v. Ohio, 274 U.S. 12, 71 L.Ed. 898, 47 S.Ct. 480 .....	151, 198
Olmstead v. United States, 277 U.S. 438, 478 (1928).....	54
Omaha Water Co. v. Omaha (CA8) 147 F 1, app dismd 207 U.S. 584, 52 L.Ed. 352, 28 S.Ct. 262 .....	151, 198
O'Malley v. Woodrough, 307 U.S. 277 (1939) .....	119
Opinion of Judges, 8 Greenl. (Me.) 481 .....	31, 87



Orient Ins. Co. v. Daggs, 172 U.S. 557, 561 (1869).....	74
Osborn v. Bank of U.S., 22 U.S. 738 (1824).....	28, 70, 114
Owensboro v. Cumberland Tel. & Tel. Co., 230 U.S. 58, 57 L.Ed. 1389, 33 S.Ct. 988.....	151, 198
Pack v. Southwestern Bell Tel. & Tel. Co., 215 Tenn. 503, 387 S.W.2d. 789, 794.....	50
Papasan v. Allain, 478 U.S. 265 (1986) .....	100, 186
Parish v. MacVeagh, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936.....	34, 161, 164, 173
Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869).....	74
Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565.....	154, 162, 205
Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A. 836.....	151, 198
People v. Flanagan (1924), 65 Cal.app. 268, 223 P. 1014.....	46
People v. Merrill, 2 Park. Crim. Rep. 590, 596.....	168
Pettit v. Penn, LaApp., 180 So.2d 66, 69 .....	162
Pioneer Mining Co. v. Ty berg, C.C.A.Alaska, 215 F. 501, 506, L.R.A.1915B, 442 .....	111
Plessy v. Ferguson, 163 U.S. 537, 542 (1896) .....	47, 188, 192, 196
Pray v. Northern Liberties, 31 Pa.St., 69.....	35, 38, 50, 76, 130, 140
Price v. United States, 269 U.S. 492 , 46 S.Ct. 180.....	27
Prince v. Commonwealth of Massachusetts, 321 U.S. 158, 166, 88 L. Ed. 645, 64 S. Ct. 438, 442 (1944) .....	150
Prince, 321 U.S. at 167, 88 L. Ed. 645, 64 S. Ct. at 442 .....	150
Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837).....	31, 56
Providence Bank v. Billings, 29 U.S. 514 (1830) .....	49, 183, 195
Providence Gas Co. v. Thurber, 2 RI 15 .....	151, 198
Public Workers v. Mitchell, 330 U.S. 75, 101 (1947).....	59, 136
Quinby v. Public Serv. Com. 223 N.Y. 244, 119 N.E. 433, 3 A.L.R. 685 .....	151, 198
Rabon v. State Finance Corporation, 203 S.C. 183, 26 S.E.2d. 501, 502.....	23, 174, 197
Re Board of Fire Comrs. 27 N.J. 192, 142 A.2d. 85 .....	150, 197
Reinecke v. Smith, Ill., 53 S.Ct. 570, 289 US. 172, 77 L.Ed. 1109 .....	111
ReMine ex rel. Liley v. District Court for City and County of Denver, Colo., 709 P.2d. 1379, 1382 .....	154, 205
Richmond v. Virginia Ry. & Power Co. 141 Va. 69, 126 S.E. 353 .....	150, 151, 197, 198
Ringe Co. v. Los Angeles County, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186.....	51
Roberts v. Roberts, 81 Cal.App.2d 871 [Civ. No. 15818. Second Dist., Div. Two. Oct. 17, 1947 .....	150
Routen v. West, 142 F.3d 1434 C.A.Fed.,1998.....	26
Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87 .....	151, 198
Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990).....	59, 136
Rutland Electric Light Co. v. Marble City Electric Light Co., 65 Vt. 377, 26 A. 635 .....	150, 197
Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34.....	34, 168
Salt Lake City v. Utah Light & Traction Co., 52 Utah. 210, 173 P. 556, 3 A.L.R. 715.....	151, 198
San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 483 U.S. 522, 544 -545 (1987).....	32, 157
San Francisco Gas Co. v. Brickwedel , 62 Cal. 641 (1882) .....	46
San Francisco Realty Co. v. Linnard (1929), 98 Cal.App. 33, 276 P. 368.....	46
Saums v. Parfet, 270 Mich. 165, 258 N.W. 235 .....	28
Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912).....	74
Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47 .....	35, 38, 50, 130
Shelley v. Kraemer, 334 U.S. 1 (1948) .....	32, 157
Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878 .....	30, 38, 70, 86, 92, 139
Shreveport Traction Co. v. Shreveport, 122 La 1, 47 So 40.....	151, 198
Sinking Fund Cases, 99 U.S. 700 (1878) .....	121
Slaughter House Cases, 16 Wall, 36 .....	47, 188, 192, 196
Smith v. Allwright, 321 U.S. 649, 644 .....	121
Smith v. Thornhill, Tex.Com.App. 25 S.W.2d. 597, 599.....	23, 174, 197
Spring v. Constantino, 168 Conn. 563, 362 A.2d. 871, 875.....	86
St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.....	100, 133, 186
Standard Oil Co. of Calif. v. Perkins, C.A.Or., 347 F.2d. 379, 383 .....	69, 98
State Compensation Ins. Fund v. Industrial Accident Commission, 216 Cal. 351, 14 P.2d. 306, 310.....	28
State ex rel. Cities Service Gas Co. v. Public Service Commission, 337 Mo. 809, 85 S.W.2d. 890, 894.....	28
State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486 .....	30, 38, 70, 86, 92, 139
State ex rel. Daniel v. Broad River Power Co. 157 S.C. 1, 153 S.E. 537 .....	150, 197
State ex rel. Hutton v. Baton Rouge, 217 La 857, 47 So 2d 665.....	36, 174, 185

State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955 .....	150, 151, 197, 198
State ex rel. Nagle v. Sullivan, 98 Mont 425, 40 P.2d. 995, 99 A.L.R. 321 .....	29, 41, 87, 92
State ex rel. Shaver v. Iowa Tel. Co. 175 Iowa 607, 154 N.W. 678.....	151, 198
State ex rel. Weatherly v. Birmingham Waterworks Co. 185 Ala 388, 64 So 23.....	151, 198
State v. Brennan, 49 Ohio St. 33. 29 N.E. 593 .....	30, 38, 70, 86, 92, 139
State v. Carter, 27 N.J.L. 499 .....	168
State v. Gibbs, 82 Vt. 526, 74 A 229.....	151, 198
State v. Robbins, 253 N.C. 47, 116 S.E.2d. 192, 193.....	45
State v. Ross, 23 N.J.L. 517, 521 .....	28
Stearns v. Fraleigh, 39 Fla. 603.....	98
Stenberg v. Carhart, 530 U.S. 914 (2000) .....	79, 132, 160, 166, 172, 204
Steward Machine Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937) .....	65, 131, 133
Stockwell v. United States, 13 Wall. 531, 542 .....	27
Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540.....	151, 198
Tarver, Steele & Co. v. Pendleton Gin Co., Tex.Clv.App., 25 S.W.2d 156, 159 .....	28
Terry v. Adams, 345 U.S. 461 (1953) .....	32, 157
Thomas v. Higham, 1 Bail. Eq. 222 .....	98
Thorpe v. R. & B. Railroad Co., 27 Vt. 143.....	43, 71, 79
Throop v. Langdon, 40 Mich. 678, 682.....	31, 88
Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691 .....	36, 174, 185
Town of Arlington v. Bds. of Conciliation and Arbitration, Mass., 352 N.E.2d. 914.....	88
Town of Balkan v. Village of Buhl, 158 Minn. 271, 197 N.W. 266, 35 A.L.R. 470 .....	24
Trinity Episcopal Corp. v. Romney, D.C.N.Y., 387 F.Supp. 1044, 1084 .....	162
Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819).....	122
Tulsa Professional Collection Services, Inc. v. Pope, 485 U.S. 478 (1988).....	32, 157
Turpin v. Lemon, 187 U.S. 51, 23 S.Ct. 20 (1902) .....	164
U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919) .....	34, 161, 164, 173
U.S. v. Bartrug, E.D.Va.1991, 777 F.Supp. 1290 , affirmed 976 F.2d. 727, certiorari denied 113 S.Ct. 1659, 507 U.S. 1010, 123 L.Ed.2d 278.....	106
U.S. v. Butler, 297 U.S. 1 (1936) .....	50, 77
U.S. v. Mersky, 361 U.S. 431 (1960).....	106
U.S. v. Smith, D.C.Iowa, 249 F.Supp. 515, 516.....	162
U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878) .....	161
U.S. v. William M. Butler, 297 U.S. 1 (1936).....	67
Union Life Ins. Co. v. Glasscock, 270 Ky. 750, 110 S.W.2d. 681, 686, 114 A.L.R. 373 .....	24, 69
United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354 .....	34, 161, 164, 172
United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980) .....	26, 99, 159
United States v. Borden Co., 308 U.S. 188, 192 (1939).....	106
United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed Rules Evid Serv 1223.....	30, 41, 87, 92
United States v. Brown, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492 .....	44
United States v. California, 297 U.S. 175, 186 (1936) .....	82
United States v. Chamberlin, 219 U.S. 250 , 31 S.Ct. 155 .....	27
United States v. Classic, 313 U.S. 299 (1941) .....	95
United States v. Cooper Corp., 312 U.S. 600, 604 (1941) .....	82
United States v. Cruikshank, 92 U.S. 542 (1875).....	67, 170
United States v. Erie R. Co., 106 U.S. 327 (1882).....	28
United States v. Guest, 383 U.S. 745 (1966).....	43, 55, 103, 116
United States v. Harris, 106 U.S. 629, 639 (1883) .....	43, 55, 103, 116
United States v. Hatter, 121 S.Ct 1782 (2001) .....	119
United States v. Herron, 20 Wall. 251, 255 (1874) .....	82
United States v. Holzer (CA7 Ill), 816 F.2d. 304 .....	30, 87, 92
United States v. Holzer (CA7 Ill), 816 F2d 304.....	41
United States v. Jones, 345 U.S. 377 (1953) .....	106
United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696 .....	34, 161, 164
United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919.....	173
United States v. Levy, 533 F.2d. 969 (1976).....	106
United States v. Lovett, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252.....	44



United States v. Maurice, 2 Brock. (U.S.C.C.) 96.....	30, 87
United States v. Maurice, 26 F. Cas. 1211, 1216 (No. 15,747).....	109
United States v. Maurice, 26 F. Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) .....	31, 122
United States v. Mine Workers, 330 U.S. 258, 275 (1947).....	82
United States v. Murphy, 809 F.2d. 142, 1431.....	106
United States v. Reese, 92 U.S. 214, 218 (1876).....	43, 55, 103, 116
United States v. Swift & Co., 318 U.S. 442 (1943).....	106
United States v. White, 322 U.S. 694, 699, 64 S.Ct. 1248, 1251, 88 L.Ed. 1542 (1944).....	64
Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886).....	49, 183, 195
Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) .....	31, 109, 122
Van Koten v. Van Koten, 323 Ill. 323, 326, 154 N.E. 146 (1926).....	150
VanHorne's Lessee v. Dorrance, 2 U.S. 304 (1795) .....	49, 183, 195
Vaughn v. State, 3 Tenn.Crim.App. 54, 456 S.W.2d. 879, 883 .....	162
Victoria v. Victoria Ice, Light & Power Co. 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562.....	150, 151, 197, 198
Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433.....	151, 198
Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L ed 413, 40 S Ct 179.....	150, 151, 197, 198
Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct 2230, 2235 .....	34, 163, 168
Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58 .....	30, 38, 70, 86, 92, 139
Wall v. Parrot Silver & Copper Co., 244 U.S. 407.....	100, 133, 186
Washington v. Atlantic Coast Line R. Co. 136 Ga 638, 71 S.E. 1066 .....	151, 198
Webster v. Vandeventer, 6 Gray, 428 .....	97
West v. West, 689 N.E.2d. 1215 (1998).....	150
Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945).....	79, 132, 159, 166, 172, 204
Westport v. Mulholland, 159 Mo 86, 60 SW 77 .....	151, 198
Wickard v. Filburn, 317 U.S. 111, 63 S.Ct. 82 (1942) .....	164
Wilder Manufacturing Co. v. Corn Products Co., 236 U. S. 165, 174, 175, 35 Sup. Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118.....	164
Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118.....	34, 161, 173
Wilson v. Omaha Tribe, 442 U.S. 653, 667 (1979).....	82
Wilson v. United States, 221 U.S. 361, 382-384, 31 S.Ct. 538, 545-546, 55 L.Ed. 771 (1911).....	64
Winters v. People of State of New York, 333 U.S. 507, 68 S.Ct. 665 (1948).....	37
Wisconsin v. Pelican Insurance Co., 127 U.S. 265, 292, et seq. 8 S.Ct. 1370 .....	27
Wright v. Milwaukee Electric R. & Light Co., 95 Wis. 29, 69 N.W. 791.....	151, 198
Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239 .....	30, 38, 70, 86, 92, 139
Yick Wo v. Hopkins, 118 U.S. 356 (1886) .....	21
Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S. Sup.Ct. 1064, 1071 .....	67

## Other Authorities

1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866) .....	31, 109, 122
1 Liverm. Prln. & Ag. 2.....	28
1 W. Blackstone, Commentaries *467 .....	31
19 Cor. Jur. 22, § 24.....	155, 206
19 Corpus Juris Secundum (C.J.S.), Corporations, §883 .....	109, 185
19 Corpus Juris Secundum (C.J.S.), Corporations, §886 .....	73, 93, 109, 135
2 Bl.Comm. 442 .....	23, 174, 197
2 Bl.Comm. 443 .....	24
2 Inst. 4.....	31
2 Inst. 46-7 .....	31
2 Kent, Comm. 449 .....	23, 174, 197
2 Kent, Comm. 450 .....	24
2003 IRS Published Products Catalog, p. F-15.....	126
2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) 79, 132, 159, 166, 172, 204	

3 Freeman on Judgments (5th Ed.) 3152.....	155, 206
3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am. ed. 1845) .....	31, 122
63C Am.Jur.2d, Public Officers and Employees, §247 .....	30, 41, 56, 87, 93
7 Corpus Juris Secundum (C.J.S.), Attorney and Client, §4.....	111
81A Corpus Juris Secundum (C.J.S.), United States, §29 .....	109
A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, p. 27, §74.....	35, 202
A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, pp. 3-4, §2 .....	31, 88
A Treatise on the Law of Public Offices and Officers, p. 609, §909; Floyd Mechem, 1890 .....	110
A Trustees Handbook, Third Edition, August Peabody Loring, 1907, Little, Brown, and Company, pp. 19-22.....	98, 101
About IRS Form 56, Form #04.204.....	177, 194
About IRS form W-8BEN, Form #04.202 .....	78
About SSNs and TINs on Government Forms and Correspondence, Form #04.104 .....	189
About SSNs and TINs on Government Forms and Correspondence, Form #05.012 .....	169, 173, 194
Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001, Section 5 .....	147
Am.Jur.2d, Franchises, §4: Generally .....	36, 174, 185
Am.Jur.2d., Franchises, §2: As a Contract .....	151, 198
American Bar Association (ABA).....	191
American Heritage Dictionary, 1993 .....	45
American Jurisprudence 2d, Duress, Section 21 .....	25, 175, 205
American Jurisprudence Legal Encyclopedia, Second Edition .....	25
An Inquiry into the Nature and Causes of the Wealth of Nations (1776), Adam Smith .....	49
Anderson's Manual for Notaries Public, Ninth Edition, 2001, ISBN 1-58360-357-3 .....	42
Annotated Fourteenth Amendment, Congressional Research Service .....	74
Black's Law Dictionary, Fifth Edition, p. 1095 .....	36, 61, 67
Black's Law Dictionary, Fourth Edition, p. 1235 .....	30, 38, 70, 86, 92, 139
Black's Law Dictionary, Fourth Edition, p. 1593 .....	47, 100
Black's Law Dictionary, Fourth Edition, p. 164 .....	111
Black's Law Dictionary, Fourth Edition, p. 1684 .....	112
Black's Law Dictionary, Fourth Edition, p. 1693 .....	39, 72, 187
Black's Law Dictionary, Fourth Edition, p. 1779 .....	165
Black's Law Dictionary, Fourth Edition, p. 395 .....	24, 69, 174, 197
Black's Law Dictionary, Fourth Edition, pp. 84-85 .....	28
Black's Law Dictionary, Sixth Edition .....	22
Black's Law Dictionary, Sixth Edition, p. 1005.....	27
Black's Law Dictionary, Sixth Edition, p. 1185.....	25
Black's Law Dictionary, Sixth Edition, p. 1230.....	56, 87, 88
Black's Law Dictionary, Sixth Edition, p. 1231.....	50
Black's Law Dictionary, Sixth Edition, p. 1232.....	51
Black's Law Dictionary, Sixth Edition, p. 1245.....	28
Black's Law Dictionary, Sixth Edition, p. 1269.....	162
Black's Law Dictionary, Sixth Edition, p. 1421.....	23
Black's Law Dictionary, Sixth Edition, p. 1457.....	51
Black's Law Dictionary, Sixth Edition, p. 1499.....	45
Black's Law Dictionary, Sixth Edition, p. 165.....	45
Black's Law Dictionary, Sixth Edition, p. 244.....	171
Black's Law Dictionary, Sixth Edition, p. 269.....	60
Black's Law Dictionary, Sixth Edition, p. 281.....	71
Black's Law Dictionary, Sixth Edition, p. 40.....	69, 98
Black's Law Dictionary, Sixth Edition, p. 500.....	162, 163
Black's Law Dictionary, Sixth Edition, p. 520.....	128
Black's Law Dictionary, Sixth Edition, p. 581.....	78, 132, 159, 166, 172, 204
Black's Law Dictionary, Sixth Edition, p. 793.....	154, 205
Black's Law Dictionary, Sixth Edition, p. 960.....	79
Black's Law Dictionary, Sixth Edition, p. 97.....	153
Black's Law Dictionary, Sixth Edition, pp. 1304-1306 .....	37, 43, 140, 154, 206
Black's Law Dictionary, Sixth, p. 1221 .....	85, 173
Black's Law Dictionary, Sixth, p. 1434 .....	85, 173

Black's Law Dictionary, 4th Edition, 1951.....	92
Bouvier's Maxims of Law, 1856.....	68, 69, 70, 100, 102
Civil Court Remedies for Sovereigns: Taxation, Litigation Tool #10.002.....	160
Confucius .....	161
Confucius, 500 B.C. ....	123
Congressman Trafficant.....	191
Cooley, Const. Lim., 479 .....	35, 38, 50, 76, 130
Corporatization and Privatization of the Government, Form #05.024 .....	129, 194
Correcting Erroneous Information Returns, Form #04.001 .....	149
Cracking the Code, Third Edition .....	194
Currency Transaction Reports (CTRs).....	66, 133
Currency Transaction Reports (CTRs), IRS Form 8300 .....	131, 133
De Portibus Maris, 1 Harg. Law Tracts, 78.....	75
Defending Your Right to Travel, Form #06.010.....	42
Delegation of Authority Order from God to Christians, Form #13.007 .....	96, 178
Demand for Verified Evidence of "Trade or Business" Activity: Currency Transaction Report, Form #04.008 ....	62, 66, 133
Dept. of Justice .....	143
Disclaimer, Section 5, Item 14 .....	148
Executive Order 12731.....	88, 93, 111, 125
Family Guardian Website: Money and Banking Page .....	194
Federal and State Tax Withholding Options for Private Employers, Form #9.001 .....	78
Federal Enforcement Authority Within States of the Union, Form #05.032.....	103, 107
Federal Jurisdiction, Form #05.018.....	160
Federal Jurisdiction, Form #05.018, Sections 4 through 4.7 .....	165
Federal Reserve .....	191
Flawed Tax Arguments to Avoid, Form #08.004.....	170, 176, 189
Flawed Tax Arguments to Avoid, Form #08.004, Section 6.12 .....	119
Flawed Tax Arguments to Avoid, Form #08.004, Section 6.6.....	146
Flawed Tax Arguments to Avoid, Form #08.004, Section 7.15: Not a "person" or "individual" .....	86
Form 1040, 1040A, 1040-EZ, or 1040X .....	121
Form 1042-S.....	186
Form 8300 .....	62
Form W-4 .....	59
Form W-8.....	186
George Bernard Shaw .....	78
George Washington, (letter to Patrick Henry, 9 October 1775) .....	101, 162
Government "Benefits" Scam, Form #05.040.....	172
Government Accounting Office Report GAO/GGD-00-60R, p. 1, Footnote 1 .....	144
Government Accounting Office Report GAO/GGD-00-60R, p. 2.....	144
Government Conspiracy to Destroy the Separation of Powers, Form #05.023 .....	102
Government Instituted Slavery Using Franchises, Form #05.030.....	40, 58, 101, 117, 122, 163, 185, 189, 194
Government Instituted Slavery Using Franchises, Form #05.030, Sections 12 to 12.5 .....	165
Great IRS Hoax, Form #11.302.....	65
Great IRS Hoax, Form #11.302, Section 5.6.10: Public Officer Kickback Position.....	146
Great IRS Hoax, Form #11.302, Section 5.6.8.....	129
Great IRS Hoax, Form #11.302, Sections 3.9.1 through 3.9.28 .....	169
Highlights of American Legal and Political History CD.....	194
House of Representatives, Ex. Doc. 99, 1867, pp. 1-2 .....	115
How the Government Defrauds You Out of Legitimate Deductions for the Market Value of Your Labor, Form #05.026.	126
How the IRS traps into liability by making you a fiduciary for a dead "straw man" .....	143, 194
Information Return FOIA: "Trade or Business", Form #03.023 .....	120, 124
Internal Revenue Code, Subtitle A.....	38, 42, 55, 107, 115
Internal Revenue Manual 5.14.10.2 (09-30-2004) .....	204
Internal Revenue Manual, Section 3.5.20.19.....	120
Internal Revenue Manual, Section 4.10.7.2.8.....	26, 118, 167, 176
Invisible Contracts, George Mercier .....	69
IRM 5.14.10.2 (09-30-2004) .....	107

IRS Document 6209 .....	117, 128
IRS Document 7130 .....	126
IRS Form 1040 .....	125, 126, 127, 130, 149
IRS Form 1040 Instruction Booklet .....	127
IRS Form 1042-S .....	58, 137
IRS Form 1042-S Instructions.....	156, 169
IRS Form 1042-S Instructions, p. 14.....	58
IRS Form 1042s Instructions, Year 2006, p. 14 .....	137, 156, 170, 186, 200
IRS Form 56.....	177
IRS Form 668(Y)(c ) .....	142
IRS Form 668(Y)(c ) Notice of Lien .....	142
IRS Form W-2.....	117, 121
IRS form W-4.....	78
IRS Form W-4.....	118, 143, 202, 203
IRS Form W-7 or W-9.....	156
IRS form W-8BEN.....	78
IRS Forms 1042-s, 1098, 1099, and W-2 .....	164
IRS Forms 1096 and W-3.....	119
IRS Forms W-2, 1042-S, 1098, and 1099 .....	38, 119, 124, 160, 203
IRS Humbug: IRS Weapons of Enslavement, Frank Kowalik, ISBN 0-9626552-0-1, 1991, by Universalistic Publishers	146
IRS Individual Master File (IMF) .....	142
IRS Internal Revenue Manual .....	107
IRS Letter 2800C .....	143
IRS Notices of Deficiency (NOD), Letters 3219 and 531 .....	144
IRS Publication 334 .....	62
IRS Publication 334 entitled Tax Guide for Small Businesses, Year 2002, p. 12 .....	131
Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).....	33, 148
Legal Notice of Change in Citizenship/Domicile and Divorce from the United States, Form #10.001, Section 2.9 .....	147
Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001 .....	175
Liberty University, Section 4 .....	58
Liens: Are they for Subtitle A Income taxes or Subtitle B Estate Taxes? .....	143
Litigation Tools page .....	183
Mackeld.Rom.Law 5 491 .....	24
Mastering the Uniform Commercial Code .....	194
Meaning of the Words “includes” and “including”, Form #05.014 .....	123, 168
Member Agreement, Form #01.001 .....	147
Member Agreement, Form #01.001 (see section 1.3, item 2 and section 4, item 10) .....	22
Member Agreement, Form #01.001, Section 1.3, Item 2 .....	146
Member Agreement, Form #01.001, Section 5, Item 14.....	148
Memorandum of Law on the Name.....	169, 194
Ministry Introduction, Form #12.014 .....	96
Moody's Bank and Finance Manual 633-636 (1972) .....	65
Notice of Deficiency (NOD) .....	145
Notice of Lien, Form 668(Y)(c ) .....	142
Officers of the United States Within the Meaning of the Appointments Clause, U.S. Attorney Memorandum Opinion ....	194
Overview of America, SEDM Liberty University, Section 2.3.....	74
Policy Document: UCC Redemption, Form #08.002 .....	22, 190, 194
Policy Document: UCC Redemption, Form #08.002.....	147
President Thomas Jefferson, concluding his first inaugural address, March 4, 1801 .....	37, 196
Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017 .....	26, 168
Proof That There Is a "Straw Man", Form #05.042.....	147
Publication 1544, Reporting Cash Payments of Over \$10,000 (Received in a Trade or Business) .....	131
Readings on the History and System of the Common Law, Roscoe Pound, Second Edition, 1925, p. 543 .....	184
Reasonable Belief About Income Tax Liability, Form #05.007.....	26, 168, 195
Redemption Manual .....	194
Requirement for Consent, Form #05.003, Section 9: Consent is what creates the “person” or “individual” who is the only proper subject of government civil law .....	86

Requirement for Equal Protection and Equal Treatment, Form #05.033 .....	101
Resignation of Compelled Social Security Trustee, Form #06.002.....	129, 159, 173, 177
Restatement (Second) of Torts 895B, comment at 400 (1979) .....	83
Restatement 2d, Contracts § 174 .....	205
Rules of Presumption and Statutory Interpretation, Litigation Tool #10.003 .....	123, 160
Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34.....	163
Samuel Adams, 1772.....	103
Samuel Johnson Rasselas .....	165
Second Plank of the Communist Manifesto .....	122
SEDM Exhibit #05.005 .....	104
SEDM Exhibit #06.007 .....	27
SEDM Jurisdictions Database, Litigation Tool #09.008 .....	183
Senator Sam Ervin.....	123, 165
Social Security Card.....	44
Social Security Form SS-5 .....	46
Socialism: The New American Civil Religion, Form #05.016.....	40, 103, 124
Sovereign Christian Marriage, Form #13.009 .....	42
Sovereignty Franchise and Agreement, Form #06.027 .....	147
SSA Form SS-5 .....	128
SSA Form SS-5 Application for a Social Security Card .....	127, 149
State Created Office of “Person” .....	194
Tax Form Attachment, Form #04.201 .....	26, 156, 164, 173, 177, 178, 188, 190
Tax Form Attachment, Form #04.201, Section 6 .....	147
Tax Procedure and Tax Fraud, Patricia Morgan, 1999, ISBN 0-314-06586-5 .....	119
The “Trade or Business” Scam, Form #05.001 .....	58, 123, 135, 145
The “Trade or Business” Scam, Form #05.001, Section 13 .....	117
The “Trade or Business” Scam, Form #05.001, Section 2 .....	117
The Government “Benefits” Scam, Form #05.040.....	35, 44, 97, 123, 128, 149, 159, 163, 174, 178, 186, 190
The Money Scam, Form #05.041 .....	27, 123
The Power to Create is the Power to Tax .....	21
The Tax Court Scam, Form #05.039 .....	26, 159
The Truth About Trusts (ASNM, Vol. 7, No. 1).....	101
The Wizard of Oz .....	194
There's No Statute Making Anyone Liable to Pay IRC Subtitle A Income Taxes .....	110
Thomas Jefferson, First Inaugural Address, March 4, 1801.....	101, 162
Thomas Jefferson: 1st Inaugural, 1801. ME 3:320.....	48, 55
Transaction Code 582.....	142
Treasury Order 150-02 .....	160
Trust Fever (ASNM, Vol. 7, No. 1) .....	101
Trust Fever II: Divide and Conquer (ASNM, Vol. 7, No. 4).....	101
Trusts: Invisible Snares (ASNM, Vol. 12, No. 1) .....	101
U.C.C. Security Agreement, Form #14.002 .....	178, 194
U.S. Government admits under oath that the IRS is not an agency of the U.S. Government! .....	143
U.S. Supreme Court .....	32
U.S. Tax Court .....	35, 159
U.S.Code Cong. & Admin.News 1970, p. 4397.....	64
UCC Filing.....	194
UCC-3 form .....	146
United States Tax Court .....	188
W. Anderson, A Dictionary of Law 261 (1893).....	31, 109, 122
W-2C forms.....	121
Walt Disney World.....	23
What Happened to Justice?, Form #06.012.....	39, 123, 152, 188
Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?, Form #05.013 .....	169
Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002.....	42, 48, 172
Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205 .....	159
Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037 .....	21, 44, 74, 104, 158, 194



Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011 .....	144
Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006 .....	35, 122
Why You Aren't Eligible for Social Security, Form #06.001 .....	159, 173
Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008 .....	86, 115, 145, 158, 194
Wrong Party Notice, Form #07.105 .....	63
Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008 .....	158

## Scriptures

1 John 2:3-6 .....	96
1 John 4:16 .....	96
1 Tim. 6:10 .....	168
Col. 2:8-10 .....	96
Colossians 2:8 .....	165
Deut. 19:16-21 .....	122, 191
Ecclesiastes 7:7 .....	40
Exodus 10:16 .....	122, 191
Exodus 23:32-33 .....	101
Exodus 34:10-16 .....	161
Exodus 34:12 .....	102
Exodus, 23:1 .....	122, 191
Ezekial 20:10-20 .....	102
Hos. 12:7, 8 .....	59
Hosea 4:6 .....	190
Isaiah 42:5 .....	96
Isaiah 45:18 .....	96
Isaiah 52:3 .....	99
John 15:1-8 .....	96
John 7:49 .....	166
Luke 16:13 .....	58, 177
Matt. 22:36-40 .....	173
Matt. 5:16 .....	96
Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1 .....	59
Prov. 11:1 .....	59
Prov. 11:18-21 .....	165
Prov. 15:27 .....	40
Prov. 19:9 .....	122, 191
Prov. 28:9 .....	166
Prov. 3:30 .....	37, 48, 55, 196
Proverbs 1:10-19 .....	57, 99, 102
Psalms 119:155 .....	166
Psalms 33:6-9 .....	96
Psalms 89:11 .....	96
Psalms 94:20-23 .....	127
Rev. 14:11 .....	192
Rev. 17:1-2 .....	60
Rev. 17:15 .....	60
Rev. 17:3-6 .....	60
Rev. 18:4-8 .....	60
Rev. 19:19 .....	60, 193
Romans 13:9-10 .....	37, 48, 55, 196
Romans 3:19-20 .....	170
Romans 7:4 .....	170, 171



# 1 Introduction

The most prevalent argument in the freedom community that we have probably all heard about over the years goes something like the following:

1. There are two of you:
  - 1.1. The physical man and woman that was created when you were born. We will call this the “natural being” within this document.
  - 1.2. An artificial entity that you represent which is created by the government and therefore subject to government statutes and regulations. This is called the “straw man”.
2. The straw man is the method by which natural beings “interface” to the commercial world and to the government. Without using the straw man, you the natural being would be unable to sustain your life because you would be maliciously deprived of the ability to:
  - 2.1. Obtain government identification.
  - 2.2. Interact commercially with others.
3. The government had to create the straw man because it can’t civilly legislative for the natural being without the consent of the human being. This is because:
  - 3.1. The power to tax originates from the power to create. Only the CREATOR of a thing can tax or burden the thing it created. See:

*The Power to Create is the Power to Tax*  
<http://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

- 3.2. The power to govern ORIGINATES from the CONSENT of the governed. Any attempt to CIVILLY govern that does not originate from the consent of the governed, as the Declaration of Independence indicates, is inherently UNJUST. Hence the “person” who is the subject of any civil law is CREATED by the CONSENT of the governed:

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

- 3.3. The natural being is sovereign, and therefore not subject to the law.

*“Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power.”*  
*[Yick Wo v. Hopkins, 118 U.S. 356 (1886)]*

The only thing the government can legislative for or tax are its own creations, so it created the straw man in order to indirectly control, tax, and regulate human beings that would otherwise be beyond their jurisdiction.

4. The straw man is represented by your all caps name in combination with a government license number. The natural being is represented by the Christian lower case name without any government identifying number.

This pamphlet will use evidence to prove the existence of the “straw man”, show how it is created, describe how you can know you are filling its shoes, and describe all the consequences of filling its shoes. We will end the document by directing you at resources that will help you destroy the straw man, force the government to recognize its existence, and suggest ways to function without it.

The content of this memorandum is really nothing more than a confirmation of the truths found in the following document:

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

All we are going to prove indirectly is that:

1. Nearly all statutory civil law is law for government.

- 1 2. The only way you can become the subject of nearly all statutory civil law is to become an agent, officer, or contractor
- 2 within the government through the exercise of your right to contract.
- 3 3. The mechanism by which you become part of the government under the civil law is by signing up for government
- 4 franchises. All franchises are contracts between the grantor, which is the government, and the grantee, which is you
- 5 the private person.
- 6 4. When you become subject to a franchise agreement within the civil law, you enter a partnership between the “res” or
- 7 “public office” created by your right to contract, and you the private man. That partnership makes you surety for the
- 8 actions of the officer who runs the entity and makes you a “person” within the meaning of statutory law who is
- 9 therefore subject to that law or franchise.

10 In this treatise, we will not advocate or endorse any of the following misperceptions being taught in the freedom  
11 community:

- 12 1. That birth certificates are used by the government to create a Treasury account they can make withdrawals from.
- 13 2. That you have the right to create security interests without consideration using the “straw man” and the Uniform
- 14 Commercial Code.
- 15 3. That you can pay your tax bill with bills of exchange or promissory notes.
- 16 4. That there is any lawful commercial use you can put to the public office that the government creates as a private person
- 17 not subject to the franchise agreement that created the straw man.

18 All of the above ideas are examined and rebutted in the following document:

*Policy Document: UCC Redemption, Form #08.002*  
<http://sedm.org/Forms/FormIndex.htm>

19 This is a fascinating subject that we have heard a lot of people talk about but which very few, in our experience, really  
20 understand. Hold on to your seats, because what you are about to read is likely to shatter a lot of misconceptions which  
21 have evolved in your mind over the years mainly because of the vacuum of credible information about this subject.

**IMPORANT NOTE:** Please DO NOT contact us with questions about any of the following:

1. How to use our materials or services in connection with anything having to do with UCC Redemption as described in our pamphlet:  
*Policy Document: UCC Redemption, Form #08.002*  
<http://sedm.org/Forms/FormIndex.htm>
2. How to undo the damage caused by those who were deceived or misled into pursuing UCC redemption.
3. Promises or guarantees about the effectiveness of any of our materials or services. The only thing you can and should rely on as a source of reasonable belief is your own reading of what the law actually says and not what ANY vain man, guru, or “expert” says, including us.

We remind our readers that our *Member Agreement*, Form #01.001 (see section 1.3, item 2 and section 4, item 10) forbids anyone from using our materials or services who are also pursuing UCC redemption. Consequently, all we can do is describe our own efforts to comply with the law consistent with the content of our website and let people decide for themselves whether that method is appropriate in their case.

If you discover methods to address the issue of undoing the damage that UCC redemptionists did to you, we welcome you to post what you learn in our MEMBER forums. You are also encouraged to compare notes with others in our forums as you discover such methods, but please direct all your questions at OTHER than us directly because we won’t help you violate our Member Agreement.

<http://sedm.org/forums/>

## 22 **2 WHAT is a “straw man”?**

23 Black’s Law Dictionary, Sixth Edition, defines the term “straw man” as follows:

**Straw man.** A “front”; a third party who is put up in name only to take part in a transaction. Nominal party to a transaction; one who acts as an agent for another for the purpose of taking title to real property and executing whatever documents and instruments the principal may direct respecting the property. Person who purchases property, or to accomplish some purpose otherwise not allowed.  
[Black’s Law Dictionary, Sixth Edition, p. 1421]

The criteria for the existence of the “straw man” therefore is:

1. A commercial transaction involving property.
2. Agency of one or more persons on behalf of another person or artificial entity who accomplishes the commercial transaction.
3. Property being acquired by a party that otherwise is not allowed or not lawful.

An example of a “straw man”, would be the agency created when several companies were contracted privately and individually by Walt Disney to buy the land used to build Walt Disney World in Florida. Walt didn’t tell the sellers who the real and final buyer was or what he was doing as a company because if he had used his company’s name, the owners would have bid up the price or not sold at all and thereby thwarted his plans. Only after he had bought the several pieces of land that he needed through intermediaries did he transfer the titles for all the pieces of land that he had bought collectively into the name of his company.

We will now analyze the three elements that form the basis for the existence of the straw man in the following subsections.

## **2.1 Commercial transaction**

Every commercial transaction you engage in represents an exercise of your right to contract. That contract can be express, which means in writing, or implied, which means based on your conduct. Below is the definition of the term “contract” from the legal dictionary which shows you how implied contracts can be created without your knowledge or express consent.

**CONTRACT.** A promissory agreement between two or more persons that creates, modifies, or destroys a legal relation. *Buffalo Pressed Steel Co. v. Kirwan*, 138 Md. 60, 113 A. 628, 630; *Mexican Petroleum Corporation of Louisiana v. North German Lloyd, D.C.La.*, 17 F.2d. 113,114.

An agreement, upon sufficient consideration, to do or not to do a particular thing. 2 Bl.Comm. 442; 2 Kent, Comm. 449. *Justice v. Lang*, 42 N.Y. 496, 1 Am.Rep. 576; *Rabon v. State Finance Corporation*, 203 S.C. 183, 26 S.E.2d. 501, 502.

An agreement between two or more parties, preliminary Step in making of which is offer by one and acceptance by other, in which minds of parties meet and concur in understanding of terms. *Lee v. Travelers’ Ins. Co. of Hartford, Conn.*, 173 S.C. 185, 175 S.E. 429.

A deliberate [e.g. voluntary] engagement between competent parties, upon a legal consideration, to do, or abstain from doing, some act. Wharton; *Smith v. Thornhill, Tex.Com.App.* 25 S.W.2d. 597, 599. It is agreement creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are not ascertainable. *H. Liebes & Co. v. Klengenber, C. C.A.Cal.*, 23 F.2d. 611, 612. A contract or agreement is either where a promise is made on one side and assented to on the other; or where two or more persons enter into engagement with each other by a promise on either side. 2 Steph.Comm1. 54. The writing which contains the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation.

[...]

### *Constructive Contract*

Constructive contracts are such as arise when the law prescribes the rights and liabilities of persons who have not in reality entered into a contract at all, but between whom circumstances make it just that one should have a right, and the other be subject to a liability, similar to the rights and liabilities in cases of express contract. *Donovan v. Kansas City*, 352 Mo. 430, 175 S.W.2d. 874, 884.

[...]

### *Quasi Contracts*

In the civil law. A contractual relation arising out of transactions between the parties which give them mutual rights and obligations, but do not involve a specific and express convention or agreement between them. *Keener, Quasi Contr. 1; Elbert County v. Brown*, 16 Ga.App. 834, 86 S.E. 651, 665. The lawful and purely voluntary acts of a man, from which there results any obligation whatever to a third person, and sometimes a reciprocal obligation between the parties. Civ. Code La. art. 2293.

Persons who have not contracted with each other are often regarded by the Roman law, under a certain state of facts, as if they had actually concluded a convention between themselves. The legal relation which then takes place between these persons, which has always a similarity to a contract obligation, is therefore termed "obligatio quasi ex contractu." Such a relation arises from the conducting of affairs without authority. (negotiorum gestio,) from the payment of what was not due, (solutio indebiti,) from tutorship and curatorship, and from taking possession of an inheritance. Mackeld.Rom.Law 5 491.

Legal fiction invented by common law courts to permit recovery by contractual remedy of assumpsit in cases where, in fact, there is no contract, but where circumstances are such that justice warrants a recovery as though there had been a promise. *Clark v. Peoples Savings and Loan Ass'n of De Kalb County*, 221 Ind. 168, 46 N.E.2d. 681, 682, 144 A.L.R. 1495. It is not based on intention or consent of the parties, but is founded on considerations of justice and equity, and on doctrine of unjust enrichment. *Bruggeman v. Independent School Dist., No. 4, Union Tp., Mitchell County*, 227 Iowa 661, 289 N.W. 5, 8, 11.

**It is not in fact a contract, but an obligation which the law creates in absence of any agreement, when and because the acts of the parties or others have placed in the possession of one person money, or its equivalent, under such circumstances that in equity and good conscience he ought not to retain it.** *Grossbier v. Chicago, St. P., M. & O. Ry. Co.*, 173 Wis. 503, 181 N.W. 746, 748; It is an implication of law. *First Nat. Bank v. Matlock*, 99 Okl. 150, 226 P. 328, 331, 36 A.L.R. 1088; *Caldwell v. Missouri State Life Ins. Co.*, 148 Ark. 474, 230 S.W. 566, 568. It is what was formerly known as the contract Implied in law; it has no reference to the intentions or expressions of the parties. The obligation is imposed despite, and frequently in frustration of their intention. *Town of Balkan v. Village of Buhl*, 158 Minn. 271, 197 N.W. 266, 35 A.L.R. 470.

[. . .]

#### Express and Implied

An express contract is an actual agreement of the parties, the terms of which are openly uttered or declared at the time of making it, being stated in distinct and explicit language, either orally or in writing. 2 Bl.Comm. 443; 2 Kent, Comm. 450; *Linn v. Ross*, 10 Ohio 414, 36 Am.Dec. 95; *A. J. Yawger & Co. v. Joseph*, 184 Ind. 228, 108 N.E. 774, 775; *In re Pierce, Butler & Pierce Mfg. Co.*, D.C.N.Y., 231 F. 312, 318.

**An implied contract is one not created or evidenced by the explicit agreement of the parties, but inferred by the law, as a matter of reason and justice from their acts or conduct, the circumstances surrounding the transaction making it a reasonable, or even a necessary, assumption that a contract existed between them by tacit understanding.** *Miller's Appeal*, 100 Pa. 568, 45 Am.Rep. 394; *Landon v. Kansas City Gas Co.*, C.C.A.Kan., 10 F.2d. 263, 266; *Caldwell v. Missouri State Life Ins. Co.*, 230 S.W. 566, 568, 148 Ark. 474; *Cameron, to Use of Cameron v. Eynon*, 332 Pa. 529, 3 A.2d. 423, 424; *American La France Fire Engine Co., to Use of American La France & Foamite Industries, v. Borough of Shenandoah*, C.C.A.Pa., 115 F.2d. 886, 867.

**Implied contracts are sometimes subdivided into those "implied in fact" and those "implied in law," the former being covered by the definition just given, while the latter are obligations imposed upon a person by the law, not in pursuance of his intention and agreement, either expressed or implied, but even against his will and design, because the circumstances between the parties are such as to render it just that the man should have a right, and the other a corresponding liability, similar to those which would arise from a contract between them. This kind of obligation therefore rests on the principle that whatsoever it is certain a man ought to do that the law will suppose him to have promised to do. And hence it is said that, while the liability of a party to an express contract arises directly from the contract, it is just the reverse in the case of a contract "implied in law," the contract there being Implied or arising from the liability.** *Bliss v. Hoy*, 70 Vt. 534, 41 A. 1026; *Kellum v. Browning's Adm'r*, 231 Ky. 308, 21 S.W.2d. 459, 465. But obligations of this kind are not properly contracts at all, and should not be so denominated. **There can be no true contract without a mutual and concurrent intention of the parties. Such obligations are more properly described as "quasi contracts."** *Union Life Ins. Co. v. Glasscock*, 270 Ky. 750, 110 S.W.2d. 681, 686, 114 A.L.R. 373. [Black's Law Dictionary, Fourth Edition, p. 395]

The elements required to establish a binding and legally enforceable contract are:

1. An offer.
2. Mutual consideration.
3. Mutual voluntary consent or agreement.

4. Capacity of the consenting party to consent or obligate the entity or person so obligated. For instance, they must be of legal age and if they are representing an artificial entity, they must be EXPRESSLY authorized to do so by its lawful agents using a delegation order, power of attorney, or appointment document of some kind.
5. The absence of any duress upon either party.
6. Mutual assent or understanding of every aspect of the agreement and all the ramifications of the property being exchanged.

Any transaction which does not contain all of the above elements is voidable but not void. A legal proceeding would usually be necessary to void the transaction if the other party is unwilling to undo the unsatisfactory transaction voluntarily. For instance, here is what the American Jurisprudence Legal Encyclopedia, Second Edition says happens to such a transaction if duress is present:

*"An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced. <sup>1</sup> Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced, <sup>2</sup> and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it. <sup>3</sup> However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void. <sup>4</sup>"*  
[American Jurisprudence 2d, Duress, Section 21]

Examples of voidable contracts that do not contain all the above elements include:

1. The contract has does not have the signature of BOTH parties. Most government applications only have the signature of the submitter and not the government, for instance.
2. Either party to the contract had no authority or delegated authority to bind the party they were representing. For instance, no one in the government other than the legislative branch can obligate the government to do anything. A contract with the government would be invalid and unenforceable if someone in the executive branch signed or represented his or her consent to the contract.

*"Every man is supposed to know the law. A party who makes 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)]

3. There was no mutual assent or understanding of the terms of the contract or franchise. For instance:
  - 3.1. The terms on the government form or contract were not defined within anything that constitutes evidence. The entire Internal Revenue Code, for instance, is "prima facie evidence" according to 1 U.S.C. §204. Consequently, it is nothing more than a "presumption". Presumptions are NOT evidence, it is a violation of due process of law to treat them as evidence, and judges have no delegated authority to turn them into evidence. If a judge turns a presumption into evidence, he is, in fact, establishing a state sponsored religion in violation of the First Amendment establishment clause:

**presumption.** *An inference in favor of a particular fact. [ . . . ]*

*A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. **A presumption is not evidence.** A presumption is either conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden of proof. Calif.Evid.Code, §600.*  
[Black's Law Dictionary, Sixth Edition, p. 1185]

<sup>1</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

<sup>2</sup> Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S Ct 85.

<sup>3</sup> Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or 416, 20P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

<sup>4</sup> Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.



This court has never treated a presumption as any form of evidence. See, e.g., A.C. Aukerman Co. v. R.L. Chaides Constr. Co., 960 F.2d 1020, 1037 (Fed.Cir.1992) (“[A] presumption is not evidence.”); see also Del Vecchio v. Bowers, 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 (1935) (“[A presumption] cannot acquire the attribute of evidence in the claimant's favor.”); New York Life Ins. Co. v. Gamer, 303 U.S. 161, 171, 58 S.Ct. 500, 503, 82 L.Ed. 726 (1938) (“[A] presumption is not evidence and may not be given weight as evidence.”). Although a decision of this court, Jensen v. Brown, 19 F.3d 1413, 1415 (Fed.Cir.1994), dealing with presumptions in Va. law is cited for the contrary proposition, the Jensen court did not so decide. [Routen v. West, 142 F.3d 1434 C.A.Fed.,1998]

For further details on this SCAM, see:

3.1.1. Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017

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

3.1.2. Reasonable Belief About Income Tax Liability, Form #05.007

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

3.2. The definitions provided were untrustworthy.

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

3.3. One or both parties defined the terms that were not defined and those definitions conflict with the definitions understood by the other party. For instance, the following form on our website defines many of the terms on government tax forms to be the OPPOSITE of what the code says, and thereby invalidates the enforceability of the “trade or business” franchise/contract that is the heart of the income tax:

Tax Form Attachment, Form #04.201

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

4. Your right to receive the “consideration” connected with the contract is not enforceable in court. In other words, you have been deprived of a remedy for deprivation of consideration in a real, constitutional court and NOT a legislative “franchise court” such U.S. Tax Court. See:

The Tax Court Scam, Form #05.039

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

5. The thing promised may be withdrawn at any time by the legal person who made the promise as a condition of the contract.

*“... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time.”*  
[United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980)]

*“We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint.”*  
[Flemming v. Nestor, 363 U.S. 603 (1960)]

*“What, then, is meant by the doctrine that contracts are made with reference to the taxing power resident in the State, and in subordination to it? Is it meant that when a person lends money to a State, or to a municipal division of the State having the power of taxation, there is in the contract a tacit reservation of a right in the debtor to raise contributions out of the money promised to be paid before payment? That cannot be, because if it could, the contract (in the language of Alexander Hamilton) would 'involve two contradictory things: an obligation to do, and a right not to do; an obligation to pay a certain sum, and a right to retain it in the shape of a tax. It is against the rules, both of law and of reason, to admit by implication in the construction of a contract a principle which goes in destruction of it.' The truth is, States and cities, when they borrow money and contract to repay it with interest, are not acting as sovereignties. They come down to the level of ordinary individuals. Their contracts have the same meaning as that of similar contracts between private persons. Hence, instead of there being in the undertaking of a State or city to pay, a reservation of a sovereign right to withhold payment, the contract should be regarded as an assurance that such a right will not be exercised. A promise to pay, with a reserved right to deny or change the effect of the promise, is an absurdity.”*  
[Murray v. City of Charleston, 96 U.S. 432 (1877)]



Likewise, any transaction that does not involve REAL consideration is also voidable. An example of a voidable contract is one in which the transaction was between one or more private persons and the alleged consideration involves Federal Reserve Notes. Federal Reserve Notes do NOT constitute legitimate consideration because:

1. Federal Reserve Notes are lawful money ONLY for PUBLIC debts, not private debts.
2. Federal Reserve Notes are nowhere defined in the law as a species of “dollar”, nor are they THE dollar mentioned in the constitution. See:

SEDM Exhibit #06.007

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

3. Federal Reserve Notes are not redeemable from the government for anything of value. Redeemability ended in 1972. Beyond that point, there is no real consideration involved in the transaction and our money system becomes nothing but a big counterfeiting franchise where the government has a monopoly on counterfeiting.
4. Federal Reserve Notes are legally defined as promissory notes, and the definition of “money” in Black’s Law Dictionary EXCLUDES “notes”:

**Money:** *In usual and ordinary acceptation it means coins and paper currency used as circulating medium of exchange, and **does not embrace notes**, bonds, evidences of debt, or other personal or real estate. Lane v. Railey, 280 Ky. 319, 133 S.W.2d. 74, 79, 81. [Black’s Law Dictionary, Sixth Edition, p. 1005]*

If you would like to know more about the above SCAM, see:

*The Money Scam*, Form #05.041

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

One little known act which most people don’t consider to be a contract but which in fact would be is the act of forming a corporation. The U.S. Supreme Court has ruled that such an act constitutes a contract between the stockholders and the government:

*The court held that the first company’s charter was a contract between it and the state, within the protection of the constitution of the United States, and that the charter to the last company was therefore null and void., Mr. Justice DAVIS, delivering the opinion of the court, said that, **if anything was settled by an unbroken chain of decisions in the federal courts, it was that an act of incorporation was a contract between the state and the stockholders, a departure from which now would involve dangers to society that cannot be foreseen, would shock the sense of justice of the country, unhinge its business interests, and weaken, if not destroy, that respect which has always been felt for the judicial department of the government.**’ [New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885)]*

This document will focus almost exclusively on implied, constructive, or quasi contracts, because they are the mechanism by which both the straw man is created and by which you become the surety for the straw man. Examples of implied or “quasi contracts” are income taxes:

*“Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., **127 U.S. 265**, 292, et seq. 8 S.Ct. 1370, compare Fauntleroy v. Lum, **210 U.S. 230**, 28 S.Ct. 641, **still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.** United States v. Chamberlin, **219 U.S. 250**, 31 S.Ct. 155; Price v. United States, **269 U.S. 492**, 46 S.Ct. 180; Dollar Savings Bank v. United States, 19 Wall. 227; and see Stockwell v. United States, 13 Wall. 531, 542; Meredith v. United States, 13 Pet. 486, 493. **This was the rule established in the English courts before the Declaration of Independence.** Attorney General v. Weeks, Bunbury’s Exch. Rep. 223; Attorney General v. Jewers and Batty, Bunbury’s Exch. Rep. 225; Attorney General v. Hatton, Bunbury’s Exch. Rep. [296 U.S. 268, 272] 262; Attorney General v. —, 2 Ans.Rep. 558; see Comyn’s Digest (Title ‘Dett,’ A, 9); 1 Chitty on Pleading, 123; cf. Attorney General v. Sewell, 4 M.&W. 77. “ [Milwaukee v. White, **296 U.S. 268** (1935)]*

Below is the meaning of “quasi-contract” from the above quote:

### ***Proof that There Is a “Straw man”***

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Form 05.042, Rev. 2-4-2010

27 of 206

EXHIBIT: \_\_\_\_\_

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

8 The act or event which triggers the quasi contractual obligation spoken of above, in the case of taxation, is "availing oneself  
9 of the benefits or protections" of the municipal civil laws of a specific place. Tax liability is a civil liability and the CIVIL  
10 act that gives rise to the liability is:

- 11 1. Invoking or claiming the "benefits or protections" of statutory civil law, which the courts call "purposeful availment".  
12 Those who don't want to invoke such protections instead should invoke the COMMON LAW rather than  
13 STATUTORY CIVIL LAW. The most important way this is done is to claim a "status" under a civil franchise, such as  
14 "citizen", "resident", "taxpayer" (under the tax code), "driver" (under the vehicle code), etc. Notice the use of the  
15 word "citizen" rather than ALL PEOPLE in the cite below:

16 *"A personal tax," says the Supreme Court of New Jersey, "is the burden imposed by government on its own*  
17 *citizens for the benefits which that government affords by its protection and its laws, and any government*  
18 *which should attempt to impose such a tax on citizens of other States would justly incur the rebuke of the*  
19 *intelligent sentiment of the civilized world." State v. Ross, 23 N.J.L. 517, 521.*  
20 *[United States v. Erie R. Co., 106 U.S.; 327 (1882)]*

- 21 2. Purposefully engaging in commerce within anyone who is civilly domiciled within the legislative jurisdiction of a  
22 municipal government and thereby waiving sovereign immunity consistent with the Foreign Sovereign Immunities Act,  
23 28 U.S.C. Chapter 97.

## 24 **2.2 Agency (office)**

25 The U.S. Supreme Court has admitted that ALL the powers of the government are exercised through individual agency and  
26 private contracts and by NO other method:

27 *"All the powers of the government must be carried into operation by individual agency, either through the*  
28 *medium of public officers, or contracts made with individuals."*  
29 *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

30 Agency is legally defined as follows:

31 *AGENCY. Includes every relation in which one person acts for or represents another by latter's authority,*  
32 *Saums v. Parfet, 270 Mich. 165, 258 N.W. 235, where one person acts for another, either in the relationship of*  
33 *principal and agent, master and servant, or employer or proprietor and independent contractor, Gorton v.*  
34 *Doty, 57 Idaho 792, 69 P.2d. 136,139.*

35 *Properly speaking, agency relates to commercial or business transactions. Humble Oil & Re. fining Co. v.*  
36 *Bell, Tex.Civ.App., 172 S.W.2d. 800, 803, and frequently is used in connection with an arrangement which*  
37 *does not in law amount to an agency, as where the essence of an arrangement is bailment or sale, as in the*  
38 *case of a sale agency exclusive in certain territory. State Compensation Ins. Fund v. Industrial Accident*  
39 *Commission, 216 Cal. 351, 14 P.2d. 306, 310.*

40 *It also designates a place at which business of company or individual is transacted by an agent. Johnson*  
41 *Freight Lines v. Davis, 170 Tenn. 177, 93 S.W.2d. 637, 639.*

42 *The relation created by express or implied contract or by law, whereby one party delegates the transaction of*  
43 *some lawful business with more or less discretionary power to another, who undertakes to manage the affair*  
44 *and render to him an account thereof. State ex rel. Cities Service Gas Co. v. Public Service Commission, 337*  
45 *Mo. 809, 85 S.W.2d. 890, 894. Or where one person confides the management of some affair, to be transacted*  
46 *on his account. to other party. 1 Liverm. Prln. & Ag. 2. Or one party is authorized to do certain acts for, or in*  
47 *relation to the rights or property of the other. But means more than tacit permission, and involves request,*  
48 *instruction, or command. Klee v. U. S., C.C.A.Wash.. 53 F.2d. 58, 61. Being the consensual relation existing*  
49 *between two persons, by virtue of which one is subject to other's control. Tarver, Steele & Co, v. Pendleton Gin*  
50 *Co., Tex.Clv.App., 25 S.W.2d 156, 159.*  
51 *[Black's Law Dictionary, Fourth Edition, pp. 84-85]*

Every contract creates agency of one kind or another. As a bare minimum, that agency includes the duty of one person to accomplish the task of providing the consideration owed to the other person in the manner specified by the contract or agreement. More elaborate contracts may include more than simply two parties who exercise “agency” on behalf of the other party. An example of a more elaborate contract would be a trust, in which there are at least three parties:

1. A beneficiary.
2. A creator or settlor.
3. A trustee

The subject of a trust is the “corpus”, which is the property or consideration subject to the management of the trustee under the terms of the trust indenture. The trust document therefore:

1. Creates an “office” called “Trustee”
2. Specifies the legal duties of the Trustee.
3. Establishes a fiduciary relation between the beneficiary and the trustee cognizable in a court of law as a right.

An example of a trust document is the United States Constitution, which establishes a “public trust” and a corporation:

1. The Creators of the trust are “We the People”, which was the small group of men who wrote it. All of these people are long since dead.
2. The Beneficiaries are “our posterity”, which would be us. These beneficiaries are named in the document itself:

*We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*  
[United States Constitution, Preamble]

3. The Trustees are our public servants, who execute the trust indenture for our benefit and receive compensation determined by law.

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

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

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[Dred Scott v. Sandford, 60 U.S. 393 (1856)]

*“As expressed otherwise, the powers delegated [delegated by the Constitution and all statutes enacted in furtherance of it] to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.”<sup>5</sup> Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.<sup>6</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose*

<sup>5</sup> State ex rel. Nagle v. Sullivan, 98 Mont 425, 40P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>6</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

1 behalf he or she serves.<sup>7</sup> and owes a fiduciary duty to the public.<sup>8</sup> It has been said that the fiduciary  
2 responsibilities of a public officer cannot be less than those of a private individual.<sup>9</sup> Furthermore, it has  
3 been stated that any enterprise undertaken by the public official which tends to weaken public confidence and  
4 undermine the sense of security for individual rights is against public policy.<sup>10</sup>  
5 [63C Am.Jur.2d, Public Officers and Employees, §247]

- 6 4. The “corpus” of the trust is all the community property of the collective states of the Union, also called “public  
7 property”, which consists of:  
8 4.1. Federal territory.  
9 4.2. Federal possessions.  
10 4.3. Federal contracts.  
11 4.4. Federal franchises, which are also contracts. This includes Social Security, Medicare, Unemployment insurance,  
12 and even the federal income tax. All such franchises are usually funded with excise taxes that are avoidable by  
13 withdrawing participation in the franchise.  
14 4.5. Public offices.  
15 4.6. The protection franchise that attaches to those with a domicile or residence within the jurisdiction of the  
16 sovereign.  
17 5. Those who are responsible for managing the public property within the corpus of the public trust are “public officers”.

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

- 31 6. Not everyone who works for the United States government is a “Trustee”, but rather only those serving in “public  
32 offices”. All these persons are defined in 5 U.S.C. §2105 and that definition excludes what most people would  
33 describe as a common law “employee”.

34 *Treatise on the Law of Public Offices and Officers*  
35 *Book I: Of the Office and the Officer: How Officer Chosen and Qualified*  
36 *Chapter I: Definitions and Divisions*

37 §2 How Office Differs from Employment.-

38 A public office differs in material particulars from a public employment, for, as was said by Chief Justice  
39 MARSHALL, “although an office is an employment, it does not follow that every employment is an office. A  
40 man may certainly be employed under a contract, express or implied, to perform a service without becoming  
41 an officer.”<sup>11</sup>

42 “We apprehend that the term ‘office,’” said the judges of the supreme court of Maine, “implies a delegation of a  
43 portion of the sovereign power to, and the possession of it by, the person filling the office; and the exercise of

<sup>7</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>8</sup> United States v. Holzer (CA7 Ill), 816 F2d 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S Ct 53, on remand (CA7 Ill) 840 F2d 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F2d 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F2d 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed Rules Evid Serv 1223).

<sup>9</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>10</sup> Indiana State Ethics Comm’n v. Nelson (Ind App) 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

<sup>11</sup> United States v. Maurice, 2 Brock. (U.S.C.C.) 96.

such power within legal limits constitutes the correct discharge of the duties of such office. The power thus delegated and possessed may be a portion belonging sometimes to one of the three great departments and sometimes to another; still it is a legal power which may be rightfully exercised, and in its effects it will bind the rights of others and be subject to revision and correction only according to the standing laws of the state. An employment merely has none of these distinguishing features. A public agent acts only on behalf of his principal, the public, whose sanction is generally considered as necessary to give the acts performed the authority and power of a public act or law. And if the act be such as not to require subsequent sanction, still it is only a species of service performed under the public authority and for the public good, but not in the exercise of any standing laws which are considered as roles of action and guardians of rights."<sup>12</sup>

"The officer is distinguished from the employee," says Judge COOLEY, "in the greater importance, dignity and independence of his position; in being required to take an official oath, and perhaps to give an official bond; in the liability to be called to account as a public offender for misfeasance or non-feasance in office, and usually, though not necessarily, in the tenure of his position. In particular cases, other distinctions will appear which are not general."<sup>13</sup>

[A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, pp. 3-4, §2;

SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage/>]

7. Article 1, Section 8, Clause 17 requires that all public offices must be exercised ONLY in the District of Columbia and not elsewhere, except as expressly provided by law. The statutory implementation of that constitutional requirement is found in 4 U.S.C. §72.
8. The U.S. Constitution trust document also creates a corporation, because it creates a government and all governments consist of two elements: A "body politic" which creates a body corporate that then exercises the business of the body politic:

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

[Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837)]

At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several individuals (a "corporation aggregate"). 3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am. ed. 1845). The sovereign was considered a corporation. See id., at 170; see also 1 W. Blackstone, Commentaries \*467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as "corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act recodified. See W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were originally modeled upon a state or nation"); L.J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation . . . ordained and established by the American people") (quoting United 1495 U.S. 182, 202 States v. Maurice, 26 F. Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.)); Cotton v. United States, 11 How. 229, 231 (1851) (United States is "a corporation"). See generally Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation"). [Ngiraingas v. Sanchez, 495 U.S. 182 (1990)]

In fulfillment of the above, the U.S. Code recognizes the U.S. government as a corporation. To wit:

United States Code  
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
[PART VI - PARTICULAR PROCEEDINGS](#)  
[CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)

<sup>12</sup> Opinion of Judges, 8 Greenl. (Me.) 481.

<sup>13</sup> Throop v. Langdon, 40 Mich. 678, 682; "An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power or for a fixed term with a successor elected or appointed. An employment is an agency for a temporary purpose which ceases when that purpose is accomplished. " Cons. Ill., 1870, Art. 5, §24.



SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS

Sec. 3002. Definitions

(15) "United States" means -

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

The above corporation was a creation of Congress in which the District of Columbia was incorporated for the first time. It is this corporation, in fact, that the UCC recognizes as the "United States" in the context of the above statute:

Statutes At Large

CHAP. LXII. – An Act to provide a Government for the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government of the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act.

[Statutes at Large, 16 Stat. 419 (1871);

SOURCE: <http://famguardian.org/Subjects/Taxes/16Amend/SpecialLaw/DCCorpStatuesAtLarge.pdf>

Uniform Commercial Code (U.C.C.)

§ 9-307. LOCATION OF DEBTOR.

(h) [Location of United States.]

The United States is located in the District of Columbia.

[SOURCE:

<http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm#s9-307>]

Those who participate in government contracts and franchises become agents, officers, and sometimes "public officers" within the government they contracted with as again described by the U.S. Supreme Court. The "statutory or decisional law" the court is referring to is, in fact, the civil law that regulates those who consent to the contract or franchise and therefore are subject to it:

"One great object of the Constitution is to permit citizens to structure their private relations as they choose subject only to the constraints of statutory or decisional law." [500 U.S. 614, 620]

To implement these principles, courts must consider from time to time where the governmental sphere [e.g. "public purpose" and "public office"] ends and the private sphere begins. Although the conduct of private parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the "essential dichotomy" between the private sphere and the public sphere, with all its attendant constitutional obligations. Moose Lodge, supra, at 172. "

[...]

Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state action analysis centers around the second part of the Lugar test, whether a private litigant, in all fairness, must be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect of the analysis is often a fact-bound inquiry, see *Lugar*, supra, 457 U.S. at 939, our cases disclose certain principles of general application. Our precedents establish that, in determining whether a particular action or course of conduct is governmental in character, it is relevant to examine the following: the extent to which the actor relies on governmental assistance and benefits, see *Tulsa Professional Collection Services, Inc. v. Pope*, 485 U.S. 478 (1988); *Burton v. Wilmington Parking Authority*, 365 U.S. 715 (1961); whether the actor is performing a traditional governmental function, see *Terry v. Adams*, 345 U.S. 461 (1953); *Marsh v. Alabama*, 326 U.S. 501 (1946); cf. *San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622] Committee*, 483 U.S. 522, 544-545 (1987); and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see *Shelley v. Kraemer*, 334 U.S. 1 (1948). Based on our application of these three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant in the District Court was pursuant to a course of state action.



2 Notice the criteria above for whether the activity is governmental in character is:

3 “the extent to which the actor relies on governmental assistance and benefits”.

4 The word “benefits” is synonymous with “franchises” such as functioning as a corporation, Social Security, Medicare,  
5 Unemployment insurance, etc. Some important characteristics of these so-called “benefits” and franchises include the  
6 following:

- 7 1. Benefits and franchises are called “public rights” by the courts because they convey rights to one or more of the  
8 participants and all those who participate take on a “public character” and become part of the machinery and operations  
9 of the government in one way or another:

10 “The distinction between public rights [franchises] and private rights [Constitutional rights] has not been  
11 definitively explained in our precedents.<sup>14</sup> Nor is it necessary to do so in the present cases, for it suffices to  
12 observe that a matter of public rights must at a minimum arise “between the government and others.” *Ex parte*  
13 *Bakelite Corp.*, *supra*, at 451, 49 S.Ct., at 413.<sup>15</sup> In contrast, “the liability of one individual to another under the  
14 law as defined,” *Crowell v. Benson*, *supra*, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents  
15 clearly establish that only controversies in the former category may be removed from Art. III courts and  
16 delegated to legislative courts or administrative agencies for their determination. See *Atlas Roofing Co. v.*  
17 *Occupational Safety and Health Review Comm’n*, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51  
18 *L.Ed.2d* 464 (1977); *Crowell v. Benson*, *supra*, 285 U.S., at 50-51, 52 S.Ct., at 292. See also *Katz*, *Federal*  
19 *Legislative Courts*, 43 *Harv.L.Rev.* 894, 917-918 (1930).*FN24 Private-rights disputes, on the other hand, lie*  
20 *at the core of the historically recognized judicial power.*”

21 [...]

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

39 Note based on the above that participation in benefits and franchises can cause you to surrender your right to hear  
40 disputes in a real, constitutional court in the judicial branch. Instead, Congress can write or revise the franchise  
41 agreement at any time without your consent, without noticing you, and without involving you to add any of the  
42 following deprivations of rights and you don't have a thing you can do but quit the program because they will treat  
43 their RIGHT to do this as part of the consideration for your participation in the program!

<sup>14</sup> *Crowell v. Benson*, 285 U.S. 22, 52 S.Ct. 285, 76 L.Ed. 598 (1932), attempted to catalog some of the matters that fall within the public-rights doctrine:

“Familiar illustrations of administrative agencies created for the determination of such matters are found in connection with the exercise of the congressional power as to interstate and foreign commerce, taxation, immigration, the public lands, public health, the facilities of the post office, pensions and payments to veterans.” *Id.*, at 51, 52 S.Ct., at 292 (footnote omitted).

<sup>15</sup> Congress cannot “withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.” *Murray's Lessee v. Hoboken Land & Improvement Co.*, 18 How. 272, 284 (1856) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing “private rights” from “public rights.” And it is also clear that even with respect to matters that arguably fall within the scope of the “public rights” doctrine, the presumption is in favor of Art. III courts. See *Glidden Co. v. Zdanok*, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 (opinion of Harlan, J.). See also *Currie*, *The Federal Courts and the American Law Institute*, Part 1, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See *Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n*, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.

- 1.1. To create legislative franchise courts in the legislative rather than judicial branch.
- 1.2. To deprive you of a right to trial by jury or even due process of law.
- 1.3. To make you victims of all kinds of presumptions that would ordinarily be forbidden because they would deprive you of rights.

(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](#)]

- 1.4. To impose any kind of penalty they want for any kind of behavior they don't like on behalf of franchisees. If you weren't a franchisee, such penalties would be an unconstitutional "Bill of Attainder".
2. Acceptance of or participation in commercial government benefits and franchises:
  - 2.1. Causes a waiver of sovereign immunity pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. §1605(a)(2).
  - 2.2. Makes the participant into a "person" or "individual" under the terms of the franchise agreement.
  - 2.3. Changes the status of the participant from "foreign" to "resident". Below is an example of this phenomenon in action with the "trade or business" franchise, which is the heart of the income tax. This is an older version of a regulation that tells the truth about the mechanisms of entrapment quite plainly...so plainly that the regulation had to be removed and rewritten to hide the truth after we published it for the first time!<sup>16</sup>:

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

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

3. Acceptance of or participation in government benefits and franchises can and usually do result in a complete surrender of your rights and a waiver of any judicial remedy in a REAL CONSTITUTIONAL court of law:

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

<sup>16</sup> Geez!...do you think we might be on to something, folks?

4. They can only be administered by or conveyed to officers or agents of the government acting under the authority of a contract or franchise agreement and not to private persons, or else the government is abusing its taxing powers to redistribute wealth:

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

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

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

5. The only parties who are eligible to act as "public officers" and therefore franchisees are "citizens". Aliens, residents, and even "permanent residents" are all forbidden from becoming "public officers", even if they have a domicile in the forum and thereby become a "resident":

4. Lack of Citizenship  
§74. Aliens can not hold Office. - -

*It is a general principle that an alien can not hold a public office. In all independent popular governments, as is said by Chief Justice Dixon of Wisconsin, "it is an acknowledged principle, which lies at the very foundation, and the enforcement of which needs neither the aid of statutory nor constitutional enactments or restrictions, that the government is instituted by the citizens for their liberty and protection, and that it is to be administered, and its powers and functions exercised only by them and through their agency."*

*In accordance with this principle it is held that an alien can not hold the office of sheriff.*<sup>17</sup>  
[*A Treatise on the Law of Public Offices and Officers*, Floyd Russell Mechem, 1890, p. 27, §74;  
SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]

6. Benefits and franchises can only be offered to those domiciled within the exclusive and not special jurisdiction of the grantor. All laws that implement and enforce the franchise are civil in nature and all civil laws require a domicile in the forum to be enforced. They may not lawfully be enforced against nonresidents, and especially in a legislative franchise [property] court such as U.S. Tax Court. This is why the federal government plays "word of art" games to deceive you into declaring a domicile on federal territory by only offering the "U.S. citizen" option for citizenship and then PRESUMING that it means a statutory citizen as defined in 8 U.S.C. §1401 domiciled on federal territory that is no part of any state of the Union. See:

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

If you would like to learn more about this "benefits" scam, see:

The Government "Benefits" Scam, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

## **2.3 Property being acquired or transferred that would otherwise not be allowed or unlawful**

In law, all rights are considered "property":

<sup>17</sup> State v. Smith, 14 Siw. 497; State v. Murray, 28 Wis. 96, 9 Am.Rep. 489.

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

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

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

20 Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical  
21 thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*,  
22 *230 Or.* 439. 370 P.2d. 694. 697.

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

25 Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal  
26 property, contract rights, choses-in-action and other interests in or claims to wealth, admission or  
27 transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal  
28 Code. Q 223.0. See also Property of another, *infra*. Dusts. Under definition in Restatement, Second, Trusts, Q  
29 2(c), it denotes interest in things and not the things themselves.  
30 [Black's Law Dictionary, Fifth Edition, p. 1095]

31 Therefore, not only are rights property, but anything that conveys rights is also property. Contracts convey rights and  
32 therefore are property. All franchises are contracts, and therefore are also property as legally defined.

33 As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon  
34 valuable considerations, for purposes of individual advantage as well as public benefit,<sup>18</sup> and thus a franchise  
35 partakes of a double nature and character. So far as it affects or concerns the public, it is *publici juris* and is  
36 subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be  
37 granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in  
38 exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But  
39 when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental  
40 control growing out of its other nature as publici juris.<sup>19</sup>  
41 [Am.Jur.2d, Franchises, §4: Generally]

42 The collection of all rights and therefore property associated with a franchise or contract collectively is called the "res":

43 "Res. Lat. The subject matter of a trust [the Social Security Trust or the "public trust"/"public office", in  
44 most cases] or will [or legislation]. In the civil law, a thing; an object. As a term of the law, this word has a  
45 very wide and extensive signification, including not only things which are objects of property, but also such as  
46 are not capable of individual ownership. And in old English law it is said to have a general import,  
47 comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res,"  
48 according to the modern civilians, is meant everything that may form an object of rights, in opposition to  
49 "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions  
50 [or CONSEQUENCES of choices and CONTRACTS/AGREEMENTS you make by procuring BENEFITS] of all  
51 kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to  
52 the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

<sup>18</sup> *Georgia R. & Power Co. v. Atlanta*, 154 Ga 731, 115 S.E. 263; *Lippencott v. Allander*, 27 Iowa 460; *State ex rel. Hutton v. Baton Rouge*, 217 La 857,  
47 So 2d 665; *Tower v. Tower & S. Street R. Co.*, 68 Minn. 500, 71 N.W. 691.

<sup>19</sup> *Georgia R. & Power Co. v. Atlanta*, 154 Ga 731, 115 S.E. 263; *Lippencott v. Allander*, 27 Iowa 460; *State ex rel. Hutton v. Baton Rouge*, 217 La 857,  
47 So 2d 665; *Tower v. Tower & S. Street R. Co.*, 68 Minn. 500, 71 N.W. 691.

1 *Res is everything that may form an object of rights and includes an object, subject-matter or status [e.g.*  
2 *“taxpayer”]. In re Riggle’s Will, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to*  
3 *an object, subject-matter, or status, considered as the defendant [hence, the ALL CAPS NAME] in an action, or*  
4 *as an object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is “the*  
5 *res”; and proceedings of this character are said to be in rem. (See In personam; In Rem.) “Res” may also*  
6 *denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled “In re*  
7 *\_\_\_\_\_”.*  
8 *[Black’s Law Dictionary, Sixth Edition, pp. 1304-1306]*

9 According to the Declaration of Independence, all just, meaning righteous, governments are instituted among men only to  
10 protect and secure rights. Consequently, the purpose of government is to protect private property:

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

14 The only way a government can secure rights and property is to:

- 15 1. Prohibit and punish harmful acts and to otherwise leave men free to do whatever they want.

16 *“With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing*  
17 *more, fellow citizens--a wise and frugal Government, which shall restrain men from injuring one another,*  
18 *shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not*  
19 *take from the mouth of labor the bread it has earned. This is the sum of good government, and this is*  
20 *necessary to close the circle of our felicities.”*  
21 *[President Thomas Jefferson, concluding his first inaugural address, March 4, 1801]*  
22

23 *“Love does no harm to a neighbor; therefore love is the fulfillment of the law.”*  
24 *[Romans 13:9-10, Bible, NKJV]*  
25

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

- 29 2. Not use or abuse the authority of law to impose any duty other than that of refraining from injuring the equal rights of  
30 others. For instance, government has no moral authority to write a law that mandates good because this would be  
31 slavery in violation of the Thirteenth Amendment.  
32 3. Keep what is “public” separate from what is private. Public servants intent on abusing their authority will try to steal  
33 private property and convert it to public use by mis-enforcing the tax laws, for instance.  
34 4. Write clear laws that leave no doubt as to the conduct expected of citizens, who the “person” is who is the subject to  
35 the law, and precisely where the law applies.

36 *“Men of common intelligence cannot be required to guess at the meaning of penal enactment.*

37 *“In determining whether penal statute is invalid for uncertainty, courts must do their best to determine whether*  
38 *vagueness is of such a character that men of common intelligence must guess at its meaning.*

39 *“Where a statute is so vague as to make criminal an innocent act, a conviction under it cannot be sustained.”*  
40 *[Winters v. People of State of New York, [333 U.S. 507](#); 68 S.Ct. 665 (1948)]*  
41

42 *“Law fails to meet requirements of due process clause if it is so vague and standardless that it leaves public*  
43 *uncertain as to conduct it prohibits or leaves judges and jurors free to decide, without any legally fixed*  
44 *standards, what is prohibited and what is not in each particular case.”*  
45 *[Giaccio v. State of Pennsylvania, [382 U.S. 399](#); 86 S.Ct. 518 (1966)]*

46 Examples of transfers of property that are unlawful and which can only therefore become lawful through the exercise of  
47 your right to contract include:

- 48 1. Private property being converted to a public use, public purpose, or public office without just compensation because of  
49 unlawful tax enforcement. This is called “conversion” and it is a crime pursuant to 18 U.S.C. §654.  
50 2. The abuse of the government’s taxing power to transfer wealth between private parties:



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

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

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

3. A private citizen serving in a public office without the proper lawful authority. All "taxpayers" under the Internal Revenue Code, Subtitle A, for instance, are "public officers". This public office is called a "trade or business" and is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office". Only lawfully elected public officers can lawfully execute the functions of a public office.
4. An information return such as IRS Forms W-2, 1042-S, 1098, and 1099 being filed against anyone who is NOT lawfully engaged in a "public office" within the government.
  - 4.1. This is a crime under:
    - 4.1.1. 18 U.S.C. §912: Impersonating a "public officer" in the government
    - 4.1.2. 26 U.S.C. §7206: False statements
    - 4.1.3. 26 U.S.C. §7207: Fraudulent returns (information returns), statements, or other documents.
  - 4.2. It is a civil tort pursuant to 26 U.S.C. §7434.
  - 4.3. The effect of the false report is to unlawfully convert private property to a public office without compensation. There are only two instances where private property can be taken without compensation, which is if the owner voluntarily donates it to a public use or if he uses it to commit a crime and thereby hurts someone with it. For instance, when someone abuses their liberty and their life, which are property, to kill someone, the state asserts eminent domain against their entire person and places them in jail, convicts them with a jury full of public officers, and places them in a public building called a prison for storage as "public property".

The purpose of a public officer is to manage public property. This is confirmed by the definition of "public office":

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

The "property" managed by the public officer, in the case of the Internal Revenue Code, Subtitle A "trade or business" franchise, is all the private property donated to a "public use", a "public purpose", and a "public office" by voluntarily connecting it with the de facto license number called a "Taxpayer Identification Number (TIN)", which is itself is also public property. That number, like the formerly private property it attaches to, MUST be public property if it can be used to penalize those who use it or abuse it.

"Men are endowed by their Creator with certain unalienable rights, 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, that if he devotes it to a public use [by associating it with a franchise or

1 **“public right” using a de facto license number], he gives to the public a**  
2 **right to control that use; and third, that whenever the public needs require, the public may take it**  
3 **upon payment of due compensation.**  
4 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

5 The conversion of private property to a public use, public purpose, and public office can only lawfully be made by the  
6 owner and if a third party does it without the consent of the owner, theft has occurred. One of the important purposes of  
7 government is to keep private property separate from public property so as to protect private property. A government that  
8 can't or won't protect you from theft by itself certainly does not deserve the additional job of protecting you from theft by  
9 others, whether under the guise of police powers or not. Consequently, when private property is associated with public  
10 property such as a “Taxpayer Identification Number”, one of the two must change character or an unlawful conversion has  
11 occurred. It is embezzlement to convert public property into private property or to use public property for a private use or  
12 benefit of any kind. Therefore the only type of conversion that can lawfully occur when such an association happens is that  
13 the private property so associated is converted to a public use, a public purpose, and a public office and you as the former  
14 owner then become the person designated to manage the public property so converted as a “public officer” and straw man  
15 acting as a fiduciary, trustee, and transferee on behalf of the government pursuant to 26 U.S.C. §§6901 and 6903.

16 The only person who can lawfully supervise “public officers” in administering the property donated to the public office  
17 franchise then is the courts. The nature of being a “public officer” is, in fact, that the only superior authority is the law  
18 itself. The courts are the only ones who can enforce the laws that regulate the conduct of public officers. All federal  
19 district and circuit courts are created as territorial “property” or “franchise” courts whose sole purpose is to supervise the  
20 management of all community property of the states of the Union pursuant to Article 4, Section 3, Clause 2 of the U.S.  
21 Constitution. The collection of all such community property under the management of these courts is what the Supreme  
22 Court calls “the national domain”.

23 *“The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.”*  
24 *Every journey to a forbidden end begins with the first step; and the danger of such a step by the federal*  
25 *government in the direction of taking over the powers of the states is that the end of the journey may find the*  
26 *states so despoiled of their powers, or what may amount to the same thing-so \*296 relieved of the*  
27 *responsibilities which possession of the powers necessarily enjoins, as to reduce them to little more than*  
28 *geographical subdivisions of the national domain.* *It is safe to say that if, when the Constitution was under*  
29 *consideration, it had been thought that any such danger lurked behind its plain words, it would never have been*  
30 *ratified.*  
31 *[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]*

32 Consistent with the above, we would argue that the effect of courts sanctioning or allowing federal franchises to be  
33 enforced or permitted within the boundaries of a sovereign state of the Union is a usurpation which:

- 34 1. Makes rights guaranteed by the Constitution no longer UNALIENABLE. An “unalienable” right is one that cannot be  
35 sole, bargained away, or transferred to the government by ANY method, including the authority of law and especially  
36 by the mechanism of franchises:

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

- 39 2. Destroys the separation of powers between the Judicial and the Legislative branches. A franchise court is not in the  
40 Judicial Branch of the government, but rather within the Legislative Branch as a legislative “franchise court”. In fact,  
41 the only remaining true, Article III constitutional Court is the U.S. Supreme Court acting only within its original  
42 jurisdiction. See the following for an exhaustive analysis of this corruption of our court system:

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

- 43 3. Makes justice in the federal courts impossible, if the very judges who hear the cases are participating in the franchise at  
44 issue. 28 U.S.C. §144 and 28 U.S.C. §455 mandate that judges cannot hear cases that they have a personal interest in,  
45 which means that a judge cannot be a “taxpayer” franchisee and receive “benefits” paid for with taxes, and at the same  
46 time objectively hear an income tax case.

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

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

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

4. Destroys the separation of powers between the states and federal government.

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

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

5. Reduces states to little more than federal corporations and federal territories nearly wholly owned and controlled by the general government as indicated in Carter v. Carter Coal Company above.
6. Places those in the national government into a state of conflicting allegiances, whereby they are tasked with protecting constitutional rights on the one hand, and yet on the other hand devoting all their time to setting up businesses and franchises outside their civil jurisdiction in a foreign state called a state of the Union that DESTROY rights in order to maximize their retirement check and "benefits". This is a violation of 18 U.S.C. §208. The love of money will always win out over the love of justice, truth, and mercy.
7. Violates the mandate of Constitution Article 4, Section 4 to protect every state from invasion by either other states of the federal government. Any attempt to destroy rights, and especially through compelled participation in franchises, is an invasion in every sense of the word, even though not a physical or military invasion.

U.S. Constitution  
Article 4, Section 4.

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

Who is doing the "invading"? How about vultures in the monopoly that the ABA has on offices within the government. This monopoly has made justice into a luxury and turned government into a state sponsored religion. The judges are the priests of this civil religion and the franchises they administer are the "bibles". Franchisees are the members of the pagan religion. See:

[Socialism: The New American Civil Religion](#), Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

### **3 HOW is the straw man created?**

We prove in the following document that all those who engage in federal franchises, including Social Security, Medicare, the income tax, are deemed to be "public officers" within the government.

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

1 All franchises satisfy the criteria for the “straw man” documented in the previous chapter. Namely, they:

- 2 1. Involve commercial activity of some kind. A specific commercial activity such as the following forms the basis for the  
3 consideration that makes the contract or agreement binding.  
4 1.1. Receipt of a government financial “benefit”.  
5 1.2. Payment of monies to the government or to entities working for the government.  
6 2. Involve agency. The franchise is represented by a “public office” within the government called “person” which is the  
7 “res” or subject of the franchise agreement. You become the surety for the “public office” and a “trustee” of the  
8 “public trust” as a franchisee. Most franchises also constitute a trust indenture in which you become the trustee of the  
9 public trust and a “public officer” by signing up for the franchise.

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

- 22 3. Make a specific type of property transfer lawful that was not previously lawful. That type of transfer is one of the  
23 following:  
24 3.1. The conversion of private property into a public use, public purpose, or “public office”. Such a conversion is  
25 otherwise a crime called “conversion” which is documented in 18 U.S.C. §654. All franchise agreements  
26 authorize control by the government over some type of formerly private property and that control becomes the  
27 consideration that the government receives for consenting to allow you to participate and receive the government  
28 “benefits”.  
29 3.2. The payment of public funds and tax monies to private persons who are not working for the government and who  
30 provided no consideration in return. In other words, the government cannot abuse its taxing power to transfer  
31 wealth between private persons and thereby act as a Robin Hood. If it does, it is violating the requirement for  
32 equal protection that is the foundation of the Constitution as well as becoming a THIEF.  
33 3.3. Payment of monies to the government. It is illegal to bribe a public official. 18 U.S.C. §201. Monies paid to the  
34 government by private persons in the guise of “social insurance” premiums are a bribe to a public official if paid  
35 by a private person, but suddenly become lawful if the payor is another public official and he is compensating the  
36 government for a deferred retirement benefit as “federal personnel” such as that described in 5 U.S.C.  
37 §552a(a)(13).

38 Examples of franchises that constitute “public offices” include:

<sup>20</sup> State ex rel. Nagle v. Sullivan, 98 Mont 425, 40P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>21</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>22</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>23</sup> United States v. Holzer (CA7 Ill), 816 F2d 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S Ct 53, on remand (CA7 Ill) 840 F2d 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F2d 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F2d 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed Rules Evid Serv 1223).

<sup>24</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>25</sup> Indiana State Ethics Comm’n v. Nelson (Ind App) 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1. Domicile in the forum state, which causes one to end up being one of the following types of “privileged” entities and a “taxpayer” in the case of the federal government. All “taxpayers” are public officers within the Internal Revenue Code, Subtitle A engaged in the “trade or business” franchise.
  - 1.1. Statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 if a domestic national.
  - 1.2. Statutory “Permanent resident” pursuant to 26 U.S.C. §7701(b)(1)(A) if a foreign national.Domicile is a “protection franchise”, and the terms of that franchise are exhaustively documented below:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>
2. Becoming a registered “voter” rather than an “elector”. Electors are sovereign but “registered voters” and their real property can lawfully become surety for the debts of the local government. In effect, the government imposes a “poll tax” upon registered voters as consideration for participating in the “voting” franchise.
3. Becoming a notary public. This makes the applicant into a “public official” commissioned by the state government.

Chapter 1  
Introduction  
§1.1 Generally

***A notary public (sometimes called a notary) is a public official appointed under authority of law** with power, among other things, to administer oaths, certify affidavits, take acknowledgments, take depositions, perpetuate testimony, and protect negotiable instruments. Notaries are not appointed under federal law; they are appointed under the authority of the various states, districts, territories, as in the case of the Virgin Islands, and the commonwealth, in the case of Puerto Rico. The statutes, which define the powers and duties of a notary public, frequently grant the notary the authority to do all acts justified by commercial usage and the “law merchant”.*

*[Anderson’s Manual for Notaries Public, Ninth Edition, 2001, ISBN 1-58360-357-3]*

4. Becoming an officer of a corporation. All officers of corporations are “public officers” within the government that the corporation was registered with.
5. I.R.C. §501(c)(3) status for churches. Churches that register under this program become government “trustees” and “public officers” that are part of the government. Is THIS what you call “separation of church and state”? See: <http://famguardian.org/Subjects/Spirituality/spirituality.htm>
6. Serving as a jurist. 18 U.S.C. §201(a)(1) says that all persons serving as federal jurists are “public officials”.
7. Attorney licenses. All attorneys are “officers of the court” and the courts in turn are part of the government. See: <http://famguardian.org/Subjects/LawAndGovt/LegalEthics/Corruption/WhyYouDontWantAnAtty/WhyYouDontWantAnAttorney.htm>
8. Marriage licenses. Marriage licenses are a three party contract between the spouses and the government and make the husband and wife into wards of the government and polygamists. They also convey jurisdiction to the government to regulate that which is otherwise a private relation. See:

Sovereign Christian Marriage, Form #13.009  
<http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm>
9. Driver’s licenses. All “drivers” are public officers engaged in commercial activity as agents of the government and who are using public property, meaning the public roads, for exclusively public gain. See:

Defending Your Right to Travel, Form #06.010  
<http://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel.htm>
10. Professional licenses.
11. Fishing licenses.
12. Social Security benefits. See:  
<http://sedm.org/Forms/Emancipation/SSTrustIndenture.pdf>
13. Medicare.
14. Medicaid.
15. FDIC insurance of banks. 31 CFR §202.2 says all FDIC insured banks are “agents” of the federal government and therefore “public officers”.
16. Patents.
17. Copyrights.

Signing up for the franchise therefore causes the applicant to be TREATED as though they are serving in a “public office” upon which government statutes may lawfully operate, which is called the “res” and “person”. HOWEVER, such an act does not and CANNOT lawfully CREATE any new public offices:

*Res. Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but*



also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res," according to the modern civilians, is meant everything that may form an object of rights, in opposition to "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

*Res is everything that may form an object of rights and includes an object, subject-matter or status. In re Riggle's Will, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or status, considered as the defendant in an action, or as an object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character are said to be in rem. (See In personam; In Rem.) "Res" may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled "In re \_\_\_\_\_".*

*[Black's Law Dictionary, Sixth Edition, pp. 1304-1306]*

Without a natural being to EXPLICITLY or IMPLICITLY consenting to FILL the "public office" statutorily created by the franchise agreement, there is no "person" upon whom the government can legislate for. This is because it is otherwise unlawful for the government to regulate EXCLUSIVELY PRIVATE CONDUCT. In other words, you can't become a "person" under the civil law if you are EXCLUSIVELY PRIVATE. Note, for instance, the use of the phrase "private business" in the U.S. Supreme Court ruling below:

*"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way [unregulated by the government]. His power to contract is unlimited. He owes no duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public [including so-called "taxes" under Subtitle A of the I.R.C.] so long as he does not trespass upon their rights."*

*[Hale v. Henkel, 201 U.S. 43, 74 (1906)]*

*When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125\*125 has found expression in the maxim sic utere tuo ut alienum non laedas. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things."*

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

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

In order for the "de facto" creation of the government, being the "straw man" or "public office", to exist, the de jure natural being must FIRST exist in order to occupy the artificial straw man entity. Therefore, whenever the government wishes to regulate a "private person", they must create a public office, entice through "words of art" and LIES to sign up for the office, and write statutes and regulations to direct the activities of the "officer" who consents to fill the office.

*"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned."*

*[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997).]*

Therefore, franchises are the method by which public offices are REGULATED but not CREATED. Fooling you into occupying a public office illegally is the method by which they make the regulation of otherwise EXCLUSIVELY PRIVATE conduct at least LOOK lawful. Without this "identity laundering", as we call it, their regulation of

EXCLUSIVELY PRIVATE conduct would be unlawful. The following legal treatise proves with evidence that the only thing that de jure government can lawfully legislative for are its own officers, contractors, and agents, all of whom entered into that relation by exercising their right to contract:

*Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037

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

Consequently, the “straw man” is nothing but a “public officer” in the government engaged in a government franchise whose consent to participate was usually procured by the following means:

1. Signing up to procure a license of some kind, such as:

- 1.1. Professional licenses.
- 1.2. Business licenses.
- 1.3. Driver licenses.
- 1.4. Marriage licenses.

2. Signing an application for government “benefits”. See:

*The Government “Benefits” Scam*, Form #05.040

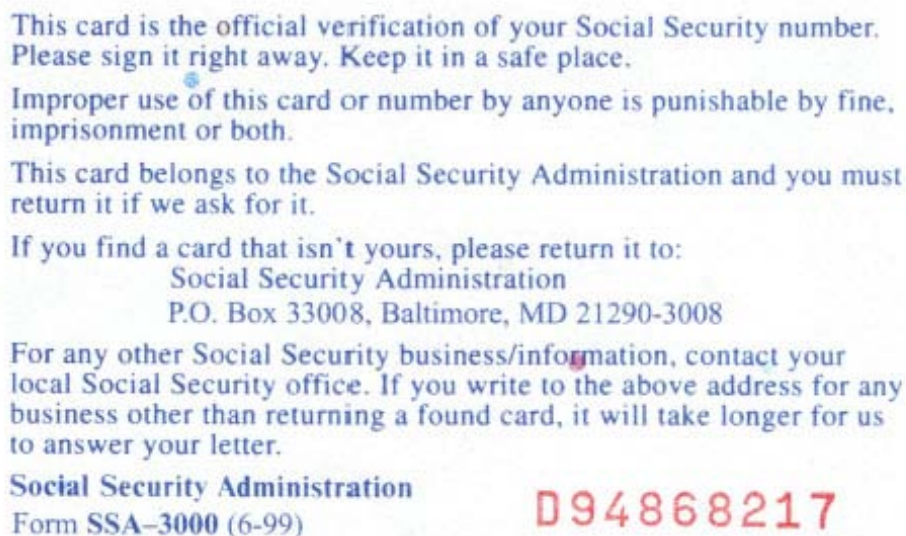
<http://sedm.org/Forms/FormIndex.htm>

3. Possessing or using government property such as a government identifying number and thereby becoming a transferee, trustee, and fiduciary over such property.

3.1. 20 CFR §422.103(d) says the Social Security Number and card belongs to the government and not the holder.

3.2. The back of the Social Security Card says the card belongs to the government and not the holder and must be returned upon request.

**Figure 1: Social Security Card: Back**



This card is the official verification of your Social Security number.  
Please sign it right away. Keep it in a safe place.

Improper use of this card or number by anyone is punishable by fine,  
imprisonment or both.

This card belongs to the Social Security Administration and you must  
return it if we ask for it.

If you find a card that isn't yours, please return it to:  
Social Security Administration  
P.O. Box 33008, Baltimore, MD 21290-3008

For any other Social Security business/information, contact your  
local Social Security office. If you write to the above address for any  
business other than returning a found card, it will take longer for us  
to answer your letter.

Social Security Administration  
Form SSA-3000 (6-99)

D94868217

Notice that the authority of the government to penalize you derives from the franchise contract, as evidenced by the back of the Social Security Card above. It would otherwise constitute an unlawful bill of attainder for an administrative agency of the government to penalize an otherwise PRIVATE citizen:

***Bill of attainder.*** Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial. *United States v. Brown*, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492; *United States v. Lovett*, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252. An act is a "bill of attainder" when the punishment is death and a "bill of pains and penalties" when the punishment is less severe; both kinds of punishment fall

within the scope of the constitutional prohibition. U.S.Const. Art. I, Sect 9, Cl. 3 (as to Congress);' Art. I, Sec, 10 (as to state legislatures).  
[Black's Law Dictionary, Sixth Edition, p. 165]

The straw man acts as a "transmitting utility" for commercial activity pursuant to U.C.C. §9-102.

[U.C.C. 9-102 \(80\)](#)

(80) "Transmitting utility" means a person primarily engaged in the business of:  
(A) operating a railroad, subway, street railway, or trolley bus;  
(B) transmitting communications electrically, electromagnetically, or by light;  
(C) transmitting goods by pipeline or sewer; or  
(D) transmitting or producing and transmitting electricity, steam, gas, or water

[SOURCE: <http://www.law.cornell.edu/ucc/9/article9.htm#s9-102>]

U.C.C. 9-102 (44)

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals [human beings], (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

[SOURCE: <http://www.law.cornell.edu/ucc/9/article9.htm#s9-102>]

Some of the terms used in U.C.C. §9-102 are defined in dictionaries as follows:

"Pipeline, n. 1. A direct channel by which information is privately transmitted..."  
[American Heritage Dictionary, 1993]

Transmit. To send or transfer from one person or place to another, or to communicate. State v. Robbins, 253 N.C. 47, 116 S.E.2d. 192, 193.  
[Black's Law Dictionary, Sixth Edition, p. 1499]

"Transmitting Utility" we define as follows:

A transmitting utility agent, utilized for the purpose of transmitting commercial activity for the benefit of the Grantor / Secured Party, an exclusive agent, with universal agency, a public agent, serving as a conduit for the transmission of goods and services in Commercial Activity, a thing to interact, contract, and exchange goods, services, obligations, and liabilities in Commerce with other Debtors/ grantees, corporations, and artificial persons. The DEBTOR / grantee is a Legal Entity according to the Uniform Commercial Code.

Whenever you affix your autograph to a contract, the Uniform Commercial Code, Sections 3.401, 3. 402, and 3.419 cause you to be the "accommodation party", which means the surety for the transaction or instrument.

Uniform Commercial Code (UCC)  
[§ 3-419. INSTRUMENTS SIGNED FOR ACCOMMODATION.](#)

(a) If an instrument is issued for value given for the benefit of a party to the instrument ("accommodated party") and another party to the instrument ("accommodation party") signs the instrument for the purpose of incurring liability on the instrument without being a direct beneficiary of the value given for the instrument, the instrument is signed by the accommodation party "for accommodation."

(b) An accommodation party may sign the instrument as maker, drawer, acceptor, or indorser and, subject to subsection (d), is obliged to pay the instrument in the capacity in which the accommodation party signs. The obligation of an accommodation party may be enforced notwithstanding any statute of frauds and whether or not the accommodation party receives consideration for the accommodation.

(c) A person signing an [instrument](#) is presumed to be an accommodation party and there is notice that the instrument is signed for accommodation if the signature is an [anomalous indorsement](#) or is accompanied by words indicating that the signer is acting as surety or guarantor with respect to the obligation of another [party](#) to the instrument. Except as provided in Section [3-605](#), the obligation of an accommodation party to pay the instrument is not affected by the fact that the person enforcing the obligation had notice when the instrument was taken by that person that the accommodation party signed the instrument for accommodation.

(d) If the signature of a [party](#) to an [instrument](#) is accompanied by words indicating unambiguously that the party is guaranteeing collection rather than payment of the obligation of another party to the instrument, the signer is obliged to pay the amount due on the instrument to a [person entitled to enforce](#) the instrument only if (i) execution of judgment against the other party has been returned unsatisfied, (ii) the other party is insolvent or in an insolvency proceeding, (iii) the other party cannot be served with process, or (iv) it is otherwise apparent that payment cannot be obtained from the other party.

(e) If the signature of a [party](#) to an [instrument](#) is accompanied by words indicating that the party guarantees payment or the signer signs the instrument as an accommodation party in some other manner that does not unambiguously indicate an intention to guarantee collection rather than payment, the signer is obliged to pay the amount due on the instrument to a person entitled to enforce the instrument in the same circumstances as the accommodated party would be obliged, without prior resort to the accommodated party by the person entitled to enforce the instrument.

(f) An accommodation party who pays the [instrument](#) is entitled to reimbursement from the accommodated party and is entitled to enforce the instrument against the accommodated party. In proper circumstances, an accommodation party may obtain relief that requires the accommodated party to perform its obligations on the instrument. An accommodated party that pays the instrument has no right of recourse against, and is not entitled to contribution from, an accommodation party.

Whenever you sign a contract, you are presumed to agree to EVERYTHING on it or associated with it. For instance, you can sign a Social Security Form SS-5 and even though the terms of the contract are not described completely on the form, you are presumed to have been given “reasonable notice” of all the terms and conditions of the implied contract by virtue of publication of all of the statutes and implementing regulations which execute the contract published within the Federal Register.

*"All persons in the United States are chargeable with knowledge of the Statutes-at-Large...[I]t is well established that anyone who deals with the government assumes the risk that the agent acting in the government's behalf has exceeded the bounds of his authority,"*  
[Bollow v. Federal Reserve Bank of San Francisco, 650 F.2d. 1093 (9th Cir. 1981)]

**"Every citizen of the United States is supposed to know the law, and when a purchaser of one of these drafts began to make the inquiries necessary to ascertain the authority for their acceptance, he must have learned at once that, if received by Russell, [§683] Majors & Waddell, as payment, they were in violation of law, and if received as accommodation paper, they were evasions of this law, and without any shadow of authority."** 7 Wall. 666  
[Floyd Acceptances, [7 Wall \(74 U.S. 169\) 666](#) (1869)]

**But it must be remembered that all are presumed to know the law, and that whoever deals with a municipality\*643 is bound to know the extent of its powers. Those who contract with it, or furnish it supplies, do so with reference to the law, and must see that limit is not exceeded. With proper care on their part and on the part of the representatives of the municipality, there is no danger of loss."**  
[San Francisco Gas Co. v. Brickwedel, 62 Cal. 641 (1882). See also Dore v. Southern Pacific Co. (1912), 163 Cal. 182, 124 P. 817; People v. Flanagan (1924), 65 Cal.app. 268, 223 P. 1014; Lincoln v. Superior Court (1928), 95 Cal.App. 35, 271 P. 1107; San Francisco Realty Co. v. Linnard (1929), 98 Cal.App. 33, 276 P. 368]

**It is one of the fundamental maxims of the common law that ignorance of the law excuses no one. If ignorance of the law could in all cases be the foundation of a suit in equity for relief, there would be no end of litigation, and the administration of justice would become in effect impracticable.**  
[Daniels v. Dean, 2 Cal.App. 421, 84 P. 332 (1905)]

The way that you can prevent surrendering rights when signing the equivalent of government adhesion contracts or “implied contracts” is to reserve your rights, and thereby delegate no authority or limited authority to the grantor of the franchise.

Uniform Commercial Code  
Section 1-308

Performance or Acceptance Under Reservation of Rights

(a) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient. [underlines added]

If you don't reserve your rights, you are presumed to consent, and that consent is tacit rather than explicit:

"SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence of consent"

[Black's Law Dictionary, Fourth Edition, p. 1593]

*Qui tacet consentire videtur.*

*He who is silent appears to consent. Jenk. Cent. 32.*

[Bouvier's Maxims of Law, 1856;

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

**WARNING:** Every time you sign your name to anything, you are presumed to be forfeiting some portion of your God-given liberty and rights. The best way to remain sovereign is to NOT sign or submit any government forms or contracts and to reserve your rights when compelled to do so. Whenever you sign a government form called an "application", you are in effect begging. On this subject, Confucius said the following:

*"The more you want, the more the world can hurt you.*

*[Confucius]*

Remember that the BIG PRINT giveth, and the small print taketh away. Make sure you read the small print usually at end FIRST.

## **4 WHY was the straw man created?**

### **4.1 Government can't lawfully impose duties upon private citizens**

This section will prove that it constitutes slavery for the government to impose any kind of duty upon a private citizen other than simply to refrain from injuring the equal rights of other fellow sovereigns. Consequently, they had to invent a legal "person" who is one of their officers or agents within a franchise agreement that they could impose the duties against, and then fool you into becoming that person.

The Thirteenth Amendment outlaws what it calls "involuntary servitude" in the case of only natural beings. It does not protect artificial entities, corporations, or other creations of government:

*United States Constitution*

*Thirteenth Amendment - Slavery And Involuntary Servitude*

**Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.**

**Section 2. Congress shall have power to enforce this article by appropriate legislation.**

The Thirteenth Amendment applies EVERYWHERE, including on federal territory:

*"That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services [in their entirety]. This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name."*

*[Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]*

*"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections*



denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. This legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of this legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding. It operates directly on every citizen of the Republic, wherever his residence may be."  
[Clyatt v. U.S., 197 U.S. 207 (1905)]

The only legitimate purpose of government is to protect people from harm by other fellow sovereigns and to otherwise leave people alone and not impose duties upon them. The criminal laws in every state are the only legitimate implementation of that singular authority of government. Every other law, all of which is civil in origin, is voluntary and may lawfully be avoided simply by not selecting a domicile within the origin of that government. For details, see:

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

Another way of saying this is that governments only rule by the consent of the governed. The minute they rule by force and not consent, they cease to be a legitimate government and become nothing more than a tyrant and a usurper, as the Declaration of Independence alludes to:

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

Consequently, the government is without moral or lawful authority to write law that imposes ANY kind of duty or obligation against you other than simply avoiding injuring the equal rights of other fellow sovereign Americans:

"Love does no harm to a neighbor; therefore love is the fulfillment of [the ONLY requirement of] the law [which is to avoid hurting your neighbor and thereby love him]."  
[Romans 13:9-10, Bible, NKJV]

"Do not strive with a man without cause, if he has done you no harm."  
[Prov. 3:30, Bible, NKJV]

"With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens--a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities."  
[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

Governments know the above and take it into account in every law they write law in order to prevent violations of the Thirteenth Amendment. They do this by:

1. Choosing a definition for "person" that excludes natural beings protected by the Thirteenth Amendment.
2. Ensuring that all natural beings who might fit the definition of "person" within the statute have to manifest consent in some form in order to become subject to the statute. That consent might come in any of the following forms:
  - 2.1. Applying for a license.
  - 2.2. Filling out an application for "benefits".
  - 2.3. Receiving a specific "benefit" of a government franchise.
  - 2.4. Entering into government service or employment.
  - 2.5. Engaging in contracts with the government.
3. Placing warnings on the instruments by which the benefits of government franchises are conveyed to the natural being. For instance, the Social Security Card acts as a "de facto license" to engage in a government franchise. It contains the following warning on the back, which gives "reasonable notice" to all those in possession of it that they are party to a government franchise and that they have forfeited the protections of the Thirteenth Amendment and agree to act as a fiduciary, trustee, and transferee over said property:

1 "Improper use of this card or number by anyone is punishable by fine, imprisonment or both."

2 If someone is trying to abuse the authority of civil law to impose a mandatory duty upon you, then the only kind of law they  
3 can therefore be enforcing is private or contract law to which you had to expressly consent at some point. That consent  
4 could either be implicit (by your conduct) or explicit (in writing). Your reaction should always be to insist that they  
5 produce evidence of your consent IN WRITING. This is similar to what the courts do in the case of the government, where  
6 they can't be sued or compelled to do anything without you producing an express waiver of sovereign immunity. They got  
7 that authority and that sovereignty from you(!), because it was delegated to them by We The People, so you must ALSO  
8 have sovereign immunity. Your job as a vigilant American who cares about his freedom and rights is then to discover by  
9 what lawful mechanism you waived that sovereign immunity and the following document is very helpful in determining  
10 that mechanism:

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

11 In conclusion, the government had to create the straw man public office who is its own fictitious creation so that they could  
12 have the authority to impose mandatory duties upon this creation and, if need be, even destroy the creation, in order to  
13 effect public policy. On this subject, the U.S. Supreme Court said that the power to destroy, which includes the power to  
14 impose slavery, must come from the same hand that created the thing to begin with. The government didn't create you, so  
15 it had to create the "public office" and the "person" that they could then regulate, tax, and destroy. Then they had to fool  
16 you into accepting this voluntary position, usually without compensation, using "words of art".

17 "The power to tax involves the power to destroy; the power to destroy may defeat and render useless the  
18 power to create; and there is a plain repugnance in conferring on one government [THE FEDERAL  
19 GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which  
20 other, with respect to those very measures, is declared to be supreme over that which exerts the control."  
21 [Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886) ]

22 "What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which  
23 certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains  
24 the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the  
25 Legislature, and can be revoked or altered only by the authority that made it. The life-giving principle and the  
26 death-doing stroke [power to destroy] must proceed from the same hand."  
27 [VanHorne's Lessee v. Dorrance, 2 U.S. 304 (1795) ]

28 "The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law  
29 [including a tax law] involving the power to destroy."  
30 [Providence Bank v. Billings, 29 U.S. 514 (1830) ]

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

## 38 **4.2 Government can't lawfully pay public monies to private persons**

39 "All systems either of preference or of restraint, therefore, being thus completely taken away, the obvious and  
40 simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate  
41 the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry  
42 and capital into competition with those of any other man or order of men. The sovereign is completely  
43 discharged from a duty, in the attempting to perform which he must always be exposed to innumerable  
44 delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient:  
45 the duty of superintending the industry of private people."  
46 [Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations (1776)]

47 We will prove in this section that:

- 48 1. It is an abuse of the government's taxing power, according to the U.S. Supreme Court, to pay public monies to private  
49 persons or to use the government's taxing power to transfer wealth between groups of private individuals.

2. Because of these straight jacket constraints of the use of “public funds” by the government, the government can only lawfully make payments or pay “benefits” to persons who have contracted with them to render specific services that are authorized by the Constitution to be rendered.
3. The government had to create an intermediary called the “straw man” that is a public office or agent within the government and therefore part of the government that they could pay the “benefit” to in order to circumvent the restrictions upon the government from abusing its powers to transfer wealth between private individuals.

The U.S. Supreme Court has said many times that the ONLY purpose for lawful, constitutional taxation is to collect revenues to support ONLY the machinery and operations of the government and its “employees”. This purpose, it calls a “public use” or “public purpose”:

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

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

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

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

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

Black’s Law Dictionary defines the word “public purpose” as follows:

“Public purpose. In the law of taxation, eminent domain, etc., this is a term of classification to distinguish the objects for which, according to settled usage, the government is to provide, from those which, by the like usage, are left to private interest, inclination, or liberality. The constitutional requirement that the purpose of any tax, police regulation, or particular exertion of the power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons [such as, for instance, federal benefit recipients as individuals]. “Public purpose” that will justify expenditure of public money generally means such an activity as will serve as benefit to community as a body and which at same time is directly related function of government. Pack v. Southwestern Bell Tel. & Tel. Co., 215 Tenn. 503, 387 S.W.2d. 789, 794.

*The term is synonymous with governmental purpose. As employed to denote the objects for which taxes may be levied, it has no relation to the urgency of the public need or to the extent of the public benefit which is to follow; the essential requisite being that a public service or use shall affect the inhabitants as a community, and not merely as individuals. A public purpose or public business has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within a given political division, as, for example, a state, the sovereign powers of which are exercised to promote such public purpose or public business.”*  
[Black’s Law Dictionary, Sixth Edition, p. 1231, Emphasis added]

A related word defined in Black’s Law Dictionary is “public use”:

### ***Proof that There Is a “Straw man”***

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50 of 206

EXHIBIT: \_\_\_\_\_

**Public use.** Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For condemnation purposes, "public use" is one which confers some benefit or advantage to the public; it is not confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which condemnation is sought and, as long as public has right of use, whether exercised by one or many members of public, a "public advantage" or "public benefit" accrues sufficient to constitute a public use. *Montana Power Co. v. Bokma*, Mont., 457 P.2d. 769, 772, 773.

Public use, in constitutional provisions restricting the exercise of the right to take property in virtue of eminent domain, means a use concerning the whole community distinguished from particular individuals. But each and every member of society need not be equally interested in such use, or be personally and directly affected by it; if the object is to satisfy a great public want or exigency, that is sufficient. *Ringe Co. v. Los Angeles County*, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186. The term may be said to mean public usefulness, utility, or advantage, or what is productive of general benefit. It may be limited to the inhabitants of a small or restricted locality, but must be in common, and not for a particular individual. The use must be a needful one for the public, which cannot be surrendered without obvious general loss and inconvenience. A "public use" for which land may be taken defies absolute definition for it changes with varying conditions of society, new appliances in the sciences, changing conceptions of scope and functions of government, and other differing circumstances brought about by an increase in population and new modes of communication and transportation. *Katz v. Brandon*, 156 Conn. 521, 245 A.2d. 579, 586.

See also *Condemnation; Eminent domain*.  
[*Black's Law Dictionary*, Sixth Edition, p. 1232]

Black's Law Dictionary also defines the word "tax" as follows:

**"Tax:** A charge by the government on the income of an individual, corporation, or trust, as well as the value of an estate or gift. The objective in assessing the tax is to generate revenue to be used for the needs of the public.

A pecuniary [relating to money] burden laid upon individuals or property to support the government, and is a payment exacted by legislative authority. In *re Mytinger*, D.C.Tex. 31 F.Supp. 977,978,979. **Essential characteristics of a tax are that it is NOT A VOLUNTARY PAYMENT OR DONATION, BUT AN ENFORCED CONTRIBUTION, EXACTED PURSUANT TO LEGISLATIVE AUTHORITY.** *Michigan Employment Sec. Commission v. Patt*, 4 Mich.App. 228, 144 N.W.2d. 663, 665.  
[*Black's Law Dictionary*, Sixth Edition, p. 1457]

So in order to be legitimately called a "tax" or "taxation", the money we pay to the government must fit all of the following criteria:

1. The money must be used ONLY for the support of government.
2. The subject of the tax must be "liable", and responsible to pay for the support of government under the force of law.
3. The money must go toward a "public purpose" rather than a "private purpose".
4. The monies paid cannot be described as wealth transfer between two people or classes of people within society.
5. The monies paid cannot aid one group of private individuals in society at the expense of another group, because this violates the concept of equal protection of law for all citizens found in Fourteenth Amendment, Section 1.

If the monies demanded by government do not fit all of the above requirements, then they are being used for a "private" purpose and cannot be called "taxes" or "taxation", according to the U.S. Supreme Court. Actions by the government to enforce the payment of any monies that do not meet all the above requirements can therefore only be described as:

1. Theft and robbery by the government in the guise of "taxation"
2. Government by decree rather than by law
3. Tyranny
4. Socialism
5. Mob rule and a tyranny by the "have-nots" against the "haves"
6. 18 U.S.C. §241: Conspiracy against rights. The IRS shares tax return information with states of the union, so that both of them can conspire to deprive you of your property.

- 1 7. [18 U.S.C. §242](#): Deprivation of rights under the color of law. The Fifth Amendment says that people in states of the  
2 Union cannot be deprived of their property without due process of law or a court hearing. Yet, the IRS tries to make it  
3 appear like they have the authority to just STEAL these people's property for a fabricated tax debt that they aren't even  
4 legally liable for.
- 5 8. [18 U.S.C. §247](#): Damage to religious property; obstruction of persons in the free exercise of religious beliefs
- 6 9. [18 U.S.C. §872](#): Extortion by officers or employees of the United States.
- 7 10. [18 U.S.C. §876](#): Mailing threatening communications. This includes all the threatening notices regarding levies, liens,  
8 and idiotic IRS letters that refuse to justify why government thinks we are "liable".
- 9 11. [18 U.S.C. §880](#): Receiving the proceeds of extortion. Any money collected from Americans through illegal  
10 enforcement actions and for which the contributors are not "liable" under the law is extorted money, and the IRS is in  
11 receipt of the proceeds of illegal extortion.
- 12 12. [18 U.S.C. §1581](#): Peonage, obstructing enforcement. IRS is obstructing the proper administration of the Internal  
13 Revenue Code and the Constitution, which require that they respect those who choose NOT to volunteer to participate  
14 in the federal donation program identified under subtitle A of the I.R.C.
- 15 13. [18 U.S.C. §1583](#): Enticement into slavery. IRS tries to enlist "nontaxpayers" to rejoin the ranks of other peons who  
16 pay taxes they aren't demonstrably liable for, which amount to slavery.
- 17 14. [18 U.S.C. §1589](#): Forced labor. Being forced to expend one's personal time responding to frivolous IRS notices and  
18 pay taxes on my labor that I am not liable for.

19 The U.S. Supreme Court has further characterized all efforts to abuse the tax system in order to accomplish "wealth  
20 transfer" as "political heresy" that is a denial of republican principles that form the foundation of our Constitution, when it  
21 issued the following strong words of rebuke. Incidentally, the case below also forms the backbone of reasons why the  
22 Internal Revenue Code can never be anything more than private law that only applies to those who volunteer into it:

23 *"The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of*  
24 *conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but*  
25 *they [the government] cannot change innocence [a "nontaxpayer"] into guilt [a "taxpayer"]; or punish*  
26 *innocence as a crime [criminally prosecute a "nontaxpayer" for violation of the tax laws]; or violate the right*  
27 *of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or*  
28 *State, Legislature possesses such powers [of THEFT and FRAUD], if they had not been expressly restrained;*  
29 *would, \*389 in my opinion, be a political heresy, altogether inadmissible in our free republican*  
30 *governments."*  
31 *[Calder v. Bull, 3 U.S. 386 (1798)]*

32 We also cannot assume or suppose that our government has the authority to make "gifts" of monies collected through its  
33 taxation powers, and especially not when paid to private individuals or foreign countries because:

- 34 1. The Constitution DOES NOT authorize the government to "gift" money to anyone within states of the Union or in  
35 foreign countries, and therefore, this is not a Constitutional use of public funds, nor does unauthorized expenditure of  
36 such funds produce a tangible public benefit, but rather an injury, by forcing those who do not approve of the gift to  
37 subsidize it and yet not derive any personal benefit whatsoever for it.
- 38 2. The Supreme Court identifies such abuse of taxing powers as "robbery in the name of taxation" above.

39 Based on the foregoing analysis, we are then forced to divide the monies collected by the government through its taxing  
40 powers into only two distinct classes. We also emphasize that every tax collected and every expenditure originating from  
41 the tax paid MUST fit into one of the two categories below:

42 **Table 1: Two methods for taxation**

#	Characteristic	Public use/purpose	Private use/purpose
1	Authority for tax	U.S. Constitution	Legislative fiat, tyranny
2	Monies collected described by Supreme Court as	Legitimate taxation	"Robbery in the name of taxation" (see <i>Loan Assoc. v. Topeka</i> , above)
3	Money paid only to following parties	Federal "employees", contractors, and agents	Private parties with no contractual relationship or agency with the government
4	Government that practices this form of taxation is	A righteous government	A THIEF



5	<b><i>This type of expenditure of revenues collected is:</i></b>	Constitutional	Unconstitutional
6	<b><i>Lawful means of collection</i></b>	Apportioned direct or indirect taxation	Voluntary donation (cannot be lawfully implemented as a “tax”)
7	<b><i>Tax system based on this approach is</i></b>	A lawful means of running a government	A charity and welfare state for private interests, thieves, and criminals
8	<b><i>Government which identifies payment of such monies as mandatory and enforceable is</i></b>	A righteous government	A lying, thieving government that is deceiving the people.
9	<b><i>When enforced, this type of tax leads to</i></b>	Limited government that sticks to its corporate charter, the Constitution	Socialism Communism Mafia protection racket Organized extortion
10	<b><i>Lawful subjects of Constitutional, federal taxation</i></b>	Taxes on imports into states of the Union coming from foreign countries. See Constitution, Article 1, Section 8, Clause 3 (external) taxation.	No subjects of lawful taxation. Whatever unconstitutional judicial fiat and a deceived electorate will tolerate is what will be imposed and enforced at the point of a gun
11	<b><i>Tax system based on this approach based on</i></b>	Private property	All property being owned by the state through eminent domain. Tax becomes a means of “renting” what amounts to state property to private individuals for temporary use.

The U.S. Supreme Court also helped to clarify how to distinguish the two above categories when it said:

*“It is undoubtedly the duty of the legislature which imposes or authorizes municipalities to impose a tax to see that it is not to be used for purposes of private interest instead of a public use, and the courts can only be justified in interposing when a violation of this principle is clear and the [87 U.S. 665] reason for interference cogent. And in deciding whether, in the given case, the object for which the taxes are assessed falls upon the one side or the other of this line, they must be governed mainly by the course and usage of the government, the objects for which taxes have been customarily and by long course of legislation levied, what objects or purposes have been considered necessary to the support and for the proper use of the government, whether state or municipal. Whatever lawfully pertains to this and is sanctioned by time and the acquiescence of the people may well be held to belong to the public use, and proper for the maintenance of good government, though this may not be the only criterion of rightful taxation.”*  
[\[Loan Association v. Topeka, 20 Wall. 655 \(1874\)\]](#)

If we give our government the benefit of the doubt by “assuming” or “presuming” that it is operating lawfully and consistent with the model on the left above, then we have no choice but to conclude that everyone who lawfully receives any kind of federal payment MUST be either a federal “employee” or “federal contractor” on official duty, and that the compensation received must be directly connected to the performance of a sovereign or Constitutionally authorized function of government. Any other conclusion or characterization of a lawful tax other than this is irrational, inconsistent with the rulings of the U.S. Supreme Court on this subject, and an attempt to deceive the public about the role of limited Constitutional government based on Republican principles. This means that you cannot participate in any of the following federal social insurance programs WITHOUT being a federal “employee”, and if you refuse to identify yourself as a federal employee, then you are admitting that your government is a thief and a robber that is abusing its taxing powers:

1. Subtitle A of the Internal Revenue Code. I.R.C. (26 U.S.C.) sections 1, 32, and 162 all confer privileged financial benefits to the participant which constitute federal “employment” compensation.
2. Social Security.
3. Unemployment compensation.
4. Medicare.

An examination of the Privacy Act, [5 U.S.C. §552a\(a\)\(13\)](#), in fact, identifies all those who participate in the above programs as “federal personnel”, which means federal “employees”. To wit:

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)

1 [§ 552a. Records maintained on individuals](#)

2 (a) Definitions.— For purposes of this section—

3 (13) the term “Federal personnel” means officers and employees of the Government of the United States,  
4 members of the uniformed services (including members of the Reserve Components), individuals entitled to  
5 receive immediate or deferred retirement benefits under any retirement program of the Government of the  
6 United States (including survivor benefits).

7 The “individual” they are talking about above is further defined in [5 U.S.C. §552a](#)(a)(2) as follows:

8 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II](#) > § 552a  
9 [§ 552a. Records maintained on individuals](#)

10 (a) Definitions.— For purposes of this section—

11 (2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent  
12 residence;

13 The “citizen of the United States” they are talking about is based on the statutory rather than constitutional definition of the  
14 “United States”, which means it refers to the federal zone and excludes states of the Union. Also, note that both of the two  
15 preceding definitions are found within Title 5 of the U.S. Code, which is entitled “Government Organization and  
16 Employees”. Therefore, it refers ONLY to government employees and excludes private employees. There is no definition  
17 of the term “individual” anywhere in Title 26 (I.R.C.) of the U.S. Code or any other title that refers to private natural  
18 persons, because Congress cannot legislate for them. Notice the use of the phrase “private business” in the U.S. Supreme  
19 Court ruling below:

20 *“The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private*  
21 *business in his own way [unregulated by the government]. His power to contract is unlimited. He owes no*  
22 *duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as*  
23 *it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond*  
24 *the protection of his life and property.* His rights are such as existed by the law of the land long antecedent to  
25 the organization of the State, and can only be taken from him by due process of law, and in accordance with the  
26 Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his  
27 property from arrest or seizure except under a warrant of the law. He owes nothing to the public [including  
28 so-called “taxes” under Subtitle A of the I.R.C.] so long as he does not trespass upon their rights.”  
29 [Hale v. Henkel, [201 U.S. 43](#), 74 (1906)]

30 The purpose of the Constitution and the Bill of Rights instead is to REMOVE authority of the Congress to legislate for  
31 private persons and thereby protect their sovereignty and dignity. That is why the U.S. Supreme Court ruled the following:

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

40 **QUESTIONS FOR DOUBTERS:** If you aren't a federal “employee” as a person participating in Social Security and the  
41 Internal Revenue Code, then why are all of the Social Security Regulations located in Title 20 of the Code of Federal  
42 Regulations under parts 400-499, entitled “Employee Benefits”? See for yourself:

43 [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=f073dcf7b1b49c3d353eaf290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=f073dcf7b1b49c3d353eaf290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab_02.tpl)

45 Another very important point to make here is that the purpose of nearly all federal law is to regulate “public conduct” rather  
46 than “private conduct”. Congress must write laws to regulate and control every aspect of the behavior of its employees so  
47 that they do not adversely affect the rights of private individuals like you, who they exist exclusively to serve and protect.  
48 Most federal statutes, in fact, are exclusively for use by those working in government and simply do not apply to private  
49 citizens in the conduct of their private lives. Federal law cannot apply to the private public at large because the Thirteenth

Amendment says that involuntary servitude has been abolished. If involuntary servitude is abolished, then they can't use, or in this case "abuse" the authority of law to impose ANY kind of duty against anyone in the private public except possibly the responsibility to avoid hurting their neighbor and thereby depriving him of the equal rights he enjoys.

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

**Love does no harm to a neighbor; therefore love is the fulfillment of [the ONLY requirement of] the law [which is to avoid hurting your neighbor and thereby love him].**  
[Romans 13:9-10, Bible, NKJV]

*"Do not strive with a man without cause, if he has done you no harm."*  
[Prov. 3:30, Bible, NKJV]

Thomas Jefferson, our most revered founding father, summed up this singular duty of government to LEAVE PEOPLE ALONE and only interfere or impose a "duty" using the authority of law when and only when they are hurting each other in order to protect them and prevent the harm when he said.

*"With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens--a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities."*  
[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

The U.S. Supreme Court confirmed this view, when it ruled:

*"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned."*  
[City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)]

What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your private life. This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control every aspect of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call "social engineering". Just by the deductions they offer, people are incentivized into all kinds of crazy behaviors in pursuit of reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle A of the Internal Revenue Code, which would "appear" to regulate the private conduct of all individuals in states of the Union, in fact only applies to federal instrumentalities or "public employees" in the official conduct of their duties on behalf of the municipal corporation located in the District of Columbia, which 4 U.S.C. §72 makes the "seat of government". The I.R.C. therefore essentially amounts to a part of the job responsibility and the "employment contract" of "public employees" and federal instrumentalities. This was also confirmed by the House of Representatives, who said that only those who take an oath of "public office" are subject to the requirements of the personal income tax. See:

<http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

Within the Internal Revenue Code, those legal "persons" who work for the government are identified as engaging in a "public office". A "public office" within the Internal Revenue Code is called a "trade or business", which is defined below. We emphasize that engaging in a privileged "trade or business" is the main excise taxable activity that in fact and in deed is what REALLY makes a person a "taxpayer" subject to the Internal Revenue Code, Subtitle A:

26 U.S.C. Sec. 7701(a)(26)

*"The term 'trade or business' includes the performance of the functions of a public office."*

Below is the definition of "public office":

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Form 05.042, Rev. 2-4-2010

55 of 206

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Public office

“Essential characteristics of a ‘public office’ are:

- (1) Authority conferred by law,
- (2) Fixed tenure of office, and
- (3) Power to exercise some of the sovereign functions of government.
- (4) Key element of such test is that “officer is carrying out a sovereign function”.
- (5) Essential elements to establish public position as ‘public office’ are:
  - (a) Position must be created by Constitution, legislature, or through authority conferred by legislature.
  - (b) Portion of sovereign power of government must be delegated to position,
  - (c) Duties and powers must be defined, directly or implied, by legislature or through legislative authority.
  - (d) Duties must be performed independently without control of superior power other than law, and
  - (e) Position must have some permanency.”

[Black’s Law Dictionary, Sixth Edition, p. 1230]

Those who are fulfilling the “functions of a public office” are under a legal, fiduciary duty as “trustees” of the “public trust”, while working as “volunteers” for the “charitable trust” called the “United States Government Corporation”, which we affectionately call “U.S. Inc.”:

“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.<sup>26</sup> Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.<sup>27</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves,<sup>28</sup> and owes a fiduciary duty to the public.<sup>29</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>30</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>31</sup>”

[63C Am.Jur.2d, Public Officers and Employees, §247]

“U.S. Inc.” is a federal corporation, as defined below:

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

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

<sup>26</sup> State ex rel. Nagle v. Sullivan, 98 Mont 425, 40P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>27</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>28</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>29</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S Ct 53, on remand (CA7 Ill) 840 F2d 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F2d 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F2d 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed Rules Evid Serv 1223).

<sup>30</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>31</sup> Indiana State Ethics Comm’n v. Nelson (Ind App) 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

PART VI - PARTICULAR PROCEEDINGS  
CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE  
SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS  
Sec. 3002. Definitions

(15) "United States" means -

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

Those who are acting as "public officers" for "U.S. Inc." have essentially donated their formerly private property to a "public use". In effect, they have joined the SOCIALIST collective and become partakers of money STOLEN from people, most of whom, do not wish to participate and who would quit if offered an informed choice to do so.

*"My son, if sinners [socialists, in this case] entice you,*

***Do not consent [do not abuse your power of choice]***

*If they say, "Come with us,*

*Let us lie in wait to shed blood [of innocent "nontaxpayers"];*

*Let us lurk secretly for the innocent without cause;*

*Let us swallow them alive like Sheol,*

*And whole, like those who go down to the Pit:*

***We shall fill our houses with spoil [plunder];***

***Cast in your lot among us,***

***Let us all have one purse [share the stolen LOOT]"--***

**My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government**

**FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a "U.S. citizen"]**

*Keep your foot from their path;*

*For their feet run to evil,*

*And they make haste to shed blood.*

*Surely, in vain the net is spread*

*In the sight of any bird;*

***But they lie in wait for their own blood.***

***They lurk secretly for their own lives.***

***So are the ways of everyone who is greedy for gain [or unearned government benefits];***

***It takes away the life of its owners."***

***[Proverbs 1:10-19, Bible, NKJV]***

Below is what the U.S. Supreme Court says about those who have donated their private property to a "public use". The ability to volunteer your private property for "public use", by the way, also implies the ability to UNVOLUNTEER at any time, which is the part no government employee we have ever found is willing to talk about. I wonder why....DUHHHH!:

*"Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;"*

*and to 'secure,' not grant or create, these rights, governments are instituted. **That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second,***

***that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation.***

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

Any legal person, whether it be a natural person, a corporation, or a trust, may become a "public office" if it volunteers to do so. A subset of those engaging in such a "public office" are federal "employees", but the term "public office" or "trade or business" encompass much more than just government "employees". In law, when a legal "person" volunteers to accept the legal duties of a "public office", it therefore becomes a "trustee", an agent, and fiduciary (as defined in 26 U.S.C. §6903) acting on behalf of the federal government by the operation of private contract law. It becomes essentially a "franchisee" of the federal government carrying out the provisions of the franchise agreement, which is found in:

1. Internal Revenue Code, Subtitle A, in the case of the federal income tax.
2. The Social Security Act, which is found in Title 42 of the U.S. Code.

If you would like to learn more about how this "trade or business" scam works, consult the authoritative article below:

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57 of 206

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If you would like to know more about the extreme dangers of participating in all government franchises and why you destroy ALL your Constitutional rights and protections by doing so, see:

1. Government Instituted Slavery Using Franchises, Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>
2. Liberty University, Section 4:  
<http://sedm.org/LibertyU/LibertyU.htm>

The IRS Form 1042-S Instructions confirm that all those who use Social Security Numbers are engaged in the "trade or business" franchise:

**Box 14. Recipient's U.S. Taxpayer Identification Number (TIN)**

You must obtain and enter a U.S. taxpayer identification number (TIN) for:

- Any recipient whose income is effectively connected with the conduct of a [trade or business](#) in the United States.

[[IRS Form 1042-S Instructions](#), p. 14]

Engaging in a "trade or business" therefore implies a "public office", which makes the person using the number into a "public officer" who has donated his formerly private time and services to a "public use" and agreed to give the public the right to control and regulate that use through the operation of the franchise agreement, which is the Internal Revenue Code, Subtitle A and the Social Security Act found in Title 42 of the U.S. Code. The Social Security Number is therefore the equivalent of a "license number" to act as a "public officer" for the federal government, who is a fiduciary or trustee subject to the plenary legislative jurisdiction of the federal government pursuant to [26 U.S.C. §7701\(a\)\(39\)](#), [26 U.S.C. §7408\(c\)](#), and [Federal Rule of Civil Procedure Rule 17\(b\)](#), regardless of where he might be found geographically, including within a state of the Union. The franchise agreement governs "choice of law" and where it's terms may be litigated, which is the District of Columbia, based on the agreement itself.

Now let's apply what we have learned to your employment situation. God said you cannot work for two companies at once. You can only serve one company, and that company is the federal government if you are receiving federal benefits:

*"No one can serve two masters [two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government]."*  
[Luke 16:13, Bible, NKJV. Written by a tax collector]

Everything you make while working for your slave master, the federal government, is their property over which you are a fiduciary and "public officer".

"THE" + "IRS" = "THEIRS"

A federal "public officer" has no rights in relation to their master, the federal government:

*"The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O'Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277-278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that*

reason. *Public Workers v. Mitchell*, [330 U.S. 75, 101](#) (1947); *Civil Service Comm'n v. Letter Carriers*, [413 U.S. 548, 556](#) (1973); *Broadrick v. Oklahoma*, [413 U.S. 601, 616](#) -617 (1973)."  
[*Rutan v. Republican Party of Illinois*, [497 U.S. 62](#) (1990)]

Your existence and your earnings as a federal "public officer" and "trustee" and "fiduciary" are entirely subject to the whim and pleasure of corrupted lawyers and politicians, and you must beg and grovel if you expect to retain anything:

*"In the general course of human nature, A POWER OVER A MAN'S SUBSISTENCE AMOUNTS TO A POWER OVER HIS WILL."*  
[Alexander Hamilton, *Federalist Paper No. 79*]

You will need an "exemption" from your new slave master specifically spelled out in law to justify *anything* you want to keep while working on the federal plantation. The 1040 return is a profit and loss statement for a federal business corporation called the "United States". You are in partnership with your slave master and they decide what scraps they want to throw to you in your legal "cage" AFTER they figure out whatever is left in financing their favorite pork barrel project and paying off interest on an ever-expanding and endless national debt. Do you really want to reward this type of irresponsibility and surety?

The W-4 therefore essentially amounts to a federal employment application. It is your badge of dishonor and a tacit admission that you can't or won't trust God and yourself to provide for yourself. Instead, you need a corrupted "protector" to steal money from your neighbor or counterfeit (print) it to help you pay your bills and run your life. Furthermore, if your private employer forced you to fill out the Form W-4 against your will or instituted any duress to get you to fill it out, such as threatening to fire or not hire you unless you fill it out, then he/she is:

1. Acting as an employment recruiter for the federal government.
2. Recruiting you into federal slavery in violation of the [Thirteenth Amendment](#), and [42 U.S.C. §1994](#).
3. Involved in a conspiracy to commit grand theft by stealing money from you to pay for services and protection you don't want and don't need.
4. Involved in racketeering and extortion in violation of [18 U.S.C. §1951](#).
5. Involved in money laundering for the federal government, by sending in money stolen from you to them, in violation of [18 U.S.C. §1956](#).

The higher ups at the IRS probably know the above, and they certainly aren't going to tell private employers or their underlings the truth, because they aren't going to look a gift horse in the mouth and don't want to surrender their defense of "plausible deniability". They will NEVER tell a thief who is stealing for them that they are stealing, especially if they don't have to assume liability for the consequences of the theft. No one who practices this kind of slavery, deceit, and evil can rightly claim that they are loving their neighbor and once they know they are involved in such deceit, they have a duty to correct it or become an "accessory after the fact" in violation of [18 U.S.C. §3](#). This form of deceit is also the sin most hated by God in the Bible. Below is a famous Bible commentary on [Prov. 11:1](#):

*"As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so **righteousness towards men is a branch of true religion, for he is not a godly man that is not honest**, nor can he expect that his devotion should be accepted; for, 1. **Nothing is more offensive to God than deceit in commerce. A false balance is here put for all manner of unjust and fraudulent practices [of our public dis-servants] in dealing with any person [within the public], which are all an abomination to the Lord, and render those abominable [hated] to him that allow themselves 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 wrong to our neighbour, whom God is the protector of. Men [in the IRS and the Congress] make light of such frauds, and think there is no sin in that which there is money to be got by, and, while it passes undiscovered, they cannot blame themselves for it; a blot is no blot till it is hit, Hos. 12:7, 8. But they are not the less an abomination to God, who will be the avenger of those that are defrauded by their brethren. 2. **Nothing is more pleasing to God than fair and honest dealing, nor more necessary to make us and our devotions acceptable to him: A just weight is his delight.** He himself goes by a just weight, and holds the scale of judgment with an even hand, and therefore is pleased with those that are herein followers of him. A balance cheats, under pretence of doing right most exactly, and therefore is the greater abomination to God."***  
[Matthew Henry's *Commentary on the Whole Bible*; Henry, M., 1996, c1991, under [Prov. 11:1](#)]

The Bible also says that those who participate in this kind of "commerce" with the government are practicing harlotry and idolatry. The Bible book of Revelations describes a woman called "Babylon the Great Harlot".

*"And I saw a woman sitting on a scarlet beast which was full of names of blasphemy, having seven heads and ten horns. The woman was arrayed in purple and scarlet, and adorned with gold and precious stones and*

1                    pearls, having in her hand a golden cup full of abominations and the filthiness of her fornication. And on her  
2                    forehead a name was written:

3                    MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE  
4                    EARTH.

5                    I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw  
6                    her, I marveled with great amazement.”  
7                    [[Rev. 17:3-6](#), Bible, NKJV]

8                    This despicable harlot is described below as the “woman who sits on many waters”.

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

13                    These waters are simply symbolic of a democracy controlled by mobs of atheistic people who are fornicating with the Beast  
14                    and who have made it their false, man-made god and idol:

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

17                    The Beast is then defined in Rev. 19:19 as “the kings of the earth”, which today would be our political rulers:

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

21                    Babylon the Great Harlot is “fornicating” with the government by engaging in commerce with it. Black’s Law Dictionary  
22                    defines “commerce” as “intercourse”:

23                    “**Commerce**. ...**Intercourse** by way of trade and traffic between different peoples or states and the citizens or  
24                    inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the  
25                    instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it  
26                    is carried on...”  
27                    [Black’s Law Dictionary, Sixth Edition, p. 269]

28                    If you want your rights back people, you can’t pursue government employment in the context of your private job. If you  
29                    do, the Bible, not us, says you are a harlot and that you are CONDEMNED to hell!

30                    And I heard another voice from heaven saying, “Come out of her, my people, lest you share in her sins, and lest  
31                    you receive of her plagues. For her sins have reached to heaven, and God has remembered her iniquities.  
32                    Render to her just as she rendered to you, and repay her double according to her works; in the cup which she  
33                    has mixed, mix double for her. In the measure that she glorified herself and lived luxuriously, in the same  
34                    measure give her torment and sorrow; for she says in her heart, ‘I sit as queen, and am no widow, and will not  
35                    see sorrow.’ Therefore her plagues will come in one day—death and mourning and famine. And she will be  
36                    utterly burned with fire, for strong is the Lord God who judges her.  
37                    [[Rev. 18:4-8](#), Bible, NKJV]

38                    In summary, it ought to be very clear from reading this section then, that:

- 39                    1. It is an abuse of the government’s taxing power, according to the U.S. Supreme Court, to pay public monies to private  
40                    persons or to use the government’s taxing power to transfer wealth between groups of private individuals.
- 41                    2. Because of these straight jacket constraints of the use of “public funds” by the government, the government can only  
42                    lawfully make payments or pay “benefits” to persons who have contracted with them to render specific services that  
43                    are authorized by the Constitution to be rendered.
- 44                    3. The government had to create an intermediary called the “straw man” that is a public office or agent within the  
45                    government and therefore part of the government that they could pay the “benefit” to in order to circumvent the  
46                    restrictions upon the government from abusing its powers to transfer wealth between private individuals.
- 47                    4. The straw man is a “public office” within the U.S. government. It is a creation of Congress and an agent and fiduciary  
48                    of the government subject to the statutory control of Congress. It is therefore a public entity and not a private entity  
49                    which the government can therefore lawfully pay public funds to without abusing its taxing powers.

5. Those who sign up for government contracts, benefits, franchises, or employment agree to become surety for the straw man or public office and agree to act in a representative capacity on behalf of a federal corporation in the context of all the duties of the office pursuant to Federal Rule of Civil Procedure 17(b).
6. Because the straw man is a public office, you can't be compelled to occupy the office. You and not the government set the compensation or amount of money you are willing to work for in order to consensually occupy the office. If you don't think the compensation is adequate, you have the right to refuse to occupy the office by refusing to connect your assets to the office using the de facto license number for the office called the Taxpayer Identification Number.

### **4.3 Government can't lawfully maintain records on private persons without violating their Fourth Amendment Rights**

This section will prove that one of the main reasons that the straw man had to be created is so that the government could keep records about you and use those records to tax and regulate what would otherwise be beyond their reach because private. It is a violation of the Fourth Amendment to keep public records about private persons but the government has always had the authority to keep public records about its own officers, employees, and agents.

The Fourth Amendment protects your right to privacy. In law, all rights, including your Fourth Amendment rights, are "property" that cannot be taken from you by the government without violation of due process of law.

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

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

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

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

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

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

Control over information about you therefore constitutes "property" within the meaning of the Fourth Amendment. The government cannot therefore maintain records about you as a private person without invading your privacy and when they do, they need your permission to do so. Consequently, you must become a "public officer" or government agent or "employee" in order for them to lawfully keep records about you or else they are violating your right to privacy. The right for them to keep records about you or disclose that information beyond that point is therefore an implied condition of your employment contract or the franchise agreement that you consented to. Consistent with this requirement:

1. All Currency Transaction Reports (CTRs) completed by banks in the ordinary course of their business may only lawfully be completed against those that the bank or financial institution has reason to believe are engaging in a “public office” within the government.

1.1. The authority for such reports is found in 31 U.S.C. §5331:

[TITLE 31](#) > [SUBTITLE IV](#) > [CHAPTER 53](#) > [SUBCHAPTER II](#) > § 5331  
[§ 5331. Reports relating to coins and currency received in nonfinancial trade or business](#)

(a) Coin and Currency Receipts of More Than \$10,000.—Any person—  
(1) who is engaged in a trade or business; and  
(2) who, in the course of such trade or business, receives more than \$10,000 in coins or currency in 1 transaction (or 2 or more related transactions), shall file a report described in subsection (b) with respect to such transaction (or related transactions) with the Financial Crimes Enforcement Network at such time and in such manner as the Secretary may, by regulation, prescribe.

1.2. A “trade or business” is defined as follows:

Title 31: Money and Finance: Treasury  
[PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS](#)  
[Subpart B—Reports Required To Be Made](#)  
[§103.30 Reports relating to currency in excess of \\$10,000 received in a trade or business.](#)

(11) Trade or business. The term trade or business has the same meaning as under [section 162 of title 26](#), United States Code.

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[26 U.S.C. Sec. 7701\(a\)\(26\)](#)

“The term ‘trade or business’ includes the performance of the functions of a public office.”

1.3. IRS Publication 334 says the following of the requirement for Currency Transaction Reporting:

**Form 8300.** You must file form 8300, Report of Cash Payments Over \$10,000 **Received in a Trade or Business**, if you receive more than \$10,000 in cash in one transaction, or two or more related business transactions. Cash includes U.S. and foreign coin and currency. It also includes certain monetary instruments such as cashier's and traveler's checks and money orders. Cash does not include a check drawn on an individual's personal account (personal check). For more information, see Publication 1544, Reporting Cash Payments of Over \$10,000 (Received in a Trade or Business)”  
[SOURCE: <http://famguardian.org/TaxFreedom/Forms/IRS/IRSPub334.pdf>]

1.4. The following regulation identifies when Currency Transaction Reports are Not required:

[31 CFR 103.30\(d\)\(2\) General](#)

(2) Receipt of currency not in the course of the recipient's trade or business.

**The receipt of currency in excess of \$10,000 by a person other than in the course of the person's trade or business is not reportable under 31 U.S.C. 5331.**

1.5. If you would like a form you can use to give to financial institutions who are filling out Currency Transaction Reports against you when you are NOT in fact engaged in a “trade or business” and therefore a “public office” within the U.S. Government, see:

Demand for Verified Evidence of “Trade or Business” Activity: Currency Transaction Report, Form #04.008  
<http://sedm.org/Forms/FormIndex.htm>

2. The Privacy Act, 5 U.S.C. §552a authorizes the maintenance by the government of records about government “employees” and protects their use and disclosure but says nothing about private persons who are not part of the government.

2.1. The act is found in Title 5 of the U.S. Code, which is entitled “Government Organization and Employees”. The act cannot and does not regulate the conduct or rights of private persons.



2.2. The term “individual” about whom the information is maintained is defined as a statutory “citizen of the United States” or permanent resident”, both of whom have a domicile on federal territory.

**TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES**  
**PART I - THE AGENCIES GENERALLY**  
**CHAPTER 5 - ADMINISTRATIVE PROCEDURE**  
**SUBCHAPTER II - ADMINISTRATIVE PROCEDURE**  
**Sec. 552a. Records maintained on individuals**

(a) Definitions. - For purposes of this section -

(2) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

2.3. It does not include anyone domiciled in a state of the Union. Such persons are beyond the legislative reach of Congress, because they are protected by the Fourth Amendment. “citizens and residents of the United States”, on the other hand, are domiciled on federal territory and therefore are NOT protected by the Constitution.

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

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

2.4. 5 U.S.C. §552a(b) requires that the government may not maintain the records on an “individual” without the express consent of the individual. Consequently, if the individual does not consent and notifies the agency of the absence of consent, the records must destroy and no longer maintain the records. Every time we correspond with the IRS, we tell them:

2.4.1. That we are not the “citizen” or “resident” named in the Privacy Act because not domiciled on federal territory. Therefore, we are not and cannot be the “individual” named in the Privacy Act and they have no delegated authority to maintain records about use and must destroy any records that they do have.

2.4.2. That they do not have our consent to maintain records and consequently, they must destroy the records pursuant to 5 U.S.C. §552a(b)

The above techniques are implemented in the notice below, which usually forces them to stop their enforcement action because we are then clearly beyond their jurisdiction:

Wrong Party Notice, Form #07.105  
<http://sedm.org/Forms/FormIndex.htm>

3. There is no statute authorizing requiring the disclosure of information about those who are private persons and not officers, agents, or instrumentalities of the government or in receipt of public funds.

The government can, however, maintain records on its own creations, such as its own employees, officers, agents, instrumentalities, federal corporations, and federal franchises, and it can also lawfully impose record keeping requirements upon these entities as well as a matter of public policy. It can also compel disclosure of information from such instrumentalities and no Fifth Amendment privilege may be used to resist such compulsion.

*“Incorporated [e.g. PUBLIC] banks, like other organizations, have no privilege against compulsory self-incrimination, e.g., Hale v. Henkel, 201 U.S. 43, 74-75, 26 S.Ct. 370, 378-379, 50 L.Ed. 652 (1906); Wilson v.*

*United States*, 221 U.S. 361, 382-384, 31 S.Ct. 538, 545-546, 55 L.Ed. 771 (1911); *United States v. White*, 322 U.S. 694, 699, 64 S.Ct. 1248, 1251, 88 L.Ed. 1542 (1944). Since a party incriminated by evidence produced by a third party sustains no violation of his own Fifth Amendment rights, *Johnson v. United States*, 228 U.S. 457, 458, 33 S.Ct. 572, 57 L.Ed. 919 (1913); *Couch v. United States*, 409 U.S., at 328, 93 S.Ct., at 615, the depositor plaintiffs here present no meritorious Fifth Amendment challenge to the recordkeeping requirements.”  
[*California Bankers Ass’n v. Shultz*, 416 U.S. 21,55, 94 S.Ct. 1494 (U.S.Cal. 1974)]

The above considerations, for instance, explain why the U.S. Supreme Court upheld the legality of the Bank Secrecy Act in the case of *California Bankers Ass’n v. Shultz*, 416 U.S. 21, 94 S.Ct. 1494 (U.S.Cal. 1974). That act required FDIC insured banks to maintain copies of cancelled checks against their customers. The act, ironically, was enacted to combat tax avoidance by “taxpayers” who were employing foreign bank accounts. Recall that all “taxpayers” are “public officers” within the government by virtue of participating in the “trade or business” franchise that is the main subject of Internal Revenue Code, Subtitle A:

‘One of the most damaging effects of an American’s use of secret foreign financial facilities is its undermining of the fairness of our tax laws. Secret foreign financial facilities, particularly in Switzerland, are available only to the wealthy. To open a secret Swiss account normally requires a substantial deposit, but such an account offers a convenient means of evading U.S. taxes. In these days when the citizens of this country are crying out for tax reform and relief, it is grossly unfair to leave the secret foreign bank account open as a convenient avenue of tax evasion. The former U.S. Attorney for the Southern District of New York has characterized the secret foreign bank account as the largest single tax loophole permitted by American law.’ U.S.Code Cong. & Admin.News 1970, p. 4397.  
[*California Bankers Ass’n v. Shultz*, 416 U.S. 21,29, 94 S.Ct. 1494 (U.S.Cal. 1974)]

So in effect what the Bank Secrecy Act did was force banks to become agents and spies of the government intruding on the privacy of depositors:

“We proceed then to consider the initial contention of the bank plaintiffs that the recordkeeping requirements imposed by the Secretary’s regulations under the authority of Title I deprive the banks of due process by imposing unreasonable burdens upon them, and by seeking to make the banks the agents of the Government in surveillance of its citizens.”  
[*California Bankers Ass’n v. Shultz*, 416 U.S. 21,29, 94 S.Ct. 1494 (U.S.Cal. 1974)]

In order to help the government collect more taxes, the government abused the leverage it had over the banks through the FDIC insurance franchise to impose the duties of the Bank Secrecy Act upon them without compensation. In other words, compliance with the Bank Secrecy Act became one form of “consideration” that the banks had to pay for the “privilege” of being FDIC insured. The FDIC franchise makes banks “agents” of the government. See 31 CFR §202.2:

TITLE 31--MONEY AND FINANCE: TREASURY  
CHAPTER II--FISCAL SERVICE, DEPARTMENT OF THE TREASURY  
PART 202\_DEPOSITARIES AND FINANCIAL AGENTS OF THE FEDERAL GOVERNMENT \I\  
Sec. 202.2 Designations.

(a) Financial institutions of the following classes are designated as Depositaries and Financial Agents of the Government if they meet the eligibility requirements stated in paragraph (b) of this section:

(1) Financial institutions insured by the Federal Deposit Insurance Corporation.

(2) Credit unions insured by the National Credit Union Administration.

(3) Banks, savings banks, savings and loan, building and loan, and homestead associations, credit unions created under the laws of any State, the deposits or accounts of which are insured by a State or agency thereof or by a corporation chartered by a State for the sole purpose of insuring deposits or accounts of such financial institutions, United States branches of foreign banking corporations authorized by the State in which they are located to transact commercial banking business, and Federal branches of foreign banking corporations, the establishment of which has been approved by the Comptroller of the Currency.

(b) In order to be eligible for designation, a financial institution is required to possess, under its charter and the regulations issued by its chartering authority, either general or specific authority to perform the services outlined in Sec. 202.3(b). A financial institution is required also to possess the authority to pledge collateral to secure public funds.  
[44 FR 53066, Sept. 11, 1979, as amended at 46 FR 28152, May 26, 1981; 62 FR 45521, Aug. 27, 1997]

Once the banks sign up for FDIC insurance, then they become “persons” within the meaning of federal law and thereby become liable for all the regulations that go with being such a “public officer” and agent of the government, including the

requirement to comply with the Bank Secrecy Act. This was recognized by the Supreme Court when it held the following. Notice that they say that they didn't have to address the matter of due process violation because all the banks were participating in the FDIC insurance franchise. Those that weren't participating would be "private banks", while all those that were participating essentially became "public officers" within the government who therefore forfeited their constitutional protections in exchange for privileges:

"The bank plaintiffs somewhat halfheartedly argue, on the basis of the costs which they estimate will be incurred by the banking industry in complying with the Secretary's recordkeeping requirements, that this cost burden alone deprives them of due process of law. They cite no cases for this proposition, and it does not warrant extended treatment. In its complaint filed in the District Court, plaintiff Security National Bank asserted that it was an 'insured' national bank; to the extent that Congress has acted to require records on the part of banks insured by the Federal Deposit Insurance Corporation, or of financial institutions insured under the National Housing Act, Congress is simply imposing a condition on the spending of public funds. See, e.g., *Steward Machine Co. v. Davis*, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937); *Helvering v. Davis*, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937). Since there was no allegation in the complaints filed in the District Court, and since it is not contended here that any bank plaintiff is not covered by FDIC or Housing Act insurance, it is unnecessary to consider what questions would arise had Congress relied solely upon its power over interstate commerce to impose the recordkeeping requirements. The cost burdens imposed on the banks by the recordkeeping requirements are far from unreasonable, and we hold that such burdens do not deny the banks due process of law."<sup>FN22</sup>

<sup>FN22.</sup> The only figures in the record as to the cost burden placed on the banks by the recordkeeping requirements show that the Bank of America, one of the largest banks in the United States, with 997 branches, \$29 billion in deposits, and a net income in excess of \$178 million (Moody's Bank and Finance Manual 633-636 (1972)), expended \$392,000 in 1971, including start-up costs, to comply with the microfilming requirements of Title I of the Act. Affidavit of William Ehler, App. 24-25. The hearings before the House Committee on Banking and Currency indicated that the cost of making microfilm copies of checks ranged from 1 1/2 mills per check for small banks down to about 1/2 mill or less for large banks. See House Hearings, *supra*, n. 1, at 341, 354-356; *H.Rep.No.91-975*, *supra*, at 11. The House Report further indicates that the legislation was not expected to significantly increase the costs of the banks involved since it was found that many banks already followed the practice of maintaining the records contemplated by the legislation. [*California Bankers Ass'n v. Shultz*, 416 U.S. 21, 29, 94 S.Ct. 1494 (U.S. Cal. 1974)]

Consequently, by participating in a government FDIC insurance franchise, the banks become agents and officers of the government, and the legal "person" created by that agency then became a subject of legislation later used to destroy the privacy of depositors and turn the banks literally into SPIES for the government without compensation. All of this was done by the government as a method to expand its tax revenues still further to *private* persons who would otherwise be beyond its reach. In effect, it was a conspiracy against the private right to privacy in the name of the almighty tax dollar. The ultimate consequence would also cause many private depositors ultimately to become unlawfully connected to the government "trade or business" franchise by those filling out Currency Transaction Reports against depositors who are not actually engaged in a public office in the U.S. government. We don't have any facts to back up the proposition below, but we'll bet dollars to donuts also based on the case above that:

1. There have been more than a few banks in the past who were *not* FDIC insured and who have probably resented having the Bank Secrecy Act requirements enforced upon them without compensation. More than a few of these banks, we'll bet, have probably litigated to defend their right NOT to comply with the Bank Secrecy Act just as the California Bankers Association did above.
2. That some subset of these banks at some time in the past have petitioned all the way up to the Supreme Court to have their right NOT to comply with the Bank Secrecy Act protected because they were not in receipt of any consideration to do so.
3. That the U.S. Supreme Court and/or lower courts have probably colluded to deny all the appeals of these banks who have sought to enjoin government enforcement actions to compel them without consideration or compensation to comply with the Bank Secrecy Act. The reason they did this is that they don't want to let the word get out that banks who don't participate in federal franchises don't have to obey ANY federal law. That would be disastrous for the expansion of the IRS fraud documented in the *Great IRS Hoax*, Form #11.302 book, and you know the government is never going to let the plunder and flow of laundered money to shrink from this royal SCAM. That scam is documented below:

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

Based on the analysis in this section, we can plainly and clearly see that:

1. The government had to create the straw man, who is a franchisee and an officer of the government, in order to be able to invade the privacy and activities of private persons who are otherwise beyond their legislative reach.
2. Those who partake in federal franchises such as FDIC insurance become officers and agents of the government who can lawfully have duties imposed by law upon them without compensation, such as the requirement to become a spy for the government within the Bank Secrecy Act. Such duties are not a violation of due process of law or slavery because the performance of said duties amount to the “consideration” incident to a government franchise that they are participating in.
3. Those who do business with others participating in government franchises, such as “national banks” participating in FDIC insurance franchises, may at times unwittingly surrender their right to privacy. In the California Bankers case above, that meant the bank depositors lost their privacy because they were indirect beneficiaries of the FDIC insurance franchise. Loss of privacy therefore became the consideration that depositors paid for the “privilege” of having their deposits protected by FDIC insurance. That loss of privacy consisted of:
  - 3.1. Having usually FALSE Currency Transaction Reports (CTRs) filed against them by ignorant bank employees who have not been educated on what a “trade or business” is.
  - 3.2. Having their personal checks photocopied and microfilmed and later being subject to legal discovery and for use in criminal prosecutions of depositors.
4. If you want privacy, then you:
  - 4.1. Can’t participate in government franchises
  - 4.2. Can’t do business with those who participate in government franchises.
  - 4.3. Must surrender all rights to receive any benefit from such things as government insurance.
  - 4.4. Must educate bank clerks that you are not engaged in the “trade or business” franchise and therefore may not lawfully become the subject of Currency Transaction Reports (CTRs). See:

Demand for Verified Evidence of “Trade or Business” Activity: Currency Transaction Report, Form #04.008  
<http://sedm.org/Forms/FormIndex.htm>

#### **4.4 Government can’t lawfully use, benefit from, or tax your private property without your consent**

The essence of what it means to own “property” is the right to exclude all others from using or benefitting from it. Note the emphasis of the word “exclusive” in the legal definition of property below:

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

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

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

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

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

*Criminal code. “Property” means anything of value. including real estate, tangible and intangible personal property, contract rights, choses-in-action and other interests in or claims to wealth, admission or*

1 transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal  
2 Code. Q 223.0. See also Property of another, *infra*. Dusts. Under definition in Restatement, Second, Trusts, Q  
3 2(c), it denotes interest in things and not the things themselves.  
4 [Black's Law Dictionary, Fifth Edition, p. 1095]

5 The right to exclude others from using one's property extends to EVERY other legal "person", whether artificial or natural,  
6 and certainly includes the government itself as a legal "person". The whole notion of a free government is equal protection.

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

22 The implication of equal protection is that that no group of men called "government" can have any more rights than a single  
23 human being, because all of its rights are delegated from human beings.

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

26 "And this principle follows from the structure of the respective Governments, State and Federal, and their  
27 reciprocal relations. They are different agents and trustees of the people of the several States, appointed with  
28 different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions,  
29 are mutually obligatory."  
30 [Dred Scott v. Sandford, 60 U.S. 393 (1856)]  
31

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

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

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

47 If you have a right to exclude all other human beings from using your property, then certainly you also have the right to  
48 exclude all creations of human beings, including foreign corporations called "government" from also using or benefitting  
49 from your private property. We the People cannot delegate an authority to a group of men called "government" that they  
50 themselves do not have:

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

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



1 *Nemo potest facere per alium quod per S.E. non potest. No one can do that by another which he cannot do by*  
2 *himself.*

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

5 *Quicquid acquiritur servo, acquiritur domino. Whatever is acquired by the servant, is acquired for the master.*  
6 *15 Bin. Ab. 327.*

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

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

11 Consequently, implicit in the right of owning and therefore controlling "property" is the right to exclude the government  
12 from taxing or benefitting from it or of regulating its use. The only way the government can lawfully acquire a right over  
13 your private property without just compensation mandated by the Fifth Amendment to the Constitution is therefore for you  
14 to consent to their use of it by:

- 15 1. Donating it to a public use. This includes applying for a license or participating in a franchise in which you donate  
16 property connected to the franchise to a public use, such as by connecting it with the franchise license number, the  
17 Taxpayer Identification Number or Social Security Number. . . OR  
18 2. Using the property to hurt the equal rights of others.

19 The above are confirmed by the following:

20 *"Men are endowed by their Creator with certain unalienable rights, -life, liberty, and the pursuit of happiness;"*  
21 *and to 'secure,' not grant or create, these rights, governments are instituted. **That property [or income] which a***  
22 ***man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use***  
23 ***it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second,***  
24 ***that if he devotes it to a public use [by associating it with a franchise or***  
25 ***"public right" using a de facto license number], he gives to the public a***  
26 ***right to control that use; and third, that whenever the public needs require, the public may take it***  
27 ***upon payment of due compensation.***  
28 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

29 Therefore, if you didn't use your property to hurt someone, the only way the government can lawfully reach and tax your  
30 private "property" is to fool you into consenting to donate it to a public use, a public purpose, or a public office by:

- 31 1. Compelling you to participate in government franchises that make you into a public officer. Example: Driver's license  
32 and laws that punish people for driving without a license.  
33 2. Tricking you into representing a public office in the government by indicting or enforcing against the public officer and  
34 pretending that you are such officer until you rebut them.  
35 3. Forcing you to connect the property to franchises using compelled government identification numbers.

36 The above donation process usually happens through omission rather than commission, usually through implied rather than  
37 express consent as part of a franchise agreement structured as an adhesion contract:

38 *CONTRACT. [ . . . ] An implied contract is one not created or evidenced by the explicit agreement of the*  
39 *parties, but inferred by the law, as a matter of reason and justice from their acts or conduct, the circumstances*  
40 *surrounding the transaction making it a reasonable, or even a necessary, assumption that a contract existed*  
41 *between them by tacit understanding. Miller's Appeal, 100 Pa. 568, 45 Am.Rep. 394; Landon v. Kansas City*  
42 *Gas Co., C.C.A.Kan., 10 F.2d. 263, 266; Caldwell v. Missouri State Life Ins. Co., 230 S.W. 566, 568, 148 Ark.*  
43 *474; Cameron, to Use of Cameron v. Eynon, 332 Pa. 529, 3 A.2d. 423, 424; American La France Fire Engine*  
44 *Co., to Use of American La France & Foamite Industries, v. Borough of Shenandoah, C.C.A.Pa., 115 F.2d.*  
45 *886, 867.*

46 *Implied contracts are sometimes subdivided into those "implied in fact" and those "implied in law," the former*  
47 *being covered by the definition just given, while the latter are obligations imposed upon a person by the law,*  
48 *not in pursuance of his intention and agreement, either expressed or implied, but even against his will and*  
49 *design, because the circumstances between the parties are such as to render it just that the me should have a*

1 right, and the other a corresponding liability, similar to those which would arise from a contract between them.  
2 This kind of obligation therefore rests on the principle that whatsoever it is certain a man ought to do that the  
3 law will suppose him to have promised to do. And hence it is said that, while the liability of a party to an  
4 express contract arises directly from the contract, it is just the reverse in the case of a contract "implied in law,"  
5 the contract there being Implied or arising from the liability. *Bliss v. Hoy*, 70 Vt. 534, 41 A. 1026; *Kellum v.*  
6 *Browning's Adm'r*. 231 Ky. 308. 21 S.W.2d. 459, 465. But obligations of this kind are not properly contracts at  
7 all, and should not be so denominated. There can be no true contract without a mutual and concurrent intention  
8 of the parties. Such obligations are more properly described as "quasi contracts." *Union Life Ins. Co. v.*  
9 *Glasscock*, 270 Ky. 750, 110 S.W.2d. 681, 686, 114 A.L.R. 373.  
10 [Black's Law Dictionary, Fourth Edition, p. 395]

12 "Adhesion contract. Standardized contract form offered to consumers of [government] goods and services on  
13 essentially "take it or leave it" basis without affording consumer realistic opportunity to bargain and under  
14 such conditions that consumer cannot obtain desired product or services except by acquiescing in form  
15 contract. Distinctive features of adhesion contract is that weaker party has no realistic choice as to its terms.  
16 *Cubic Corp. v. Marty*, 4 Dist., 185 C.A.3d. 438, 229 Cal.Rptr. 828, 833; *Standard Oil Co. of Calif. v. Perkins*,  
17 C.A.Or., 347 F.2d. 379, 383. Recognizing that these contracts are not the result of traditionally "bargained"  
18 contracts, the trend is to relieve parties from onerous conditions imposed by such contracts. However, not  
19 every such contract is unconscionable. *Lechmere Tire and Sales Co. v. Burwick*, 360 Mass. 718, 720, 721, 277  
20 N.E.2d. 503."  
21 [Black's Law Dictionary, Sixth Edition, p. 40]

22 Adhesion contracts have only come into vogue in the last century because of the corporatization of America and the  
23 monopolistic power that these large corporations have over the economy. If we didn't have such large, government  
24 sanctioned, corporate monopolies within specific segments of our economy, the sovereign People would have enough  
25 choice that they would never knowingly consent to an "adhesion contract" because they could entertain other competitive  
26 options. This concept of monopolistic coercion of the public also applies to the federal government. 28 U.S.C.  
27 §3002(15)(A) identifies the "United States" government as a "corporation". It also happens to be the largest corporation in  
28 the world which has a virtual monopoly in certain market segments. It has abused this monopolistic power to coerce people  
29 into complying with what amounts to an "invisible adhesion contract" called the Infernal Revenue Code. What makes this  
30 particular contract "invisible" is the fact that our public servants positively refuse to help you or notify you of precisely  
31 what activity or action makes you a party to this private contract. They do this because they don't want anyone escaping  
32 their control so that everyone will be trapped in their usurping spider web of tyranny, lies, and deceit. Hence, we had to  
33 write this memorandum so you would understand all the nuances of this invisible contract and thus make an informed  
34 choice about whether you wish to be party to it. In response to publishing the terms of this "stealth contract" within our  
35 book, the government has repeatedly harassed, threatened, and persecuted us in an effort to keep the truth away from public  
36 view. Section 4.3.2 of the Great IRS Hoax, Form #11.302 reveals some of the many devious ways that dishonest and evil  
37 public servants attempt to conceal, avoid, or hide the requirement for consent in their interactions with the public. If you  
38 haven't read that section, then we recommend going back and doing so now before you proceed further.

39 On the subject of "invisible adhesion contracts", you might want to visit the Family Guardian website and read a  
40 fascinating series of articles by George Mercier on the subject at:

Invisible Contracts, George Mercier  
<http://famguardian.org/PublishedAuthors/Indiv/MercierGeorge/GeorgeMercier.htm>

41 It is a maxim of law that you can only lose your rights or property through your voluntary consent:

42 *Quod meum est sine me auferri non potest.*  
43 What is mine cannot be taken away without my consent. *Jenk. Cent. 251. Sed vide Eminent Domain.*

44 *Id quod nostrum est, sine facto nostro ad alium transferi non potest.*  
45 What belongs to us cannot be transferred to another without our consent. *Dig. 50, 17, 11. But this must be*  
46 *understood with this qualification, that the government may take property for public use, paying the owner its*  
47 *value. The title to property may also be acquired, with the consent of the owner, by a judgment of a competent*  
48 *tribunal.*  
49 [Bouvier's Maxims of Law, 1856;  
50 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

51 It is also a maxim of law that you cannot be compelled to surrender your rights and that anything you consent to under the  
52 influence of duress is not law and creates no obligation on your part:

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

*Non videtur consensum retinuisse si quis ex praescripto minantis aliquid immutavit.*  
He does not appear to have retained his consent, if he have changed anything through the means of a party threatening. Bacon's Max. Reg. 33.  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

Furthermore, those who have consented voluntarily, even if misinformed or uninformed at the time of the consent, have no standing in court to sue for an injury:

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

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

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

*Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.

[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

Once the government has fraudulently procured your consent through unlawful duress indicated earlier, then they can claim you have no right to sue them for an injury and in effect, you have indemnified them from any liability for their injurious actions.

Governments can only tax what they physically possess and control. Possession, in turn, can only be created by the consent of the original owner that conveyed the property to them. The only way the government can "possess" a thing is to bring it within the control of a public officer.

"All the powers of the government must be carried into operation by individual agency, either through the medium of public officers, or contracts made with individuals."  
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

The essence of what it means to be a "public officer", in fact, is to possess property of the government.

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

## **5 The Ability to Regulate Private Rights and Private Conduct is Repugnant to the Constitution**

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

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

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

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

*"sic utere tuo ut alienum non lēdas"*

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

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

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

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

A CONSTITUTIONAL citizen, on the other hand, is someone who cannot consent to or choose the place of their birth. That is why birth or naturalization determines nationality but not their status under the civil laws. All civil jurisdiction is based on "consent of the governed", as the Declaration of Independence indicates. Those who do NOT consent to the civil laws that implement the social compact of the municipal government they are situated within are called "free inhabitants", "nonresidents", "transient foreigners", "non-citizen nationals", or "foreign sovereigns". These people instead are governed by the common law RATHER than the civil law.

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

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

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

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

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

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

1. Those who consent to the "social compact" and who therefore are:
  - 1.1. Individuals.
  - 1.2. Residents.
  - 1.3. Citizens.
  - 1.4. Inhabitants.
  - 1.5. PUBLIC officers serving as an instrumentality of the government.
2. Those who do NOT consent to the "social compact" and who therefore are:
  - 2.1. Free inhabitants (under the Articles of Confederation).
  - 2.2. Nonresidents.
  - 2.3. Transient foreigners.
  - 2.4. Sojourners.
  - 2.5. EXCLUSIVELY PRIVATE human beings beyond the reach of the civil statutes implementing the social compact.



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

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

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

*"When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain."*

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

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

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

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

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

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

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

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

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

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

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

*"A corporation [the U.S. government, and all those who represent it as public officers, is a federal corporation per 28 U.S.C. §3002(15)(A)] is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only."*

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

**Citizens of the United States within the meaning of this Amendment must be natural and not artificial persons; a corporate body is not a citizen of the United States.**<sup>14</sup>

<sup>14</sup> *Insurance Co. v. New Orleans*, 13 Fed. Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States, corporations accordingly have been declared unable "to claim the protection of that clause of the Fourteenth Amendment which secures the privileges and immunities of citizens of the United States against abridgment or impairment by the law of a State." *Orient Ins. Co. v. Daggs*, 172 U.S. 557, 561 (1869). This conclusion was in harmony with the earlier holding in *Paul v. Virginia*, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sec. 2. See also *Selover, Bates & Co. v. Walsh*, 226 U.S. 112, 126 (1912); *Berea College v. Kentucky*, 211 U.S. 45 (1908); *Liberty Warehouse Co. v. Tobacco Growers*, 276 U.S. 71, 89 (1928); *Grosjean v. American Press Co.*, 297 U.S. 233, 244 (1936).  
[SOURCE: Annotated Fourteenth Amendment, Congressional Research Service:  
[http://www.law.cornell.edu/amdt14a\\_hd1/](http://www.law.cornell.edu/amdt14a_hd1/)]

3. The only statutory "citizens" are public offices in the government.
4. By serving in a public office, one becomes the same type of "citizen" as the GOVERNMENT is.

These observations are consistent with the very word roots that form the word "republic". The following video says the word origin comes from "res publica", which means a collection of PUBLIC rights shared by the public. You must therefore JOIN "the public" and become a public officer before you can partake of said PUBLIC right.

Overview of America, SEDM Liberty University, Section 2.3  
<http://sedm.org/LibertyU/LibertyU.htm>

This gives a WHOLE NEW MEANING to Abraham Lincoln's Gettysburg Address, in which he refers to American government as:

*"A government of the people, by the people, and for the people."*

You gotta volunteer as an uncompensated public officer for the government to CIVILLY govern you. Hence, the only thing they can CIVILLY GOVERN, is the GOVERNMENT! Pretty sneaky, huh? Here is a whole memorandum of law on this subject proving such a conclusion:

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

The other important point we wish to emphasize is that those who are EXCLUSIVELY private and therefore beyond the reach of the civil law are:

1. Not a statutory "person" under the civil law or franchise statute in question.
2. Not "individuals" under the CIVIL law if they are human beings. All statutory "individuals", in fact, are identified as "employees" under 5 U.S.C. §2105(a). This is the ONLY statute that describes HOW one becomes a statutory "individual" that we have been able to find.
3. "foreign", a "transient foreigner", and sovereign in respect to government CIVIL but not CRIMINAL jurisdiction.
4. NOT "subject to" but also not necessarily statutorily "exempt" under the civil or franchise statute in question.

For a VERY interesting background on the subject of this section, we recommend reading the following case:

*Mugler v. Kansas*, 123 U.S. 623 (1887)  
SOURCE: [http://scholar.google.com/scholar\\_case?case=12658364258779560123](http://scholar.google.com/scholar_case?case=12658364258779560123)

## 6 Public Office and Public Interest: The Straw Man's Clothes

### 6.1 How the straw man is created and gets his "clothes"

A very important concept to understand is where the government gets the authority to create the straw man and put on his clothes. The case below explains where this authority comes from:

*"This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what without its operative effect. Looking, 126\*126 then, to the common law, from whence came the right which the Constitution protects, we find that when private property is "affected with a public interest, it ceases to be juris privati only." This was said by Lord Chief Justice Hale more than two hundred years ago, in his treatise De Portibus Maris, 1 Harg. Law Tracts, 78, and has been accepted without objection as an essential element in the law of property ever since. Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control."*  
[Munn v. Illinois, 94 U.S. 113 (1876)]

Therefore, the straw man's "clothing" is "a public interest" and he cannot exist without clothing. There is no such thing as a "naked straw man". Here is an example of this phenomenon from the vehicle code of one state, in which they recognize travelling WITH A MOTOR VEHICLE as an activity infected with "the public interest":

*Hawaii Revised Statutes  
Title 15: Transportation and Utilities*

*§271-1 Declaration of policy. The legislature of this State recognizes and declares that the transportation of persons and of property, for commercial purposes, over the public highways of this State constitutes a business affected with the public interest. It is intended by this chapter to provide for fair and impartial regulation of such transportation in the interest of preserving for the public the full benefit and use of the highways consistent with the public safety and the needs of commerce; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers, to encourage the establishment and maintenance of reasonable rates and charges for transportation and related accessorial service, without unjust discrimination, undue preference or advantage, or unfair or destructive competitive practices. This chapter shall be administered and enforced with a view to carrying out the above declaration of policy. [L 1961, c 121, pt of §2; Supp, §106C-1; HRS §271-1]*

[SOURCE: <http://law.justia.com/codes/hawaii/2010/division1/title15/chapter271/271-1/>]

Next, we must consider more carefully WHAT constitutes a "public interest". "Public interest", "public use", and "public property" are synonymous. When we discuss a "public interest", we are really talking about HOW "public property" and "public rights" are created. Governments are created to PROTECT people's PRIVATE property from harm by their neighbor. If they are a de jure government, they will provide that protection WITHOUT making the party protected or the property protected into public property. The origin of a "public interest" therefore is the right of people to defend the EQUAL PRIVATE RIGHTS of all from injury by another. This was revealed when the U.S. Supreme Court held the following:

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

The above rules are summarized below:

**Table 2: Rules for converting private property to a public use or a public office**

#	Description	Requires consent of owner to be taken from owner?
---	-------------	---------------------------------------------------

#	Description	Requires consent of owner to be taken from owner?
1	The owner of property justly acquired enjoys full and exclusive use and control over the property. This right includes <u>the right to exclude government uses</u> or ownership of said property.	Yes
2	He may not use the property to injure the equal rights of his neighbor. For instance, when you murder someone, the government can take your liberty and labor from you by putting you in jail or your life from you by instituting the death penalty against you. Both your life and your labor are “property”. Therefore, the basis for the “taking” was violation of the equal rights of a fellow sovereign “neighbor”.	No
3	He cannot be compelled or required to use it to “benefit” his neighbor. That means he cannot be compelled to donate the property to any franchise that would “benefit” his neighbor such as Social Security, Medicare, etc.	Yes
4	If he donates it to a public use, he gives the public the right to control that use.	Yes
5	Whenever the public needs require, the public may take it without his consent upon payment of due compensation. E.g. “ <u>eminent domain</u> ”.	No

Therefore, that which starts out as PRIVATE property only becomes PUBLIC property in one of two ways:

1. **With Consent of the Owner (Item 4 above):** The owner CONSENTS to donate it to a public use.
2. **Without Consent of the Owner:**
  - 2.1. The government exercises eminent domain and compensates the owner (Item 5 above).
  - 2.2. The owner uses his property to injure another (Item 2). If that injury is a crime, then not only can the government take the property used to inflict the injury away from the owner, but the owner himself becomes at least temporary PUBLIC property that is warehoused in a government building called a “jail”.

Conspicuously absent from a “public interest” in the definition of PRIVATE property is the right of the government to take a person’s property to provide a benefit of another. By this we mean the abuse of the government’s taxing power to transfer wealth or implement any kind of franchise or benefit such as Social Security:

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

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

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

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

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

Therefore, if the government insists on a right to regulate the use of your PRIVATE property or take your property from you without your consent and without compensation, they have the burden of showing that you are INJURING a specific, real, flesh and blood other person with it. If they can't meet that burden of proof, the property is not "clothed with a public interest", which is another way of saying that:

1. The straw man does not exist.
2. The straw man has no clothes and has to hide because he's naked.

Lastly, an important method of "donating otherwise PRIVATE property to a public use" and a "public interest" is CONTRACTING with the government. For instance, if you sign and submit an IRS Form W-4, you are contracting with the government because the regulations identify the form as an AGREEMENT. You are consenting to become a statutory government/public "employee" by signing and submitting the form.

Title 26: Internal Revenue  
PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE  
Subpart E—Collection of Income Tax at Source  
Sec. 31.3402(p)-1 Voluntary withholding agreements.

(a) In general.

An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of §31.3401(a)-3, made after December 31, 1970. An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee. The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder. See §31.3405(c)-1, Q&A-3 concerning agreements to have more than 20-percent Federal income tax withheld from eligible rollover distributions within the meaning of section 402.

(b) Form and duration of agreement

(2) An agreement under section 3402 (p) shall be effective for such period as the employer and employee mutually agree upon. However, either the employer or the employee may terminate the agreement prior to the end of such period by furnishing a signed written notice to the other. Unless the employer and employee agree to an earlier termination date, the notice shall be effective with respect to the first payment of an amount in respect of which the agreement is in effect which is made on or after the first "status determination date" (January 1, May 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the notice is furnished. If the employee executes a new Form W-4, the request upon which an agreement under section 3402 (p) is based shall be attached to, and constitute a part of, such new Form W-4.

26 CFR §31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements

(a) In general.

Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term "wages" includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p). References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-3).

(b) Remuneration for services.

(1) Except as provided in subparagraph (2) of this paragraph, the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a). For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are



specifically excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with respect to which a voluntary withholding agreement may be entered into under section 3402(p). See §§31.3401(c)-1 and 31.3401(d)-1 for the definitions of "employee" and "employer".

You can only earn statutory "wages" by signing a contract to become a public officer and statutory "employee" (per 26 U.S.C. §3401(c) and 5 U.S.C. §2105(a)) in the government. If you don't want to consent to work for uncle for free and instead want to maintain your status as a nonresident transient foreigner who does not contract with Uncle and is not a statutory "person" under federal law, then you have to follow the instructions in the following:

About IRS form W-8BEN, Form #04.202

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

DIRECT LINK: <http://sedm.org/Forms/Tax/Withholding/W-8BEN/AboutIRSFormW-8BEN.htm>

Anyone who either FORCES you to sign and submit an IRS form W-4 as a condition of going to work for them or says they won't accept a correctly completed IRS form W-8BEN is COMPELLING you to contract with the government and committing a tort. They are also compelling you engage in the crime of unlawfully impersonating a public officer in violation of 18 U.S.C. §912. If you would like to learn more about this fascinating subject, see:

Federal and State Tax Withholding Options for Private Employers, Form #9.001

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

## 6.2 The State Created Office of "person"

*"Liberty means responsibility. That is why most men dread it."*

[George Bernard Shaw]

This is the single most important lesson that you MUST learn. If you spend an hour to learn this material you will be rewarded for the rest of your life.

The word "person" in legal terminology is perceived as a general word which normally includes in its scope a variety of entities other than human beings. See e.g. 1 U.S.C. Sec 1. Church of Scientology v. U.S. Dept. of Justice (1979), 612 F.2d 417, 425.

One of the very first of your STATE statutes will have a section listed entitled "Definitions." Carefully study this section of the statutes and you will find a portion that reads similar to this excerpt.

*In construing these statutes and each and every word, phrase, or part hereof, where the context will permit:*

*(1) The singular includes the plural and vice versa.*

*(2) Gender-specific language includes the other gender and neuter.*

*(3) The word "person" includes individuals, children, firms, associations, joint adventures, partnerships, eSTATes, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.*

Note, however, the definition statute does not list man or woman. Therefore they are PURPOSEFULLY EXCLUDED under the following authorities:

1. The rule of statutory construction "expressio unius est exclusio alterius," where a statute or Constitution enumerates the things on which it is to operate or forbids certain things, it is ordinarily to be construed as excluding from its operation all those not expressly mentioned.

*"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded."*  
[Black's Law Dictionary, Sixth Edition, p. 581]

2. The following U.S. Supreme Court rulings:

1 "When a statute includes an explicit definition, we must follow that definition, even if it varies from that  
2 term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory

3 definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n.  
4 10 ("As a rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated");  
5 Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945) ; Fox v. Standard Oil Co. of N.J., 294 U.S.  
6 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction §  
7 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at  
8 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include  
9 the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the  
10 contrary."  
11 [Stenberg v. Carhart, 530 U.S. 914 (2000)]

12 Generally words in a statute should be given their plain and ordinary meaning. When a statute does not specifically define  
13 words, such words should be construed in their common or ordinary sense to the effect that the rules used in construing  
14 statutes are also applicable in the construction of the Constitution. It is a fundamental rule of statutory construction that:

- 15 1. Words of common usage when used in a statute should be construed in their plain and ordinary sense.
- 16 2. When a statutory definition is provided, it supersedes rather than enlarges the ordinary meaning.
- 17 3. When a statutory definition is intended to ADD to the common meaning, the statute must use the words "in addition  
18 to..." or else the statutory definition is limiting rather than expansive.
- 19 4. The ability to regulate EXCLUSIVELY PRIVATE conduct is repugnant to the constitution and therefore, statutory  
20 definitions must be construed by default to include ONLY public entities, corporations, and offices voluntarily  
21 associated with the government. One must VOLUNTEER to assume a public office before civil statutes can regulate,  
22 tax, or burden one's otherwise PRIVATE conduct. To wit:

23 *When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*  
24 *individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the*  
25 *preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants*  
26 *with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the*  
27 *common good." This does not confer power upon the whole people to control rights which are purely and*  
28 *exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of*  
29 *laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure*  
30 *another. This is the very essence of government, and 125\*125 has found expression in the maxim sic utere*  
31 *tuio ut alienum non laedas. From this source come the police powers, which, as was said by Mr. Chief Justice*  
32 *Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent*  
33 *in every sovereignty, . . . that is to say, . . . the power to govern men and things." Under these powers the*  
34 *government regulates the conduct of its citizens one towards another, and the manner in which each shall use*  
35 *his own property, when such regulation becomes necessary for the public good.*  
36 *[Munn v. Illinois, 94 U.S. 113 (1876),*  
37 *SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]*

38 If you carefully read the statute laws enacted by your STATE legislature you will also notice that they are all written with  
39 phrases similar to these five examples :

- 40 1. A person commits the offense of failure to carry a license if the person ...
- 41 2. A person commits the offense of failure to register a vehicle if the person ...
- 42 3. A person commits the offense of driving uninsured if the person ...
- 43 4. A person commits the offense of fishing if the person ...
- 44 5. A person commits the offense of breathing if the person ...

45 Notice that only "persons" can commit these STATE legislature created "infractions", which are malum prohibitum  
46 violatoins of public policy that hurt no identifiable SPECIFIC human being.

47 *"Malum prohibitum. A wrong prohibited; a thing which is wrong because prohibited; an act which is not*  
48 *inherently immoral, but becomes so because its commission is expressly forbidden by positive law; an act*  
49 *involving an illegality resulting from positive law. Compare Malum in se. "*  
50 *[Black's Law Dictionary, Sixth Edition, p. 960]*

51 Such infractions are by definition an offense committed against the "STATE." If you commit an offense against a private  
52 human, it is called a tort. Examples of torts would be any personal injury, slander, or defamation of character.

53 So how does someone become a statutory "person" and subject to regulation by STATE statutes and laws?

1 There is only one way. Contract! You must ask the STATE for permission to volunteer to become a STATE statutory civil  
2 "person". You must volunteer because the U.S. Constitution forbids the STATE from compelling you into slavery. This is  
3 found in the 13th and 14th Amendments.

4 *13th Amendment*

5 *Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall*  
6 *have been duly convicted, shall exist within the United STATES, or any place subject to their jurisdiction.*

7 *14th Amendment:*

8 *Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are*  
9 *citizens of the United States and of the STATE wherein they reside. No STATE shall make or enforce any law*  
10 *which shall abridge the privileges or immunities of citizens of the United States; nor shall any STATE deprive*  
11 *any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction*  
12 *the equal protection of the laws.*

13 You become a STATE created statutory civil "person", which is a public office and franchise status, by voluntarily taking  
14 up residency with the STATE and stepping into the office of "person." You must hold an "office" within the STATE  
15 government in order for that STATE government to CIVILLY regulate and control you. First comes the legislatively  
16 created office, then comes their civil control. If you do not have an office in STATE government, the legislature's civil  
17 control over you would also be prohibited by the Declaration of Rights section, usually found to be either Section I or II, of  
18 the STATE Constitution.

19 The most common office held in a STATE is therefore the office known as "person." Your STATE legislature created this  
20 office as a way to control people. It is an office most people occupy without even knowing that they are doing so.

21 The legislature cannot lawfully control you because you are a flesh and blood human being. God alone created you and by  
22 Right of Creation, He alone can control you. It is the nature of Law, that what One creates, One controls. This natural Law  
23 is the force that binds a creature to its creator. God created us and we are, therefore, subject to His Laws, whether or not we  
24 acknowledge Him as our Creator.

25 The way the STATE gets around God's Law and thereby civilly controls and/or "governs" the People is by creating only an  
26 office, and not a real human. This office is titled as "person" and then the legislature claims that you are filling that office.  
27 Legislators erroneously now think that they can make civil laws that also control men. They create entire bodies of laws -  
28 motor vehicle code, building code, compulsory education laws, and so on ad nauseum. They still cannot control men or  
29 women, but they can now control the office they created. And look who is sitting in that office -- YOU.

30 Then they create government departments to administer regulations to these offices. Within these administrative  
31 departments of STATE government are hundreds of other STATE created offices. There is everything from the office of  
32 janitor to the office of governor. But these administrative departments cannot function properly unless they have subjects to  
33 regulate.

34 The legislature obtains these subjects by creating an office that nobody even realizes to be an official STATE office.

35 They have created the civil office of "person."

36 The STATE creates many other offices such as police officer, prosecutor, judge etc. and everyone understands this concept.  
37 However, what most people fail to recognize and understand is the most common STATE office of all, the office of  
38 "person." Anyone filling one of these STATE offices is subject to regulation by their creator, the STATE legislature.  
39 Through the STATE created office of "person," the STATE gains its authority to regulate, control and judge you, the real  
40 human. What they have done is apply the natural law principle, "what one creates, one controls."

41 A look in Webster's dictionary reveals the origin of the word "person." It literally means "the mask an actor wears."

42 The legislature creates the office of "person" which is a mask. They cannot create real people, only God can do that. And,  
43 under natural law, they can only control that which they create. So they create the civil "office" of "person," which is  
44 merely a mask, and then they persuade a flesh and blood human being to put on that mask by offering a fictitious privilege,  
45 such as a driver license. Now the legislature has gained complete control over both the mask and the actor behind the mask.

1. A resident is another STATE office holder.
2. All STATE residents hold an office in the STATE government.
3. But not everyone who is a resident also holds the office of "person."
4. Some residents hold the office of judge and they are not persons.
5. Some residents hold the office of prosecutors and they are not persons.
6. Some residents hold the office of police office(rs) and they are not persons.
7. Some residents hold the office of legislators and they are not persons.
8. Some residents are administrators and bureaucrats and they also are not persons.
9. Some residents are attorneys and they also are not persons.
10. An attorney is a STATE officer of the court and is firmly part of the judicial branch. The attorneys will all tell you that they are "licensed" to practice law by the STATE Supreme Court. Therefore, it is unlawful for any attorney to hold any position or office outside of the judicial branch. There can be no attorney legislators - no attorney mayors - no attorneys as police - no attorneys as governor. Yes, I know it happens all the time, however, this practice of multiple office holding by attorneys is prohibited by the individual State and U.S. Constitutions and is a felony in most STATES.

If you read farther into your STATE constitution you will find a clause stating this, the Separation of Powers, which will essentially read as follows:

*Branches of government -- The powers of the STATE government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.*

Therefore, a police officer cannot arrest a prosecutor, a prosecutor cannot prosecute a sitting judge, a judge cannot order the legislature to perform and so on.

Because these "offices" are not "persons", the STATE will not, and cannot prosecute them, therefore they enjoy almost complete protection by the STATE in the performance of their daily duties. This is why it is impossible to sue or file charges against most government employees. If their crimes should rise to the level where they "shock the community" and cause alarm in the people, then they will be terminated from STATE employment and lose their absolute protection. If you carefully pay attention to the news, you will notice that these government employees are always terminated from their office or STATE employment and then are they arrested, now as a common person, and charged for their crimes. Simply put, the STATE will not eat its own.

The reason all STATE residents hold an office is so the STATE can control everything. It wants to create every single office so that all areas of your life are under the complete control of the STATE. Each office has prescribed duties and responsibilities and all these offices are regulated and governed by the STATE. If you read the fine print when you apply for a STATE license or privilege you will see that you must sign a declaration that you are in fact a "resident" of that STATE.

"Person" is a subset of resident. Judge is a subset of resident. Legislator and police officer are subsets of resident. If you hold any office in the STATE, you are a resident and subject to all legislative decrees in the form of statutes.

They will always say that we are free men. But they will never tell you that the legislatively created offices that you are occupying are not free.

They will say, "All men are free," because that is a true statement. What they do not say is, that holding any STATE office binds free men into slavery for the STATE. They are ever ready to trick you into accepting the STATE office of "person," and once you are filling that office, you cease to be free men. You become regulated creatures, called persons, totally created by the legislature. You will hear "free men" mentioned all the time, but you will never hear about "free persons."

If you build your life in an office created by the legislature, it will be built on shifting sands. The office can be changed and manipulated at any time to conform to the whims of the legislature. When you hold the office of "person" created by the legislature, your office isn't fixed. Your duties and responsibilities are ever changing. Each legislative session binds a "person" to ever more burdens and requirements in the form of more rules, laws and statutes.

Most STATE constitutions have a section that declares the fundamental power of the People:

1                   *Political power -- All political power is inherent in the People. The enunciation herein of certain Rights shall*  
2                   *not be construed to deny or impair others retained by the People.*

3       Notice that this says "people" it does not say "persons". This statement declares beyond any doubt that the People are  
4       Sovereign over their created government. This is natural law of creation and the natural flow of delegated power.

5       A Sovereign is a private, non-resident, non-domestic, non-person, non-individual, NOT SUBJECT to any real or imaginary  
6       statutory regulations or quasi laws enacted by any STATE legislature which was created by the People.

7       When you are pulled over by the police, roll down your window and say,

8                   *"You are speaking to a Sovereign political power holder. I do not consent to you detaining me. Why are you*  
9                   *detaining me against my will?"*

10      Now the STATE office of policeman knows that "IT" is talking to a flesh and blood Sovereign. The police officer cannot  
11      cite a Sovereign because the STATE legislature can only regulate what they create. And the STATE does not create  
12      Sovereign political power holders. The creation or servant is not greater than its master and maker. It is very important to  
13      lay the proper foundation, right from the beginning. Let the police officer know that you are a Sovereign. Remain in your  
14      proper office of Sovereign political power holder. Do not leave it. Do not be persuaded by police pressure or tricks to put  
15      on the mask of a STATE "person."

16      Why aren't Sovereigns subject to the STATE's charges? Because of the concept of office. The STATE is attempting to  
17      prosecute only a particular office known as "person." If you are not in that STATE created office of "person," the STATE  
18      statutes simply do not apply to you. This is common sense, for example, if you are not in the STATE of Texas, then Texas  
19      laws do not apply to you. For the STATE to control someone, they have to first create the office. Then they must coerce a  
20      warm-blooded creature to come fill that office. They want you to fill that office.

21      Here is the often expressed understanding from the United States Supreme Court, that

22                   *"... in common usage, the term "person" does not include the Sovereign, statutes employing the word person*  
23                   *are ordinarily construed to exclude the Sovereign."*  
24                   *[Wilson v. Omaha Tribe, 442 U.S. 653, 667 (1979) (quoting United States v. Cooper Corp., 312 U.S. 600, 604*  
25                   *(1941))]*

26      See also United States v. Mine Workers, 330 U.S. 258, 275 (1947).

27      The idea that the civil word "person" ordinarily excludes the Sovereign can also be traced to the

28                   *"familiar principle that the King is not bound by any act of Parliament unless he be named therein by special*  
29                   *and particular words."*  
30                   *[Dollar Savings Bank v. United States, 19 Wall. 227, 239 (1874)]*

31      As this passage suggests, however, this interpretive principle applies only to "the enacting Sovereign." United States v.  
32      California, 297 U.S. 175, 186 (1936). See also Jefferson County Pharmaceutical Assn., Inc. v. Abbott Laboratories, 460  
33      U.S. 150, 161, n. 21 (1983).

34      Furthermore, as explained in United States v. Herron, 20 Wall. 251, 255 (1874), even the principle as applied to the  
35      enacting Sovereign is not without limitations:

36                   *"Where an act of Parliament is made for the public good, as for the advancement of religion and justice or to*  
37                   *prevent injury and wrong, the king is bound by such act, though not particularly named therein; but where a*  
38                   *statute is general, and thereby any prerogative, Right, title, or interest is divested or taken from the king, in*  
39                   *such case the king is not bound, unless the statute is made to extend to him by express words."*

40      U. S. Supreme Court Justice Holmes explained:

41                   *"A Sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical*  
42                   *and practical ground that there can be no legal Right as against the authority that makes the law on which the*  
43                   *Right depends."*  
44                   *[Kawananakoa v. Polyblank, 205 U.S. 349, 353, 27 S. Ct. 526, 527, 51 L.Ed. 834 (1907)]*



1 The majority of American STATES fully embrace the Sovereign immunity theory as well as the federal government. See  
2 Restatement (Second) of Torts 895B, comment at 400 (1979).

3 The following U.S. Supreme Court case makes clear all these principals.

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

11 ... A STATE, useful and valuable as the contrivance is, is the inferior contrivance of man; and from his native dignity  
12 derives all its acquired importance. ...

13 Let a STATE be considered as subordinate to the people: But let everything else be subordinate to the STATE. The latter  
14 part of this position is equally necessary with the former. For in the practice, and even at length, in the science of politics  
15 there has very frequently been a strong current against the natural order of things, and an inconsiderate or an interested  
16 disposition to sacrifice the end to the means. As the STATE has claimed precedence of the people; so, in the same inverted  
17 course of things, the government has often claimed precedence of the STATE; and to this perversion in the second degree,  
18 many of the volumes of confusion concerning Sovereignty owe their existence. The ministers, dignified very properly by  
19 the appellation of the magistrates, have wished, and have succeeded in their wish, to be considered as the Sovereigns of the  
20 STATE. This second degree of perversion is confined to the old world, and begins to diminish even there: but the first  
21 degree is still too prevalent even in the several STATES, of which our union is composed. By a STATE I mean, a complete  
22 body of free persons united together for their common benefit, to enjoy peaceably what is their own, and to do justice to  
23 others. It is an artificial person. It has its affairs and its interests: It has its rules: It has its Rights: and it has its obligations. It  
24 may acquire property distinct from that of its members. It may incur debts to be discharged out of the public stock, not out  
25 of the private fortunes of individuals. It may be bound by contracts; and for damages arising from the breach of those  
26 contracts. In all our contemplations, however, concerning this feigned and artificial person, we should never forget, that, in  
27 truth and nature, those who think and speak and act, are men. Is the foregoing description of a STATE a true description? It  
28 will not be questioned, but it is. .... See Our Enemy The State

29 It will be sufficient to observe briefly, that the Sovereignities in Europe, and particularly in England, exist on feudal  
30 principles. That system considers the prince as the Sovereign, and the people as his subjects; it regards his person as the  
31 object of allegiance, and excludes the idea of his being on an equal footing with a subject, either in a court of justice or  
32 elsewhere. That system contemplates him as being the fountain of honor and authority; and from his grace and grant derives  
33 all franchise, immunities and privileges; it is easy to perceive that such a Sovereign could not be amenable to a court of  
34 justice, or subjected to judicial control and actual constraint. It was of necessity, therefore, that suability, became  
35 incompatible with such Sovereignty. Besides, the prince having all the executive powers, the judgment of the courts would,  
36 in fact, be only monitory, not mandatory to him, and a capacity to be advised, is a distinct thing from a capacity to be sued.  
37 The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the prince  
38 and the subject.

39 *"No such ideas obtain here (speaking of America): at the revolution, the Sovereignty devolved on the people;*  
40 *and they are truly the Sovereigns of the country, but they are Sovereigns without subjects (unless the African*  
41 *slaves among us may be so called) and have none to govern but themselves; the citizens of America are equal as*  
42 *fellow citizens, and as joint tenants in the Sovereignty."*  
43 *[Chisholm v. Georgia (February Term, 1793) 2 U.S. 419, 2 Dall. 419, 1 L. Ed 440]*

44 There are many ways you can give up your Sovereign power and accept the role of "person." One is by receiving STATE  
45 benefits. Another is by asking permission in the form of a license or permit from the STATE.

46 One of the subtlest ways of accepting the role of "person," is to answer the questions of bureaucrats. When a STATE  
47 bureaucrat knocks on your door and wants to know why your children aren't registered in school, or a police officer pulls  
48 you over and starts asking questions, you immediately fill the office of "person" if you start answering their questions.

49 It is for this reason that you should ignore or refuse to "answer" their questions and instead act like a true Sovereign, a King  
50 or Queen, and ask only your own questions of them.

1 You are not a "person" subject to their laws.

2 If they persist and haul you into their court unlawfully, your response to the judge is simple and direct, you the Sovereign,  
3 must tell him:

4 *"I have no need to answer you in this matter.*

5 *It is none of your business whether I understand my Rights or whether I understand your fictitious charges.*

6 *It is none of your business whether I want counsel.*

7 *The reason it is none of your business is because I am not a person regulated by the STATE. I do not hold any*  
8 *position or office where I am subject to the legislature. The STATE legislature does not dictate what I do.*

9 *I am a free Sovereign "Man"(or woman) and I am a political power holder as lawfully decreed in the STATE*  
10 *Constitution at article I (or II) and that constitution is controlling over you."*

11 You must NEVER retain or hire an attorney, a STATE officer of the court, to speak or file written documents for you. Use  
12 an attorney (if you must) only for counsel and advice about their "legal" system. If you retain an attorney to represent you  
13 and speak in your place, you become "NON COMPOS MENTIS", not mentally competent, and you are then considered a  
14 ward of the court. You LOSE all your Rights, and you will not be permitted to do anything herein.

15 The judge knows that as long as he remains in his office, he is backed by the awesome power of the STATE, its lawyers,  
16 police and prisons. The judge will try to force you to abandon your Sovereign sanctuary by threatening you with jail. No  
17 matter what happens, if you remain faithful to your Sovereignty, The judge and the STATE may not lawfully move against  
18 you.

19 The STATE did not create the office of Sovereign political power holder. Therefore, they do not regulate and control those  
20 in the office of Sovereign. They cannot ascribe penalties for breach of that particular office. The reason they have no  
21 authority over the office of the Sovereign is because they did not create it and the Sovereign people did not delegate to them  
22 any such power.

23 When challenged, simply remind them that they do not regulate any office of the Sovereign and that their statutes only  
24 apply to those STATE employees in legislative created offices.

25 This Sovereign individual paradigm is explained by the following U.S. Supreme Court case:

26 *"The individual may stand upon his constitutional Rights as a citizen. He is entitled to carry on his private*  
27 *business in his own way. His power to contract is unlimited. He owes no such duty [to submit his books and*  
28 *papers for an examination] to the STATE, since he receives nothing therefrom, beyond the protection of his life*  
29 *and property. His Rights are such as existed by the law of the land [Common Law] long antecedent to the*  
30 *organization of the STATE, and can only be taken from him by due process of law, and in accordance with the*  
31 *Constitution. Among his Rights are a refusal to incriminate himself, and the immunity of himself and his*  
32 *property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he*  
33 *does not trespass upon their Rights."*  
34 *[Hale v. Henkel, 201 U.S. 43 at 47 (1906)]*

35 Let us analyze this case. It says, "The individual may stand upon his constitutional Rights." It does not say, "Sit on his  
36 Rights." There is a principle here: "If you don't use 'em you lose 'em." You have to assert your Rights, demand them, "stand  
37 upon" them.

38 Next it says, "He is entitled to carry on his private business in his own way." It says "private business" - you have a Right to  
39 operate a private business. Then it says "in his own way." It doesn't say "in the government's way."

40 Then it says, "His power to contract is unlimited." As a Sovereign individual, your power to contract is unlimited. In  
41 common law there are certain criteria that determine the validity of contracts. They are not important here, except that any  
42 contract that would harm others or violate their Rights would be invalid. For example, a "contract" to kill someone is not a  
43 valid contract. Apart from this obvious qualification, your power to contract is unlimited.

Next it says, "He owes no such duty [to submit his books and papers for an examination] to the STATE, since he receives nothing therefrom, beyond the protection of his life and property." The court case contrasted the duty of the corporation (an entity created by government permission - feudal paradigm) to the duty of the Sovereign individual. The Sovereign individual doesn't need and didn't receive permission from the government, hence has no duty to the government.

Then it says, "His Rights are such as existed by the law of the land [Common Law] long antecedent to the organization of the STATE." This is very important. The Supreme Court recognized that humans have inherent Rights. The U.S. Constitution (including the Bill of Rights) does not grant us Rights. We have fundamental Rights, irrespective of what the Constitution says. The Constitution acknowledges some of our Rights. And Amendment IX STATES, "The enumeration in the Constitution, of certain Rights, shall not be construed to deny or disparage others retained by the people." The important point is that our Rights antecede (come before, are senior to) the organization of the STATE.

Next the Supreme Court says, "And [his Rights] can only be taken from him by due process of law, and in accordance with the Constitution." Does it say the government can take away your Rights? No! Your Rights can only be taken away "by due process of law, and in accordance with the Constitution." "Due process of law" involves procedures and safeguards such as trial by jury. "Trial By Jury" means, inter alia, the jury judges both law and fact.

Then the case says, "Among his Rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law." These are some of the Rights of a Sovereign individual. Sovereign individuals need not report anything about themselves or their businesses to anyone.

Finally, the Supreme Court says, "He owes nothing to the public so long as he does not trespass upon their Rights." The Sovereign individual does not have to pay taxes.

If you should discuss Hale v. Henkel with a run-of-the-mill attorney, he or she will tell you that the case is "old" and that it has been "overturned." If you ask that attorney for a citation of the case or cases that overturned Hale v. Henkel, there will not be a meaningful response. We have researched Hale v. Henkel and here is what we found :

1. We know that Hale v. Henkel was decided in 1905 in the U.S. Supreme Court.
2. Since it was the Supreme Court, the case is binding on all courts of the land, until another Supreme Court case says it isn't. Has another Supreme Court case overturned Hale v. Henkel? The answer is NO. As a matter of fact, since 1905, the Supreme Court has cited Hale v. Henkel a total of 144 times. A fact more astounding is that since 1905, Hale v. Henkel has been cited by all of the federal and STATE appellate court systems a total of over 1600 times. None of the various issues of this case has ever been overruled.

So if the STATE through the office of the judge continues to threaten or does imprison you, they are trying to force you into the STATE created office of "person." As long as you continue to claim your Rightful office of Sovereign, the STATE lacks all jurisdiction over you. The STATE needs someone filling the office of "person" in order to continue prosecuting a case in their courts.

A few weeks in jail puts intense pressure upon most "persons." Jail means the loss of job opportunities, separation from loved ones, and the piling up of debts. Judges will apply this pressure when they attempt to arraign you. When brought in chains before a crowded courtroom the issue of counsel will quickly come up and you can tell the court you are In Propria Persona or simply "PRO PER", as yourself and you need no other. Those who are "pro per" or "pro se" are "representing themselves", which means they are representing an officer in the government. Don't ever claim to be "pro se" or "pro per", but rather "sui juris":

*"Pro se. **For one's own behalf**; in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself in court."*  
[Black's Law Dictionary, Sixth, p. 1221]

*"Sui juris. Of his own right; **possessing full social and civil rights; not under any legal disability**, or the power of another, or guardianship. Having capacity to manage one's own affairs; not under legal disability to act for one's self."*  
[Black's Law Dictionary, Sixth, p. 1434]

Do not sign their papers or cooperate with them because most things about your life are private and are not the STATE's business to evaluate. Here is the Sovereign People's command in the constitution that the STATE respect their privacy:

Right of privacy -- Every man or woman has the Right to be let alone and free from governmental intrusion into their private life except as otherwise provided herein. This section shall not be construed to limit the public's Right of access to public records and meetings as provided by law. See U.S. Constitution, Ninth Amendment.

If the judge is stupid enough to actually follow through with his threats and send you to jail, you will soon be released without even being arraigned and all charges will be dropped. You will then have documented prima facie grounds for false arrest and false imprisonment charges against him personally.

Now that you know the hidden evil in the word "person", try to stop using it in everyday conversation. Simply use the correct term, MAN or WOMAN. Train yourself, your family and your friends to never use the derogatory word "person" ever again.

This can be your first step in the journey to get yourself free from all STATE control.

If you would like to learn more about the subject of this section, see:

1. *Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes*, Form #05.008  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/MemLaw/WhyThiefOrPubOfficer.pdf>
2. *Flawed Tax Arguments to Avoid*, Form #08.004, Section 7.15: Not a "person" or "individual"  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/PolicyDocs/FlawedArgsToAvoid.pdf>
3. *Requirement for Consent*, Form #05.003, Section 9: Consent is what creates the "person" or "individual" who is the only proper subject of government civil law  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/MemLaw/Consent.pdf>

### 6.3 Legal Requirements for Occupying a "Public Office"

The subject of exactly what constitutes a "public office" within the meaning described in 26 U.S.C. §7701(a)(26) is not defined in any IRS publication we could find. The reason is quite clear: the "trade or business" scam is the Achilles heel of the IRS fraud and both the IRS and the Courts are loath to even talk about it because there is nothing they can defend themselves with other than unsubstantiated presumption created by the abuse of the word "includes" and certain key "words of art". Therefore, those who want to know how they could lawfully be classified as a "public office" will have to answer that question completely on their own, which is what we will attempt to do in this section.

We begin our search with a definition of "public office" from Black's Dictionary:

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

Black's Law Dictionary Sixth Edition further clarifies the meaning of a "public office" below:

*"Essential characteristics of a 'public office' are:  
(1) Authority conferred by law,  
(2) Fixed tenure of office, and  
(3) Power to exercise some of the sovereign functions of government.*

*Key element of such test is that "officer is carrying out a sovereign function. Spring v. Constantino, 168 Conn. 563, 362 A.2d. 871, 875. Essential elements to establish public position as 'public office' are:*

Position must be created by Constitution, legislature, or through authority conferred by legislature.  
Portion of sovereign power of government must be delegated to position,  
Duties and powers must be defined, directly or implied, by legislature or through legislative authority.  
Duties must be performed independently without control of superior power other than law, and  
Position must have some permanency.”  
[Black’s Law Dictionary, Sixth Edition, p. 1230]

American Jurisprudence Legal Encyclopedia further clarifies what a “public office” is as follows:

“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.”<sup>32</sup>  
Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.<sup>33</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.<sup>34</sup> and owes a fiduciary duty to the public.<sup>35</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>36</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>37</sup>”  
[63C Am.Jur.2d, Public Officers and Employees, §247]

Ordinary or common-law employees of the government also do not qualify as “public officers”:

Treatise on the Law of Public Offices and Officers  
Book I: Of the Office and the Officer: How Officer Chosen and Qualified  
Chapter I: Definitions and Divisions

§2 How Office Differs from Employment.-A public office differs in material particulars from a public employment, for, as was said by Chief Justice MARSHALL, “although an office is an employment, it does not follow that every employment is an office. A man may certainly be employed under a contract, express or implied, to perform a service without becoming an officer.”<sup>38</sup>

“We apprehend that the term ‘office,’” said the judges of the supreme court of Maine, “implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office; and the exercise of such power within legal limits constitutes the correct discharge of the duties of such office. The power thus delegated and possessed may be a portion belonging sometimes to one of the three great departments and sometimes to another; still it is a legal power which may be rightfully exercised, and in its effects it will bind the rights of others and be subject to revision and correction only according to the standing laws of the state. An employment merely has none of these distinguishing features. A public agent acts only on behalf of his principal, the public, whose sanction is generally considered as necessary to give the acts performed the authority and power of a public act or law. And if the act be such as not to require subsequent sanction, still it is only a species of service performed under the public authority and for the public good, but not in the exercise of any standing laws which are considered as roles of action and guardians of rights.”<sup>39</sup>

“The officer is distinguished from the employee,” says Judge COOLEY, “in the greater importance, dignity and independence of his position; in being required to take an official oath, and perhaps to give an official

<sup>32</sup> State ex rel. Nagle v. Sullivan, 98 Mont 425, 40P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>33</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>34</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>35</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed Rules Evid Serv 1223).

<sup>36</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>37</sup> Indiana State Ethics Comm’n v. Nelson (Ind App) 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

<sup>38</sup> United States v. Maurice, 2 Brock. (U.S.C.C.) 96.

<sup>39</sup> Opinion of Judges, 8 Greenl. (Me.) 481.



bond; in the liability to be called to account as a public offender for misfeasance or non-feasance in office, and usually, though not necessarily, in the tenure of his position. In particular cases, other distinctions will appear which are not general."<sup>40</sup>  
[A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, pp. 3-4, §2;  
SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]

Based on the foregoing, one cannot be a "public officer" if:

1. There is not a statute or constitutional authority that specifically creates the office. All "public offices" can only be created through legislative authority.
2. Their duties are not specifically and exactly enumerated in some Act of Congress.
3. They have a boss or immediate supervisor. All duties must be performed INDEPENDENTLY.
4. They have anyone but the law and the courts to immediately supervise their activities.
5. They are serving as a "public officer" in a location NOT specifically authorized by the law. The law must create the office and specify exactly where it is to be exercised. 4 U.S.C. §72 says ALL public offices of the federal and national government MUST be exercised ONLY in the District of Columbia and not elsewhere, except as expressly provided by law.
6. Their position does not carry with it some kind of fiduciary duty to the "public" which in turn is documented in and enforced by enacted law itself.
7. The beneficiary of their fiduciary duty is other than the "public". Public service is a public trust, and the beneficiary of the trust is the public at large and not any one specific individual or group of individuals. See 5 CFR §2635.101(b) and Executive Order 12731.

All public officers must take an oath. The oath, in fact, is what creates the fiduciary duty that attaches to the office. This is confirmed by the definition of "public official" in Black's Law Dictionary:

A person who, upon being issued a commission, taking required oath, enters upon, for a fixed tenure, a position called an office where he or she exercises in his or her own right some of the attributes of sovereign he or she serves for benefit of public. *Macy v. Heverin*, 44 Md.App. 358, 408 A.2d. 1067, 1069. The holder of a public office though not all persons in public employment are public officials, because public official's position requires the exercise of some portion of the sovereign power, whether great or small. *Town of Arlington v. Bds. of Conciliation and Arbitration*, Mass., 352 N.E.2d. 914.  
[Black's Law Dictionary, Sixth Edition, p. 1230]

The oath for United States federal and state officials was prescribed in the very first enactment of Congress on March 4, 1789 as follows:

*Statutes at Large, March 4, 1789*  
*1 Stat. 23-24*

SEC. 1. Be it enacted by the Senate and [House of] Representatives of the United States of America in Congress assembled, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit: "I, A, B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall be administered within three days after the passing of this act, by any one member of the Senate, to the President of the Senate, and by him to all the members and to the secretary; and by the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the clerk; and in case of the absence of any member from the service of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to take his seat.

SEC. 2. And he it further enacted, That at the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid, shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat; and in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate.

<sup>40</sup> Throop v. Langdon, 40 Mich. 678, 682; "An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power or for a fixed term with a successor elected or appointed. An employment is an agency for a temporary purpose which ceases when that purpose is accomplished." Cons. Ill., 1870, Art. 5, §24.

SEC. 3. And be it further enacted, That the members of the several State legislatures, at the next sessions of the said legislatures, respectively, and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the State, in which such office shall be holden, to administer oaths. And the members of the several State legislatures, and all executive and judicial officers of the several States, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the State shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a re- cord or certificate thereof to be made, in the same manner, as, by the law of the State, he or they shall be directed to record or certify the oath of office.

SEC. 4. And he it further enacted, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation, which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

SEC. 5. And be it further enacted, That the secretary of the Senate, and the clerk of the House of Representatives for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words following, to wit : "I, A. B. secretary of the Senate, or clerk of the House of Representatives (as the case may be) of the United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities."

Based on the above, the following persons within the government are "public officers":

1. Federal Officers:
  - 1.1. The President of the United States.
  - 1.2. Members of the House of Representatives.
  - 1.3. Members of the Senate.
  - 1.4. All appointed by the President of the United States.
  - 1.5. The secretary of the Senate.
  - 1.6. The clerk of the House of Representatives.
  - 1.7. All district, circuit, and supreme court justices.
2. State Officers:
  - 2.1. The governor of the state.
  - 2.2. Members of the House of Representatives.
  - 2.3. Members of the Senate.
  - 2.4. All district, circuit, and supreme court justices of the state.

At the federal level, all those engaged in the above "public offices" are statutorily identified in 26 U.S.C. §2105. Consistent with this section, what most people would regard as ordinary common law employees are not included in the definition. Note the phrase "an officer AND an individual":

[TITLE 5 > PART III > Subpart A > CHAPTER 21 > § 2105](#)  
[§ 2105. Employee](#)

(a) For the purpose of this title, "employee", except as otherwise provided by this section or when specifically modified, means an officer and an individual who is—

(1) appointed in the civil service by one of the following acting in an official capacity—

- (A) the President;
- (B) a Member or Members of Congress, or the Congress;
- (C) a member of a uniformed service;
- (D) an individual who is an employee under this section;
- (E) the head of a Government controlled corporation; or
- (F) an adjutant general designated by the Secretary concerned under section 709 (c) of title 32;

(2) engaged in the performance of a Federal function under authority of law or an Executive act; and

(3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the performance of the duties of his position.

1 Within the military, only commissioned officers are “public officers”. Enlisted or NCOs (Non-Commissioned Officers)  
2 are not.

3 The “public offices” described in 26 U.S.C. §7701(a)(26) within the definition of “trade or business” are ONLY public  
4 offices located in the District of Columbia and not elsewhere. To wit:

5 [TITLE 4 > CHAPTER 3 > § 72](#)  
6 [§ 72. Public offices; at seat of Government](#)

7 *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere,*  
8 *except as otherwise expressly provided by law.*  
9 *[SOURCE: [http://www4.law.cornell.edu/uscode/html/uscode04/usc\\_sec\\_04\\_00000072----000-.html](http://www4.law.cornell.edu/uscode/html/uscode04/usc_sec_04_00000072----000-.html)]*

10 The only provision of any act of Congress that we have been able to find which authorizes “public offices” outside the  
11 District of Columbia as expressly required by law above, is 48 U.S.C. §1612, which authorizes enforcement of the Internal  
12 Revenue Code within the U.S. Virgin Islands. To wit:

13 [TITLE 48 > CHAPTER 12 > SUBCHAPTER V > § 1612](#)  
14 [§ 1612. Jurisdiction of District Court](#)

15 (a) Jurisdiction

16 *The District Court of the Virgin Islands shall have the jurisdiction of a District Court of the United States,*  
17 *including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a*  
18 *bankruptcy court of the United States. The District Court of the Virgin Islands shall have exclusive*  
19 *jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws*  
20 *applicable to the Virgin Islands, regardless of the degree of the offense or of the amount involved, except the*  
21 *ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands. Any act or failure to*  
22 *act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal*  
23 *offense described in chapter 75 of subtitle F of title 26 shall constitute an offense against the government of the*  
24 *Virgin Islands and may be prosecuted in the name of the government of the Virgin Islands by the appropriate*  
25 *officers thereof in the District Court of the Virgin Islands without the request or the consent of the United States*  
26 *attorney for the Virgin Islands, notwithstanding the provisions of section 1617 of this title.*

27 There is NO PROVISION OF LAW which would similarly extend public offices or jurisdiction to enforce any provision of  
28 the Internal Revenue Code to any place within the exclusive jurisdiction of any state of the Union, because Congress enjoys  
29 NO LEGISLATIVE JURISDICTION THERE.

30 *“It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247*  
31 *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*  
32 *internal affairs of the states; and emphatically not with regard to legislation.“*  
33 *[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]*

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

40 By law then, no “public office” may therefore be exercised OUTSIDE the District of Columbia except as “expressly  
41 provided by law”, including privileged or licensed activities such as a “trade or business”. This was also confirmed by the  
42 U.S. Supreme Court in the License Tax Cases, when they said:

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

48 *But very different considerations apply to the **internal commerce** or **domestic trade** of the States. Over this*  
49 *commerce and trade Congress has **no power of regulation nor any direct control**. This power belongs*  
50 ***exclusively** to the States. **No interference by Congress with the business of citizens transacted within a State is***  
51 ***warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to***  
52 ***the legislature.** The power to authorize a business within a State is plainly repugnant to the exclusive power of*

1 the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given  
2 in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it  
3 must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited,  
4 and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing  
5 subjects.

6 **Congress cannot authorize a trade or business**  
7 **within a State in order to tax it."**

[License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

8 Those holding Federal or State public office, county or municipal office, under the Legislative, Executive or Judicial  
9 branch, including Court Officials, Judges, Prosecutors, Law Enforcement Department employees, Officers of the Court, and  
10 etc., before entering into these public offices, are required by the U.S. Constitution and statutory law to comply with 5  
11 U.S.C. §3331, "Oath of office." State Officials are also required to meet this same obligation, according to State  
12 Constitutions and State statutory law.

13 All oaths of office come under 22 CFR, Foreign Relations, Sections §§92.12 - 92.30, and all who hold public office come  
14 under 8 U.S.C. §1481 "Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof;  
15 presumptions."

16 Under Title 22 U.S.C., Foreign Relations and Intercourse, Section §611, a Public Official is considered a foreign agent. In  
17 order to hold public office, the candidate must file a true and complete registration statement with the State Attorney  
18 General as a foreign principle.

19 The Oath of Office requires the public officials in his/her foreign state capacity to uphold the constitutional form of  
20 government or face consequences, according to 10 U.S.C. §333, "Interference with State and Federal law"

21 *The President, by using the militia or the armed forces, or both, or by any other means, shall take such*  
22 *measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful*  
23 *combination, or conspiracy, if it—*

24 *(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or*  
25 *class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and*  
26 *secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right,*  
27 *privilege, or immunity, or to give that protection; or*

28 *(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under*  
29 *those laws.*

30 *In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the*  
31 *laws secured by the Constitution.*

32 Willful refusal action while serving in official capacity violates 18 U.S.C. §1918, "Disloyalty and asserting the right to  
33 strike against the Government"

34 *Whoever violates the provision of 7311 of title 5 that an individual may not accept or hold a position in the*  
35 *Government of the United States or the government of the District of Columbia if he—*

36 *(1) advocates the overthrow of our constitutional form of government;*

37 *(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of*  
38 *government;*

39 *shall be fined under this title or imprisoned not more than one year and a day, or both.*

40 AND violates 18 U.S.C. §1346:

41 [TITLE 18](#) > [PART I](#) > [CHAPTER 63](#) > § 1346  
42 [§ 1346. Definition of "scheme or artifice to defraud"](#)

43 *" For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to*  
44 *deprive another of the intangible right of honest services.*

## 6.4 “Public Office” v. “Public Officer”

A “public office” is referred to as “ens legis”. To wit:

*“Ens Legis. L. Lat. A creature of the law; an artificial being, as contrasted with a natural person. Applied to corporations, considered as deriving their existence entirely from the law.”*  
[Black’s Law Dictionary, 4th Edition, 1951]

Every lawful “public office” requires all of the following elements to be lawfully exercised:

1. A law of Congress CREATING the public office.
2. The “office”, which has specific duties and powers conferred by law and which are authorized to be exercised only in a specific place.
3. The “officer”, who is the human being who fills the office.
4. Express consent by the human being to fill the office. This consent usually takes the form of a contract or application, being the franchise agreement, to serve as surety for all the actions of the office, including those that are unlawful.
5. A specific and limited and defined period of performance in which the office is lawfully occupied and active with the specific officer who is authorized to occupy it.
6. Public property under the custody or control of the office. This is confirmed by the definition of “public officer”:

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

When the office is lawfully occupied, a fiduciary duty is established against the officer which is owed to the public at large:

*“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.”<sup>41</sup>*  
*Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.*<sup>42</sup> *That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.*<sup>43</sup> *and owes a fiduciary duty to the public.*<sup>44</sup> *It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.*<sup>45</sup> *Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.*<sup>46</sup>”

<sup>41</sup> State ex rel. Nagle v. Sullivan, 98 Mont 425, 40P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>42</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>43</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>44</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed Rules Evid Serv 1223).

<sup>45</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>46</sup> Indiana State Ethics Comm’n v. Nelson (Ind App) 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).



Many people confuse the office with the officer and they are not the same. Some important points on this subject:

1. The “public office” is:

1.1. The franchise.

1.2. Part of the government.

1.3. A creation of the government. That government is a corporation and all corporations are statutory “citizens” and “residents” of the place they were incorporated and ONLY of that place:

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

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

1.4. A statutory “citizen” because part of the government and because the government is a corporation and therefore a “citizen” under the laws of its creation.

1.5. Domiciled in the District of Columbia pursuant to 4 U.S.C. §72 and Federal Rule of Civil Procedure 17(b).

1.6. The “taxpayer” under the I.R.C. as defined in 26 U.S.C. §7701(a)(14).

1.7. A “public trust”. The public servant is the trustee, the Constitution is the trust document, the beneficiaries are our posterity, and the corpus of the trust is the public property under the management and control of the office.

*Executive Order 12731*

*"Part 1 -- PRINCIPLES OF ETHICAL CONDUCT*

*"Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:*

***"(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.***

***TITLE 5--ADMINISTRATIVE PERSONNEL***

***CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS***

***PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE***

***BRANCH--Table of Contents***

***Subpart A--General Provisions***

*Sec. 2635.101 Basic obligation of public service.*

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

2. The “officer” occupying the public office:

2.1. Is a human being and a separate legal person from the office he occupies.

2.2. Is not the franchisee called “taxpayer”.

2.3. Is voluntary surety for the “taxpayer” or office.

2.4. Is protected by official immunity so long as he/she stays without the bounds of his expressly delegated authority as described by law.

2.5. Waives official immunity and becomes personally liable for a tort if he/she/it exceeds the bounds of his lawfully delegated authority.

Now let's apply the above concepts to the income tax, which is a franchise tax upon public offices served within the federal and not state government and which must be exercised abroad (per 26 U.S.C. §911) but not domestically. The activity subject to indirect/excise/privilege tax is a “trade or business”, which is defined as “the functions of a public office” within 26 U.S.C. §7701(a)(26). IRS forms that address the citizenship and residence of the submitter relate to the “public officer” and not the office he or she occupies. The office can have a different domicile or residence than the officer.

**EXAMPLE:** For instance, a Congressman who lives outside of the District of Columbia and commutes daily to work inside the Beltway is a nonresident of the “United States” engaged in a public office. “United States” is defined at 26 U.S.C. §7701(a)(9) and (a)(10) to include the District of Columbia and exclude states of the Union. Therefore, the states of Maryland and Virginia that surround the District of Columbia would not be part of the “United States” described in the I.R.C. As such, the Congressman is a “nonresident alien” (26 U.S.C. §7701(b)(1)(B)) but not an “individual” or “nonresident alien individual” (26 CFR §1.1441-1(c)(3)) who has earnings from a “trade or business”, which is a public office. 4 U.S.C. §72 says that office can only lawfully be exercised by the public officer, which is himself, within the District of Columbia and NOT elsewhere. Therefore, any earnings from the office originating from within the District of Columbia become taxable only at the point when the Congressman goes temporarily abroad under 26 U.S.C. §911 and avails himself of the benefits of a tax treaty. In relation to the foreign country and the tax treaty, he is an alien and therefore an “individual” and therefore pays income tax on earnings during the time he was abroad pursuant to 26 U.S.C. §871. He doesn’t owe any tax on earnings while not abroad under 26 U.S.C. §871, because he can’t be either an “individual” or an “alien” under Title 26 while he is physically located anywhere in America.

The only thing the feds can tax is foreign commerce, including imports and exports and earnings in foreign countries. They can’t tax domestic transactions within a state:

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

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

*“Thus, Congress having power to regulate commerce with foreign nations, and among [but not WITHIN] the several States, and with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.*

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

## **7 Metaphors that explain the straw man**

It may surprise you to learn that the concept of the straw man is not new to other areas of life and in fact is an imitation of:

1. God’s design for Christianity itself.
2. Object oriented programming techniques.
3. The working world.

4. Trusts within the legal field, which are used to implement the management of property of another through agency and fiduciary duty.

The following subsections will give you examples to illustrate why the straw man invented by the legal profession is not new and is an imitation of other common phenomenon. We take the time to explain these concepts so that people in various other fields other than law can more easily understand abstract straw man concepts.

## 7.1 Work world

In the work world, people seek a “jobs” as a way to earn money to support themselves. That “job” is, in fact, a straw man. Jobs allow one to receive compensation for acting as an agent and for the benefit of another. Those exercising agency on behalf of another for compensation:

1. Are called by various names in the work world, such as “employee”, agent, officer, police officer, clerk, representative, sales representative, etc.
2. Often wear a “uniform”, which is a special type of clothing that everyone in the company wears who fill that role and which create an association between the company they represent and the office they fill or task they perform. Uniforms are often considered property of the company and must be surrendered when one leaves the company. Even the U.S. Supreme Court refers to this “uniform” when they use the phrase “clothed with...”:

*Misuse of power, possessed by virtue of state law and made possible only because the **wrongdoer is clothed with the authority of state law**, is action taken "under color of" state law. [Ex parte Virginia, 100 U.S. 339, 346](#); [Home Telephone & Telegraph Co. v. Los Angeles, 227 U.S. 278, 287](#), et seq.; [Hague v. C.I.O., 307 U.S. 496, 507, 519](#); cf. 101 F.2d. 774, 790. Here the acts of appellees infringed the constitutional right and deprived the voters of the benefit of it within the meaning of § 20, unless by its terms its application is restricted to deprivations "on account of such inhabitant being an alien or by reason of his color, or race." [United States v. Classic, 313 U.S. 299 (1941)]*

3. Often wear a “badge” or “ID” or have a business card that identifies them as an agent or officer of the entity, company, or corporation they represent and who is on official business. This business card or ID has the logo of the company being represented. Policemen, for instance, wear a official badge.
4. Are often required to clock in and out when they enter and leave the “office”. They only receive compensation while they are clocked in, and wearing the “uniform” or badge is evidence that they are “clocked in”.
5. Are subject to the rules, policy, and laws of the company while they are representing the company as an officer, agent, or “employee”.

The straw man functions exactly the same way:

1. The straw man is a statutory “employee” under the laws of the government at 26 U.S.C. §3401(c ) and 5 U.S.C. §2105(a).
2. The “badge” or “uniform” of the straw man wears is the Social Security Number (SSN) or Taxpayer Identification Number (TIN). That number:
  - 2.1. Is property of the government. 20 CFR §422.103(d).
  - 2.2. May not be used for private business. In fact, it is a crime to abuse the number that can land you in jail. That crime is called “identity theft”. See:
    - 2.2.1. [42 U.S.C. §405](#)(c)(2)(C)(i): Evidence, Procedure, and Certification for payments
    - 2.2.2. [42 U.S.C. §408](#)(a)(7): Penalties
    - 2.2.3. [18 U.S.C. §1028](#)(a)(7): Fraud and related activity in connection with identification documents, authentication features, and information
    - 2.2.4. [18 U.S.C. §1028A](#): Aggravated Identity Theft
  - 2.3. Must be used in connection with the use or management of all public property.
3. The straw man “clocks in” whenever they:
  - 3.1. Use a government owned “uniform” called an SSN or TIN to conduct commercial business.
  - 3.2. Present government ID that was applied for or created in association with an SSN or TIN.For instance, if one puts an SSN or TIN on a bank account application, they become a statutory “U.S. person” pursuant to 26 U.S.C. §7701(a)(30) who is a public officer on official business. Beyond that point everything done in connection with said bank account is as an agent or officer of the government and all deposits, by association, are owned by the government and must be used in strict accordance with the “employment agreement” for public officers codified in the Internal Revenue Code Subtitles A and C franchise agreement.

## 7.2 Christianity

Christianity functions just like the straw man concept:

1. The Bible identifies the earth and the heavens as God's exclusive property. See Psalm 89:11, Psalm 33:6-9, Isaiah 42:5, Isaiah 45:18.
2. The Earth, which is God's property is identified as being under our temporary stewardship as God's "trustees".
3. The Bible is a trust indenture that:
  - 3.1. Makes the earth the corpus of a trust.
  - 3.2. Makes believers trustees over the corpus of the trust starting with Adam and Eve and all their descendants.
  - 3.3. The Settlers of the trust are the prophets who wrote the Bible while acting as God's agents and fiduciaries.
  - 3.4. The beneficiary of the trust is God. Everything we do as believers is done for his "benefit" and glory.
4. The Kingdom of Heaven is a private corporation, which is a body of personnel associated with the Bible trust indenture.
5. Jesus is the Protector of the Bible trust indenture and Kingdom of Heaven, Inc. He recruits, hires, and fires trustees, who are us as believers.
6. The Bible trust indenture instantiates the "work rules", policies, and laws for trustees and the Kingdom of Heaven, Inc. It is an employee manual for "Kingdom of Heaven, Inc.".
7. We "clock in" and enter our job based on our actions. When we are acting consistent with the Bible trust indenture, then:
  - 7.1. We are described as "bearing fruit". See John 15:1-8.
  - 7.2. Being "in him". See 1 John 4:16, 1 John 2:3-6, Col. 2:8-10.
  - 7.3. Glorifying the father. Matt. 5:16.
8. Pastors are the lawyers who supervisors for "trustees" and interpret the company rules and policy found in the Bible. They are God's "Dept. of Justice", and "HR Department" for the "Kingdom of Heaven, Inc.".
9. "Prayer" is the method of talking directly to the owner of the company, God, when you have a question about your duties as a trustee.

If you would like to learn much more about this fascinating subject, please consult:

1. *Delegation of Authority Order from God to Christians*, Form #13.007  
<http://sedm.org/Forms/FormIndex.htm>
2. *Ministry Introduction*, Form #12.014  
<http://sedm.org/Forms/FormIndex.htm>

## 7.3 Computer Programming

Object Oriented Programming (OOP) began in the mid 1960's with the Simula 67 programming language. Object oriented programming has taken over most areas of the computing and programming field and forms the basis for all modern computer operating systems, including Microsoft Windows and MAC OS. At its core, OOP depends on:

1. Classes that implement properties and methods that relate to specific types of objects.
2. Instances of objects that encapsulate the functionality of specific classes.
3. Abstraction so as to make the data and processes that operate upon the data internally transparent to other programming routines that call the processes.
4. Modularization of functionality within computer programs to create reusable tools for specific programming applications.

Object-oriented programming developed as the dominant programming methodology in the early and mid 1990's when programming languages supporting the techniques became widely available. These included Visual FoxPro 3.0, [C++](#), and Delphi. Its dominance was further enhanced by the rising popularity of [graphical user interfaces](#), which rely heavily upon object-oriented programming techniques. An example of a closely related dynamic GUI library and OOP language can be found in the [Cocoa](#) frameworks on [Mac OS X](#), written in [Objective-C](#), an object-oriented, dynamic messaging extension to C based on Smalltalk. OOP toolkits also enhanced the popularity of [event-driven programming](#) (although this concept is not limited to OOP). Some feel that association with GUIs (real or perceived) was what propelled OOP into the programming mainstream.

1 Object oriented programming techniques came after the straw man concept and are an emulation of how the straw man  
2 works:

- 3 1. The data managed by classes is the thing being managed and manipulated by the methods or processes that it  
4 implements. Similarly, the thing being managed by the straw man is public property.
- 5 2. Classes and the objects that instantiate them function as the “clothes” that data and processes “wear”. They are the  
6 equivalent of the association of a name with the Social Security Number, which association identifies the holder of the  
7 number as an agent or proxy for the government who manages public property.
- 8 3. The programming logic that implements the class manages the data within the class. That logic finds its legal  
9 equivalent in the written law, which regulates processes and activities of all those who manage the data within the  
10 class.
- 11 4. Classes act as a proxy or agent through which methods exposed by the class may be used to manipulate the data  
12 contained within the class. Similarly, the law makes the straw man the proxy or agent through which the use of public  
13 property under the custody and control of the government is regulated and controlled.
- 14 5. To get to the data within the class and manipulate it, you have to go through the methods exposed by the class.  
15 Similarly, to avail yourself of the “benefits” of using the public/government property managed by the straw man, you  
16 have to use procedures and methods and forms created and exposed by the written law and you must do so as an agent  
17 and public officer of the government. It is unlawful for private parties to use or “benefit” from public property without  
18 the consent of the government and without obeying the laws that regulate the use of said property.

## 19 **8 Franchises implemented as trusts are the vehicle used to create the “straw** 20 **man”**

21 Every straw man we have identified:

- 22 1. Is a “public officer” within the government.
- 23 2. Is in receipt, custody, or control of public property.
- 24 3. Has a fiduciary duty to the government as a “trustee” over public property.
- 25 4. Consented at some point to act as a “trustee” by filling out a government form such as a license or application for  
26 “benefits”. See:

<i>The Government “Benefits” Scam</i> , Form #05.040 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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27 Why did the government use the mechanism of trusts to implement the straw man? Because once you sign up to become  
28 the trustee, you can’t resign without the express permission of the beneficiary under the terms of the trust indenture or  
29 contract itself. You know the government ain’t NEVER gonna give you permission to quit your job as trustee and their free  
30 WHORE.

### 31 **VIII. Devestment of Office.**

32 *A trustee is discharged:*

- 33 (1) *by extinction of the trust,*
- 34 (2) *by completion of his duties,*
- 35 (3) *by such means as the instrument contemplates,*
- 36 (4) *by consent of the beneficiaries,*
- 37 (5) *by judgment of a competent court.*<sup>47</sup>

38 [...]

39 *The trustee cannot abandon his trust, and even if he conveys away the property he will still remain liable as*  
40 *trustee;*<sup>48</sup> *but he may resign.*<sup>49</sup>

<sup>47</sup> Rev. Civ. Code So. Dak. (1903), 1651; Rev. Code N. Dak (1895), 4298; Civ. Code Cal. (1903), 2282.

<sup>48</sup> Webster v. Vandeventer, 6 Gray, 428.

<sup>49</sup> Mass. Rev. Laws (1902), ch. 147, 12.



Resignation. The resignation in most jurisdictions may be at pleasure,<sup>50</sup> and in any jurisdiction for good reason.<sup>51</sup>

**To be effective, the resignation must be made either according to an express provision of the trust instrument,<sup>52</sup> or with the assent of all the beneficiaries or the court.<sup>53</sup>**

The assent of the beneficiaries must be unanimous; hence, if some are under age, unascertained, unborn, or incompetent, a valid assent cannot be given by the beneficiaries, and resort must be had to the court.

The mere resignation and acceptance thereof will not convey the title to the property, but the trustee should then divest himself of the property by suitable conveyances, and complete his duties, and until he does so he will remain liable as trustee.<sup>54</sup>

**Even where all persons in interest assent, it has been suggested that the resignation is not complete without the action of the court,<sup>55</sup> but it is, to say the least, doubtful ; and especially as all persons who are likely to raise the question are concluded by their assent.**

The resignation need not be in writing, and where a trustee has conveyed the trust property to a successor appointed by the court, there being no evidence of any direct resignation, one would be presumed.<sup>56</sup>

Ordinarily courts of probate have jurisdiction in these matters; but where it is not specially given to them, a court of equity will have the power to accept a resignation among its ordinary powers, and generally has concurrent jurisdiction where the Probate Court has the power.<sup>57</sup>

The court will not accept a resignation until the retiring trustee has settled his account,<sup>58</sup> and returned any benefit connected with the office,<sup>59</sup> and in some jurisdictions they will require a successor to be provided for.<sup>60</sup>

Where there is more than one trust in the same instrument, the rule for resignation is the same as for acceptance; namely, unless the trusts are divisible, all or neither must be resigned.<sup>61</sup>  
[A Trustees Handbook, Third Edition, August Peabody Loring, 1907, Little, Brown, and Company, pp. 19-22;  
SOURCE: <http://www.archive.org/details/trusteeshandbook00loriala>]

Because you can't quit as trustee without their permission, government franchises and "benefits" behave as "adhesion contracts". Below is the definition of an "adhesion contract":

***"Adhesion contract.*** Standardized contract form offered to consumers of [government] goods and services on essentially "take it or leave it" basis without affording consumer realistic opportunity to bargain and under such conditions that consumer cannot obtain desired product or services except by acquiescing in form contract. Distinctive features of adhesion contract is that weaker party has no realistic choice as to its terms. *Cubic Corp. v. Marty*, 4 Dist., 185 C.A.3d. 438, 229 Cal.Rptr. 828, 833; *Standard Oil Co. of Calif. v. Perkins*, C.A.Or., 347 F.2d. 379, 383. Recognizing that these contracts are not the result of traditionally "bargained" contracts, the trend is to relieve parties from onerous conditions imposed by such contracts. However, not every such contract is unconscionable. *Lechmere Tire and Sales Co. v. Burwick*, 360 Mass. 718, 720, 721, 277 N.E.2d. 503."  
[Black's Law Dictionary, Sixth Edition, p. 40]

We allege that the nature of Social Security as a trust and your role as a "trustee" explains why:

<sup>50</sup> Bogle v. Bogle, 3 Allen, 158; Ellis v. Boston, H. & E. Railroad, 107 Mass. 1 ; statutes passim.

<sup>51</sup> Craig v. Craig, 3 Barb. Ch. 76 ; Dean v. Lanford, 9 Rich. Eq. (S. C.) 423.

<sup>52</sup> Stearns v. Fraleigh, 39 Fla. 603.

<sup>53</sup> Cruger y. Halliday, 11 Paige, 314.

<sup>54</sup> Ibid.

<sup>55</sup> Matter of Miller, 15 Abb. Pr. 277.

<sup>56</sup> Thomas v. Higham, 1 Bail. Eq. 222.

<sup>57</sup> Bowditch v. Banuelos, 1 Gray, 220.

<sup>58</sup> Statutes passim. In re Olmstead, 24 App. Div. (N. Y.) 190.

<sup>59</sup> Statutes passim. In re Olmstead, 24 App. Div. (N. Y.) 190.

<sup>60</sup> Civ. Code Cal. (1903), 2260; Rev. Civ. Code So. Dak. (1903), §1638.

<sup>61</sup> Carruth v. Carruth, 118 Mass. 431.

1. They can tell you that you aren't allowed to quit. The trust indenture doesn't permit the trustees to quit.
2. They will fraudulently call you the "beneficiary" even though technically you AREN'T the beneficiary, but the "trustee". They want to fool you into believing that you are "benefitted" by being their cheap whore so you won't rattle your legal chains and try to resign as trustee or complain about the burdens of your uncompensated position. The BIG secret they can't clue you into is that you didn't get any "consideration" in exchange for your duties so the contract is not legally enforceable. The Courts have ruled that you have no legally enforceable right to collect anything.

"... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time."  
[United States Railroad Retirement Board v. Fritz, [449 U.S. 166](#) (1980)]

"We must conclude that **a person covered by the Act has not such a right in benefit payments**... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint."  
[Flemming v. Nestor, [363 U.S. 603](#) (1960)]

3. They will accept anyone as an applicant. All it takes to become a trustee is your consent, and they don't care where you live, including outside of federal territory. Technically, 20 CFR §422.104 says that only statutory "citizens" and "permanent residents", both of whom are "U.S. persons" with a domicile on federal territory, can lawfully participate. However, in practice, if you go to the Dept. of Motor Vehicles to obtain a license and tell them you don't qualify for Social Security, they will demand a rejection letter from the Social Security Administration indicating that you don't qualify. Social Security then will say that you do qualify even if you aren't a "U.S. citizen" or "permanent resident" because their main job is to recruit more "taxpayers", not to follow the law.

The above may explain why the Bible says the following on the subject of government franchises, licenses, and "benefits":

*"My son, if sinners [socialists, in this case] entice you,  
**Do not consent [do not abuse your power of choice]**  
If they say, "Come with us,  
Let us lie in wait to shed blood [of innocent "nontaxpayers"];  
Let us lurk secretly for the innocent without cause;  
Let us swallow them alive like Sheol,  
And whole, like those who go down to the Pit:  
**We shall fill our houses with spoil [plunder];**  
Cast in your lot among us,  
Let us all have one purse [share the stolen LOOT]"--*

**My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a "U.S. citizen"].**  
*Keep your foot from their path;  
For their feet run to evil,  
And they make haste to shed blood.  
Surely, in vain the net is spread  
In the sight of any bird;  
**But they lie in wait for their own blood.**  
**They lurk secretly for their own lives.**  
**So are the ways of everyone who is greedy for gain [or unearned government benefits];**  
**It takes away the life of its owners."**  
[[Proverbs 1:10-19](#), Bible, NKJV]*

*For thus says the LORD: " You have sold yourselves for nothing, And you shall be redeemed without money."  
[Isaiah 52:3, Bible, NKJV]*

The Social Security scam above is further documented later in section 10.6. This whole mess started in 1939, and it happened during Traitor Franklin Delano Roosevelt's presidency. In that year:

1. The Trust Indenture Act of 1939 was enacted that codified the above rules. See:

Trust Indenture Act of 1939, 15 U.S.C., Chapter 2A <a href="http://straylight.law.cornell.edu/uscode/html/uscode15/usc_sup_01_15_10_2A.html">http://straylight.law.cornell.edu/uscode/html/uscode15/usc_sup_01_15_10_2A.html</a>
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2. The Public Salary Tax Act of 1939 was passed, authorizing taxes on the salaries of "public officers". This tax is STILL the basis for the modern Internal Revenue Code. See:

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Form 05.042, Rev. 2-4-2010

99 of 206

EXHIBIT: \_\_\_\_\_

Public Salary Tax Act of 1939

<http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm>

3. The Internal Revenue Code was enacted into law for the first time. See:

Internal Revenue Code of 1939

<http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm>

Only one year after all the above happened, the Buck Act of 1940 was enacted authorizing states to impose income taxes upon “public officers” of the United States government, thus completing the transformation of our tax system into a franchise based tax upon public offices that was common between both the states of the Union and the Federal government. The Buck Act can be found at 4 U.S.C. §105-113.

Most government franchises are implemented as trusts. When you complete and sign an application for a franchise such as Social Security, the following mechanisms occur:

1. A “public office” is created.
2. You become surety for the public office and thereby enter into a partnership with the office your consent created. That partnership, in fact, is the one referenced in the definition of “person” found in 26 U.S.C. §6671(b). You are in partnership with Uncle Sam, in fact, because the office is owned by Uncle:

*TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671  
§ 6671. Rules for application of assessable penalties*

*(b) Person defined*

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

3. You become a trustee and fiduciary in relation to the beneficiary, which is the government and not you.
4. You forfeit all rights affected by the franchise itself.

*“The Government urges that the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. .... The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.”  
[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]*

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

The reason the courts keep the subject of the “trade or business” franchise and the public offices that attach to it secret, is because they don’t want to inform the public of how they are TRAPPED into becoming uncompensated “employees” and “officers” of the government. It’s a legalized peonage and slavery scheme that no one would consent to if they were given all the facts about the affects of it BEFORE they signed that government application for a license or a benefit. Your consent instead is procured through constructive fraud and out of your own legal ignorance. They dumb you down about law in the public fool academy and then harvest your property using the stupidity they manufactured. Welcome to “The Matrix”, Neo.

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

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

The weak point of the abuse of franchises and trusts to enslave you are the following:

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100 of 206

EXHIBIT: \_\_\_\_\_

1. There is no legally enforceable “consideration” so the franchise contract is unenforceable.
2. Your consent was procured before you became an adult. Contracts as a minor are unenforceable.
3. Your consent was not fully informed.
4. The contract was not signed by BOTH parties to it. There is no government signature, so it can’t be binding.
5. The concept of equal protection and equal treatment that is the foundation of the Constitution allows you employ the same techniques to protect yourself using franchises that they use to enslave you. In other words, you can make your own “anti-franchise franchise”. See:

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

If you would like to know more about all the devious and harmful effects that both trusts and franchises have upon your rights, see:

1. [Government Instituted Slavery Using Franchises](http://sedm.org/Forms/FormIndex.htm), Form #05.030  
<http://sedm.org/Forms/FormIndex.htm>
2. [Trusts: Invisible Snares](http://famguardian.org/PublishedAuthors/Media/Antishyster/V12N1-Trusts.pdf) (ASNM, Vol. 12, No. 1)  
<http://famguardian.org/PublishedAuthors/Media/Antishyster/V12N1-Trusts.pdf>
3. [A Trustees Handbook, Third Edition](http://www.archive.org/details/trusteeshandbook00loriala), August Peabody Loring, 1907, Little, Brown, and Company, pp. 19-22  
<http://www.archive.org/details/trusteeshandbook00loriala>
4. [The Truth About Trusts](http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N1-TheTruthAboutTrusts.pdf) (ASNM, Vol. 7, No. 1)  
<http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N1-TheTruthAboutTrusts.pdf>
5. [Trust Fever](http://famguardian.org/Subjects/Taxes/Articles/trust%20fever.pdf) (ASNM, Vol. 7, No. 1)  
<http://famguardian.org/Subjects/Taxes/Articles/trust%20fever.pdf>
6. [Trust Fever II: Divide and Conquer](http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N4-DivideAndConquer.pdf) (ASNM, Vol. 7, No. 4)  
<http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N4-DivideAndConquer.pdf>

## **9 The Founding Fathers and the Bible Both Say You Shouldn’t Engage in Commerce or Franchises with the Government or Act as a “Straw Man”**

Franchises are therefore an outgrowth of your absolute right to contract and they require either implicit or explicit consent in order for the terms of the franchise agreement to be enforceable against you. It is interesting to note that our most revered founding fathers warned against engaging in contracts or alliances, and by implication “franchises”, with any government, when they said the following. Now do you understand why the founding fathers made federal legislative jurisdiction “foreign” with respect to the states using the separation of powers?:

*“My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic; but to keep the United States free from political connections with every other Country. To see that they may be independent of all, and under the influence of none. In a word, I want an American character, that the powers of Europe may be convinced we act for ourselves and not for others [as “public officers”]; this, in my judgment, is the only way to be respected abroad and happy at home.”*

*[George Washington, (letter to Patrick Henry, 9 October 1775);*

*Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]*

*“About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; **peace, commerce, and honest friendship with all nations – entangling alliances [contracts, treaties, franchises] with none;**”*

*[Thomas Jefferson, First Inaugural Address, March 4, 1801]*

The Bible also disdains contracts, covenants, and franchises with those who are not believers and especially with foreign governments such as the District of Columbia.

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

1  
2  
3 "Take heed to yourself, lest you make a covenant or mutual agreement [contract, franchise agreement] with the  
4 inhabitants of the land to which you go, lest it become a snare in the midst of you."  
[Exodus 34:12, Bible, Amplified version]

5  
6  
7 "Do not walk in the statutes of your fathers [the heathens], nor observe their judgments, nor defile yourselves  
8 with their [pagan government] idols. I am the LORD your God: Walk in My statutes, keep My judgments, and  
9 do them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the  
10 LORD your God."  
[Ezekial 20:10-20, Bible, NKJV]

11  
12 Avoid Bad Company

13 "My son, if sinners [socialists, in this case] entice you,  
14 Do not consent [to their contracts, franchises, or offices]  
15 If they say, "Come with us,  
16 Let us lie in wait to shed blood;  
17 Let us lurk secretly for the innocent without cause;  
18 Let us swallow them alive like Sheol,  
19 And whole, like those who go down to the Pit:  
20 We shall fill our houses with spoil [plunder];  
21 Cast in your lot among us,  
22 Let us all have one purse"—[the GOVERNMENT'S PURSE!]  
23 My son, do not walk in the way with them,  
24 Keep your foot from their path;  
25 For their feet run to evil,  
26 And they make haste to shed blood.  
27 Surely, in vain the net is spread  
28 In the sight of any bird;  
29 But they lie in wait for their own blood.  
30 They lurk secretly for their own lives.  
31 So are the ways of everyone who is greedy for gain [government "benefits"];  
32 It takes away the life of its owners."  
33 [Proverbs 1:10-19, Bible, NKJV]

34 Franchises are the main method by which malicious public servants in the government have systematically and  
35 surreptitiously:

- 36 1. Corrupted the original purpose of the charitable public trust called "government" and usurped it in order to:  
37 1.1. Unconstitutionally expand their power and influence.  
38 1.2. Increase the pecuniary benefits of those serving the government.  
39 1.3. Deprive most Americans of equal protection that is the foundation of the United States Constitution.  
40 2. Exceeded their territorial jurisdiction very deliberately put there for the protection of private rights.

41 Debitum et contractus non sunt nullius loci.  
42 Debt and contract [franchise agreement, in this case] are of no particular place.

43  
44 Locus contractus regit actum.  
45 The place of the contract [franchise agreement, in this case] governs the act.

46  
47 [Bouvier's Maxims of Law, 1856;  
48 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

- 49 3. Destroyed the separation of powers between the states and the federal government put there by the founding fathers for  
50 the protection of our liberties. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023  
<http://sedm.org/Forms/FormIndex.htm>

- 51 4. Enforced federal statutory law directly against persons domiciled in states of the Union who do not work for the  
52 government and avoided the requirement to publish implementing enforcement regulations in the Federal Register.  
53 See:



5. Introduced and expanded communism and socialism within America and inducted Americans unwittingly into the service of the these causes:

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

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

For further details, see:

Socialism: The New American Civil Religion, Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

6. Created the “administrative state”, whereby federal agencies are empowered to directly and unconstitutionally supervise the activities of private citizens and enforce federal statutory law against them. This sort of intrusion is repugnant to the Constitution:

“The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide modes of redress” against offensive state action, was “repugnant” to the Constitution. *Id.*, at 15. See also *United States v. Reese*, 92 U.S. 214, 218 (1876) ; *United States v. Harris*, 106 U.S. 629, 639 (1883) ; *James v. Bowman*, 190 U.S. 127, 139 (1903) . Although the specific holdings of these early cases might have been superseded or modified, see, e.g., *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964) ; *United States v. Guest*, 383 U.S. 745 (1966) , their treatment of Congress’ §5 power as corrective or preventive, not definitional, has not been questioned.”  
[*City of Boerne v. Flores, Archbishop of San Antonio*, 521 U.S. 507 (1997) ]

7. Caused a destruction of sovereign immunity and rights of persons domiciled in states of the Union that brings them under the control of the foreign law system that makes up the U.S. Code. See 28 U.S.C. §1605.

“If men, through fear, fraud, or mistake, should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave.”  
[Samuel Adams, 1772]

8. Invaded the exclusive sovereignty of families and churches over charitable causes. Only churches and families can lawfully engage in charitable causes. The U.S. Supreme Court has said that the government may not use its power to tax to compel anyone to subsidize “benefits”, whether charitable or not, to the public at large:

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

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

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

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

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

25 [Loan Association v. Topeka, 20 Wall. 655 (1874)]

26 Anyone who either compels or entices you to participate in franchises or the public office that implements them is  
27 committing Treason against your God give rights if you are not in fact and in deed domiciled physically on federal territory.  
28 For an explanation of why this is, see:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037

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

## 29 **10 Proof of the existence of the straw man**

30 The following subsections will present proof of the existence of the straw man from all the sources we have been able to  
31 find so far. Each section will contain a single example or instance from a specific context. Collectively, they form an  
32 irrefutable body of evidence demonstrating far beyond a reasonable doubt that:

- 33 1. The “straw man” does exist.
- 34 2. The government invented the “straw man” through the mechanism of franchises that behave as trust indentures.
- 35 3. Franchises and the trusts they implement were the only method available to bypass the straight jacket chains of the  
36 constitution, as Jefferson calls it.

### 37 **10.1 All Government enforcement authority almost exclusively over only the “straw man”**

38 “Our records indicate that the Internal Revenue Service has not incorporated by reference [as required by  
39 Implementing Regulation 26 CFR §601.702(a)(1)] a requirement to make an income tax return.” [Emphasis  
40 added]

41 [SEDM Exhibit #05.005;

42 SOURCE: <http://sedm.org/Exhibits/ExhibitIndex.htm/>

43 This section demonstrate that the only lawful target of nearly all government enforcement activity are its own officers,  
44 agents, and employees in the context of their official duties.

45 The Federal Register Act, 44 U.S.C. §1505 et seq., and the Administrative Procedures Act, 5 U.S.C. §553 et seq, both  
46 describe laws which may be enforced as “laws having general applicability and legal effect”. Laws which have general

applicability and legal effect are laws that apply to persons OTHER than those in the government or to the public at large. To wit, read the following, which is repeated in slightly altered form in 5 U.S.C. §553(a):

TITLE 44 > CHAPTER 15 > § 1505  
§ 1505. Documents to be published in Federal Register

*(a) Proclamations and Executive Orders; Documents Having General Applicability and Legal Effect; Documents Required To Be Published by Congress. There shall be published in the Federal Register—*

*[ . . . ]*

*For the purposes of this chapter every document or order which prescribes a penalty has general applicability and legal effect.*

The requirement for “reasonable notice” or “due notice” as part of Constitutional due process extends not only to statutes and regulations AFTER they are enacted into law, such as when they are enforced in a court of law, but also to the publication of proposed statutes and rules/regulations BEFORE they are enacted and subsequently enforced by agencies within the Executive Branch. The Federal Register is the ONLY approved method by which the public at large domiciled in “States of the Union” are provided with “reasonable notice” and an opportunity to comment publicly on new or proposed statutes OR rules/regulations which will directly affect them and which may be enforced directly against them.

TITLE 44 > CHAPTER 15 > § 1508  
§ 1508. Publication in Federal Register as notice of hearing

*A notice of hearing or of opportunity to be heard, required or authorized to be given by an Act of Congress, or which may otherwise properly be given, shall be deemed to have been given to all persons residing within the States of the Union and the District of Columbia, except in cases where notice by publication is insufficient in law, when the notice is published in the Federal Register at such a time that the period between the publication and the date fixed in the notice for the hearing or for the termination of the opportunity to be heard is—*

Neither statutes nor the rules/regulations which implement them may be directly enforced within states of the Union against the general public unless and until they have been so published in the Federal Register.

TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552  
§ 552. Public information; agency rules, opinions, orders, records, and proceedings  
§ 1508. Publication in Federal Register as notice of hearing

*Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.*

26 CFR §601.702 Publication and public inspection

*(a)(2)(ii) Effect of failure to publish.*

*Except to the extent that a person has actual and timely notice of the terms of any matter referred to in subparagraph (1) of this paragraph which is required to be published in the Federal Register, such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to subdivision (i) of this subparagraph. Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by reference will not adversely change or affect a person's rights.*

The only exceptions to the requirement for publication in the Federal Register of the statute and the implementing regulations are the groups specifically identified by Congress as expressly exempted from this requirement, as follows:

1. A military or foreign affairs function of the United States. 5 U.S.C. §553(a)(1) .
2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. 5 U.S.C. §553(a)(2) .
3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. 44 U.S.C. §1505(a)(1).

Based on the above, the burden of proof imposed upon the government at any due process meeting in which it is enforcing any provision is to produce at least ONE of the following TWO things:

1. Evidence signed under penalty of perjury by someone with personal, first-hand knowledge, proving that you are a member of one of the three groups specifically exempted from the requirement for implementing regulations, as identified above.
2. Evidence of publication in the Federal Register of BOTH the statute AND the implementing regulation which they seek to enforce against you.

Without satisfying one of the above two requirements, the government is illegally enforcing federal law and becomes liable for a constitutional tort. For case number two above, the federal courts have said the following enlightening things:

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*"...for federal tax purposes, federal regulations [rather than the statutes ONLY] govern."  
[Dodd v. United States, 223 F Supp 785]*

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*"When enacting §7206(1) Congress undoubtedly knew that the Secretary of the Treasury is empowered to prescribe all needful rules and regulations for the enforcement of the internal revenue laws, so long as they carry into effect the will of Congress as expressed by the statutes. Such regulations have the force of law. **The Secretary, however, does not have the power to make law.** Dixon v. United States, supra."  
[United States v. Levy, 533 F.2d. 969 (1976)]*

---

*"An administrative regulation, of course, is not a "statute." While in practical effect regulations may be called "little laws," 7 they are at most but offspring of statutes. Congress alone may pass a statute, and the Criminal Appeals Act calls for direct appeals if the District Court's dismissal is based upon the invalidity or construction of a statute. See United States v. Jones, 345 U.S. 377 (1953). This Court has always construed the Criminal Appeals Act narrowly, limiting it strictly "to the instances specified." United States v. Borden Co., 308 U.S. 188, 192 (1939). See also United States v. Swift & Co., 318 U.S. 442 (1943). Here the statute is not complete by itself, since it merely declares the range of its operation and leaves to its progeny the means to be utilized in the effectuation of its command. But it is the statute which creates the offense of the willful removal of the labels of origin and provides the punishment for violations. The regulations, on the other hand, prescribe the identifying language of the label itself, and assign the resulting tags to their respective geographical areas. Once promulgated, [361 U.S. 431, 438] these regulations, called for by the statute itself, have the force of law, and violations thereof incur criminal prosecutions, just as if all the details had been incorporated into the congressional language. **The result is that neither the statute nor the regulations are complete without the other, and only together do they have any force. In effect, therefore, the construction of one necessarily involves the construction of the other.**"  
[U.S. v. Mersky, 361 U.S. 431 (1960)]*

---

*"...the Act's **civil and criminal penalties attach only upon violation of the regulation** promulgated by the Secretary; **if the Secretary were to do nothing, the Act itself would impose no penalties on anyone.** The Government urges that since only those who violate these regulations [not the Code] may incur civil or criminal penalties, it is the actual regulations issued by the Secretary of the Treasury, and not the broad authorizing language of the statute, which are to be tested against the standards of the Fourth Amendment; and that when so tested they are valid."  
[Calif. Bankers Assoc. v. Shultz, 416 U.S. 21, 44, 39 L.Ed. 2d 812, 94 S.Ct 1494]*

---

*"Although the relevant statute **authorized** the Secretary to impose such a duty, his implementing regulations did not do so. Therefore we held that **there was no duty** to disclose..."  
[United States v. Murphy, 809 F.2d. 142, 1431]*

---

*"Failure to adhere to agency regulations [by the IRS or other agency] may amount to denial of due process if regulations are required by constitution or statute..."  
[Curley v. United States, 791 F.Supp. 52]*

Another very interesting observation is that the federal courts have essentially ruled that I.R.C. Subtitle A pertains exclusively to government employees, agents, and officers, when they said:

*"Federal income tax regulations governing filing of income tax returns do not require Office of Management and Budget control numbers because **requirement to file tax return is mandated by statute, not by regulation.**"  
[U.S. v. Bartrug, E.D.Va.1991, 777 F.Supp. 1290 , affirmed 976 F.2d. 727, certiorari denied 113 S.Ct. 1659, 507 U.S. 1010, 123 L.Ed.2d 278]*

Since there are no implementing regulations for most federal tax enforcement, the statutes which establish the requirement are only directly enforceable against those who are members of the groups specifically exempted from the requirement for implementing regulations published in the Federal Register as described above. This is also consistent with the statutes authorizing enforcement within the I.R.C. itself found in 26 U.S.C. §6331, which say on the subject the following:

26 U.S.C., Subchapter D - Seizure of Property for Collection of Taxes  
Sec. 6331. Levy and distraint

(a) Authority of Secretary

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

If you would like to know more about why the only lawful target of most IRS and government enforcement actions are government employees, agents, and officers acting in their official capacity, see:

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

## 10.2 Internal Revenue Code, Subtitle A is an Excise Tax Upon the “Straw Man”

The Internal Revenue Code, Subtitle A is a franchise or excise tax upon “public offices” within the U.S. Government. In the I.R.C., these “public offices” are described using a “word of art” called a “trade or business”, whose definition is found at 26 U.S.C. §7701(a)(26). Those persons and property not connected to this public office are referred to as a “foreign estate” that is not subject to the Internal Revenue Code:

TITLE 26 > Subtitle F > CHAPTER 79 > § 7701  
§ 7701. Definitions

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

(31) Foreign estate or trust

(A) Foreign estate

The term “foreign estate” means an estate the income of which, from sources without the United States which is not effectively connected with the conduct of a trade or business [“public office”, per 26 U.S.C. §7701(a)(26)] within the United States, is not includible in gross income under subtitle A.

(B) Foreign trust

*The term “foreign trust” means any trust other than a trust described in subparagraph (E) of paragraph (30).*

The term “taxpayer” within the Internal Revenue Code is really just a code word for “public officer” and the “straw man”. Below is some proof:

1. The tax is upon a “trade or business”, which is defined as “the functions of a public office”.
2. The IRS Internal Revenue Manual admits that “private employers” have no obligation to deduct or withhold. This is another way of saying that only “public employers” within the government have such an obligation.

IRM 5.14.10.2 (09-30-2004)  
Payroll Deduction Agreements

### ***Proof that There Is a “Straw man”***

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Form 05.042, Rev. 2-4-2010

107 of 206

EXHIBIT: \_\_\_\_\_



2. Private employers, states, and political subdivisions are not required to enter into payroll deduction agreements. Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.  
[<http://www.irs.gov/irm/part5/ch14s10.html>]

3. 4 U.S.C. §72 says all public offices must be exercised only in the District of Columbia and not elsewhere except as expressly provided by law. There is no law expressly authorizing any public office within the exclusive jurisdiction of any state of the Union.
4. 26 U.S.C. §7701(a)(31) defines the term “foreign estate” as any estate that is not connected with the “trade or business” franchise.
5. The regulations state that there is no such thing as “employment” outside the District of Columbia, which is what the “United States” is defined as in 26 U.S.C. §7701(a)(9) and (a)(10):

Title 26: Internal Revenue  
PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE  
Subpart B—Federal Insurance Contributions Act (Chapter 21, Internal Revenue Code of 1954)  
General Provisions  
§ 31.3121(b)-3 Employment; services performed after 1954.

(a) In general.

Whether services performed after 1954 constitute employment is determined in accordance with the provisions of section 3121(b).

(b) Services performed within the United States [District of Columbia].

Services performed after 1954 within the United States (see §31.3121(e)-1) by an employee for his employer, unless specifically excepted by section 3121(b), constitute employment. With respect to services performed within the United States, the place where the contract of service is entered into is immaterial. The citizenship or residence of the employee or of the employer also is immaterial except to the extent provided in any specific exception from employment. Thus, the employee and the employer may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract performs services within the United States, there may be to that extent employment.

“(c) Services performed outside the United States—(1) In general. Except as provided in paragraphs (c)(2) and (3) of this section, services performed outside the United States (see §31.3121(e)-1) do not constitute employment.”

The tax can only apply to those domiciled within the District of Columbia, wherever they are physically located to include states of the Union, but only if they are lawfully serving under oath in their official capacity as “public officers”.

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

Another important point needs to be emphasized, which is that those working for the federal government, while on official duty, are representing a federal corporation called the “United States”, which is domiciled in the District of Columbia.

TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > Sec. 3002.  
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
PART VI - PARTICULAR PROCEEDINGS  
CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE  
SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS

Sec. 3002. Definitions

(15) “United States” means -

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were originally modeled upon a state or nation"); 1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation . . . ordained and established by the American people") (quoting United [495 U.S. 182, 202] States v. Maurice, 26 F. Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.)); Cotton v. United States, 11 How. 229, 231 (1851) ("United States is 'a corporation'").  
[Ngiraingas v. Sanchez, 495 U.S. 182 (1990)]

The "United States" corporation is a statutory but not constitutional "U.S. citizen" that is the REAL "person" who has a liability to file a tax return identified in 26 CFR §1.6012. That liability transfers to you while you are representing said corporation as a "public officer":

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

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

"Generally, the states of the Union sustain toward each other the relationship of independent sovereigns or independent foreign states, except in so far as the United States is paramount as the dominating government, and in so far as the states are bound to recognize the fraternity among sovereignties established by the federal Constitution, as by the provision requiring each state to give full faith and credit to the public acts, records, and judicial proceedings of the other states..."  
[81A Corpus Juris Secundum (C.J.S.), United States, §29]

Federal Rule of Civil Procedure 17(b) says that the capacity to sue and be sued civilly is based on one's domicile:

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

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

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

Government employees, including "public officers", while on official duty representing the federal corporation called the "United States", maintain the character of the entity they represent and therefore have a legal domicile of the District of Columbia within the context of their official duties. The Internal Revenue Code also reflects this fact in 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d):

TITLE 26 > Subtitle F > CHAPTER 79 > § 7701  
§ 7701. Definitions

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

(39) Persons residing outside United States

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

(A) jurisdiction of courts, or

(B) enforcement of summons

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[TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408](#)

[§ 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions](#)

(d) Citizens and residents outside the United States

*If any citizen or resident of the United States does not reside in, and does not have his principal place of business in, any United States judicial district, such citizen or resident **shall be treated for purposes of this section as residing in the District of Columbia.***

Kidnapping and transporting the legal identity of a person domiciled outside the District of Columbia in a foreign state, which includes states of the Union, is illegal pursuant to [18 U.S.C. §1201](#). Therefore, the only people who can be legally and involuntarily “kidnapped” by the courts based on the above two provisions of statutory law are those who individually consent through private contract to act as “public officials” in the execution of their official duties. The fiduciary duty of these “public officials” is further defined in the I.R.C. as follows, and it is only by an oath of “public office” that this fiduciary duty can lawfully be created:

[TITLE 26 > Subtitle E > CHAPTER 68 > Subchapter B > PART I > § 6671](#)

[§ 6671. Rules for application of assessable penalties](#)

(b) Person defined

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

[TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)

[§ 7343. Definition of term “person”](#)

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

We remind our readers that there is no liability statute within Subtitle A of the I.R.C. that would create the duty documented above, and therefore the ONLY way it can be created is by the oath of office of the “public officers” who are the subject of the tax in question. This was thoroughly described in the following article:

[There's No Statute Making Anyone Liable to Pay IRC Subtitle A Income Taxes](http://famguardian.org/Subjects/Taxes/Articles/NoStatuteLiable.htm)  
<http://famguardian.org/Subjects/Taxes/Articles/NoStatuteLiable.htm>

The existence of fiduciary duty of “public officers” is therefore the ONLY lawful method by which anyone can be prosecuted for an “omission”, which is a thing they didn’t do that the law required them to do. It is otherwise illegal and unlawful to prosecute anyone under either common law or statutory law for a FAILURE to do something, such as a FAILURE TO FILE a tax return pursuant to [26 U.S.C. §7203](#). Below is an example of where the government gets its authority to prosecute “taxpayers” for failure to file a tax return, in fact:

*“I: DUTY TO ACCOUNT FOR PUBLIC FUNDS*

*§ 909. In general.-*

**It is the duty of the public officer, like any other agent or trustee, although not declared by express statute, to faithfully account for and pay over to the proper authorities all moneys which may come into his hands upon the public account, and the performance of this duty may be enforced by proper actions against the officer himself, or against those who have become sureties for the faithful discharge of his duties.”**

[A Treatise on the Law of Public Offices and Officers, p. 609, §909; Floyd Mechem, 1890;

SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]

In addition to the above, every attorney admitted to practice law in any state or federal court is described as an “officer of the court”, and therefore ALSO is a “public officer”:

**Attorney at law.** An advocate, counsel, or official agent employed in preparing, managing, and trying cases in the courts. An officer in a court of justice, who is employed by a party in a cause to manage it for him. In re Bergeron, 220 Mass. 472, 107 N.E. 1007, 1008, Ann.Cas.1917A, 549.

In English law. A public officer belonging to the superior courts of common law at Westminster. who conducted legal proceedings on behalf of others. called his clients, by whom he was retained; he answered to the solicitor in the courts of chancery, and the proctor of the admiralty, ecclesiastical, probate, and divorce courts. An attorney was almost invariably also a solicitor. It is now provided by the judicature act. 1873, 8 87. that solicitors. Attorneys, or proctors of, or by law empowered to practice in, any court the jurisdiction of which is by that act transferred to the high court of justice or the court of appeal, shall be called "solicitors of the supreme court." Wharton.  
[Black's Law Dictionary, Fourth Edition, p. 164]

ATTORNEY AND CLIENT, Corpus Juris Secundum Legal Encyclopedia Volume 7, Section 4

His [the attorney's] first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter.  
[7 Corpus Juris Secundum (C.J.S.), Attorney and Client, §4]

Executive Order 12731 and 5 CFR §2635.101(a) furthermore both indicate that “public service is a public trust”:

Executive Order 12731  
"Part 1 -- PRINCIPLES OF ETHICAL CONDUCT

"Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:

**"(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.**

**TITLE 5--ADMINISTRATIVE PERSONNEL  
CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS  
PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE  
BRANCH--Table of Contents  
Subpart A--General Provisions  
Sec. 2635.101 Basic obligation of public service.**

(a) Public service is a public trust.

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

The above provisions of law imply that everyone who works for the government is a “trustee” of “We the People”, who are the sovereigns they serve in the public. In law, EVERY “trustee” is a “fiduciary” of the Beneficiary of the trust within which he serves:

**"TRUSTEE.** The person appointed, or required by law, to execute a trust; one in whom an estate, interest, or power is vested, under an express or implied agreement [e.g. PRIVATE LAW or CONTRACT] to administer or exercise it for the benefit or to the use of another called the cestui que trust. Pioneer Mining Co. v. Tyberg, C.C.A.Alaska, 215 F. 501, 506, L.R.A.1915B, 442; Kaehn v. St. Paul Co-op. Ass'n, 156 Minn. 113, 194 N.W. 112; Catlett v. Hawthorne, 157 Va. 372, 161 S.E. 47, 48. Person who holds title to res and administers it for others' benefit. Reinecke v. Smith, Ill., 53 S.Ct. 570, 289 US. 172, 77 L.Ed. 1109. In a strict sense, a "trustee" is one 'who holds the legal title to property for the benefit of another, while, in a broad sense, the term is sometimes applied to anyone standing in a fiduciary or confidential relation to another. such as agent, attorney, bailee, etc. State ex rel. Lee v. Sartorius, 344 Mo. 912, 130 S.W.2d. 547, 549, 550. "Trustee" is also used In a wide and perhaps inaccurate sense, to denote that a person has the duty of carrying out a transaction, in which he and another person are interested, in such manner as will be most for the benefit of the latter, and

not in such a way that he himself might be tempted, for the sake of his personal advantage, to neglect the interests of the other. In this sense, directors of companies are said to be "trustees for the shareholders." Sweet. [Black's Law Dictionary, Fourth Edition, p. 1684]

The fact that public service is a "public trust" was also confirmed by the U.S. Supreme Court, when it held:

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

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

An example of someone who is NOT a "public officer" is a federal common law employee on duty and who is not required to take an oath. Almost invariably, such employees have some kind of immediate supervisor who manages and oversees and evaluates his activities pursuant to the position description drafted for the position he fills. He may be a "trustee" and he may have a "fiduciary duty" to the public as a "public servant", but he isn't an "officer" or "public officer" unless and until he takes an oath of office prescribed by law. A federal "employee", however, can become a "public office" by virtue of any one or more of the following purposes that we are aware of so far:

1. Be elected to political office.
2. Being appointed to political office by the President or the governor of a state of the Union.
3. Voluntarily engaging in a privileged, excise taxable activity called a "trade or business", which effectively is an extension of the federal government and is defined as a "public office" in 26 U.S.C. §7701(a)(26). A "trade or business" is a federal business franchise and partnership, in which you become a trustee and public official of the United States who has donated his private property temporarily to a "public use" for the purpose of procuring "privileged compensation" of a public office in the form of tax deductions under 26 U.S.C. §162, Earning income credits under 26 U.S.C. §32, and a graduated REDUCED rate of tax under 26 U.S.C. §1. Only those engaged in a "public office"/"trade or business" can avail themselves of any of these pecuniary government financial incentives.
4. Engaging in a privileged activity regulated by the federal government, such as:
  - 4.1. Pursuing a license to practice law. All attorneys are officers of the court, and all courts are part of the government and therefore "public" entities.
  - 4.2. Applying for and accepting FDIC insurance as an officer of a bank. See 31 CFR §202.2, which makes those accepting FDIC federal insurance into agents of the federal government.
  - 4.3. Becoming an officer of a corporation, and only within the context of the jurisdiction the corporation is registered in. The officers of a state-only registered corporation would be "public officers" only within the context of the specific state they registered in. They would have to make application for recognition as a federal corporation to also be "public officers" in the context of federal law.

A "public office" is not limited to a natural person. It can also extend to an entire entity such as a corporation. An example of an entity that is a "public office" in its entirety is a federally chartered bank, such as the original Bank of the United States described in Osborn v. United States, in which the U.S. Supreme Court identified the original and first Bank of the United States, a federally chartered bank corporation created by Congress, as a "public office":

All the powers of the government must be carried into operation by individual agency, either through the medium of public officers, or contracts made with individuals. Can any public office be created, or does one exist, the performance of which may, with propriety, be assigned to this association [or trust], when incorporated? If such office exist, or can be created, then the company may be incorporated, that they may be appointed to execute such office. Is there any portion of the public business performed by individuals upon contracts, that this association could be employed to perform, with greater advantage and more safety to the public, than an individual contractor? If there be an employment of this nature, then may this company be incorporated to undertake it.

There is an employment of this nature. Nothing can be more essential to the fiscal concerns of the nation, than an agent of undoubted integrity and established credit, with whom the public moneys can, at all times, be safely deposited. Nothing can be of more importance to a government, than that there should be some capitalist in the country, who possesses the means of making advances of money to the government upon any exigency, and who is under a legal obligation to make such advances. For these purposes the association would be an agent peculiarly suitable and appropriate. [ . . . ]



1 The mere creation of a corporation, does not confer political power or political character. So this Court  
2 decided in *Dartmouth College v. Woodward*, already referred to. If I may be allowed to paraphrase the  
3 language of the Chief Justice, I would say, a bank incorporated, is no more a State instrument, than a natural  
4 person performing the same business would be. If, then, a natural person, engaged in the trade of banking,  
5 should contract with the government to receive the public money upon deposit, to transmit it from place to  
6 place, without charging for commission or difference of exchange, and to perform, when called upon, the duties  
7 of commissioner of loans, would not thereby become a public officer, how is it that this artificial being, created  
8 by law for the purpose of being employed by the government for the same purposes, should become a part of the  
9 civil government of the country? Is it because its existence, its capacities, its powers, are given by law? because  
10 the government has given it power to take and hold property in a particular form, and to employ that property  
11 for particular purposes, and in the disposition of it to use a particular name? because the government has sold  
12 it a privilege [22 U.S. 738, 774] for a large sum of money, and has bargained with it to do certain things; is it,  
13 therefore, a part of the very government with which the contract is made?

14 **If the Bank be constituted a public office, by the connexion between it and the government, it cannot be the**  
15 **mere legal franchise in which the office is vested; the individual stockholders must be the officers.** Their  
16 character is not merged in the charter. This is the strong point of the *Mayor and Commonalty v. Wood*, upon  
17 which this Court ground their decision in the *Bank v. Deveaux*, and from which they say, that cause could not  
18 be distinguished. Thus, aliens may become public officers, and public duties are confided to those who owe no  
19 allegiance to the government, and who are even beyond its territorial limits.

20 **With the privileges and perquisites of office, all individuals holding offices, ought to be subject to the**  
21 **disabilities of office. But if the Bank be a public office, and the individual stockholders public officers, this**  
22 **principle does not have a fair and just operation.** The disabilities of office do not attach to the stockholders; for  
23 we find them every where holding public offices, even in the national Legislature, from which, if they be public  
24 officers, they are excluded by the constitution in express terms.

25 *If the Bank be a public institution of such character as to be justly assimilated to the mint and the post office,*  
26 *then its charter may be amended, altered, or even abolished, at the discretion of the National Legislature. All*  
27 *public offices are created [22 U.S. 738, 775] purely for public purposes, and may, at any time, be modified*  
28 *in such manner as the public interest may require. Public corporations partake of the same character. So it is*  
29 *distinctly adjudged in *Dartmouth College v. Woodward*. In this point, each Judge who delivered an opinion*  
30 *concurred. By one of the Judges it is said, that 'public corporations are generally esteemed such as exist for*  
31 *public political purposes only, such as towns, cities, parishes and counties; and in many respects they are so,*  
32 *although they involve some private interests; but, strictly speaking, public corporations are such only as are*  
33 *founded by the government for public purposes, where the whole interest belongs also to the government. If,*  
34 *therefore, the foundation be private, though under the charter of the government, the corporation is private,*  
35 *however extensive the uses may be to which it is devoted, either by the bounty of the founder, or the nature*  
36 *and objects of the institution. For instance, a bank, created by the government for its own uses, whose stock*  
37 *is exclusively owned by the government, is, in the strictest sense, a public corporation. So, a hospital created*  
38 *and endowed by the government for general charity. But a bank, whose stock is owned by private persons, is*  
39 *a private corporation, although it is erected by the government, and its objects and operations partake of a*  
40 *public nature. The same doctrine may be affirmed of insurance, canal, bridge, and turnpike companies. In*  
41 *all these cases, the uses may, in a certain sense, be called public, but the corporations are private; as much*  
42 *[22 U.S. 738, 776] so, indeed, as if the franchises were vested in a single person.[. . .]*

43 *In what sense is it an instrument of the government? and in what character is it employed as such? Do the*  
44 *government employ the faculty, the legal franchise, or do they employ the individuals upon whom it is*  
45 *conferred? and what is the nature of that employment? does it resemble the post office, or the mint, or the*  
46 *custom house, or the process of the federal Courts?*

47 *The post office is established by the general government. It is a public institution. The persons who perform its*  
48 *duties are public officers. No individual has, or can acquire, any property in it. For all the services performed,*  
49 *a compensation is paid out of the national treasury; and all the money received upon account of its operations,*  
50 *is public property. Surely there is no similitude between this institution, and an association who trade upon*  
51 *their own capital, for their own profit, and who have paid the government a million and a half of dollars for a*  
52 *legal character and name, in which to conduct their trade.*

53 *Again: the business conducted through the agency of the post office, is not in its nature a private business. It is*  
54 *of a public character, and the [22 U.S. 738, 786] charge of it is expressly conferred upon Congress by the*  
55 *constitution. The business is created by law, and is annihilated when the law is repealed. But the trade of*  
56 *banking is strictly a private concern. It exists and can be carried on without the aid of the national Legislature.*  
57 *Nay, it is only under very special circumstances, that the national Legislature can so far interfere with it, as to*  
58 *facilitate its operations.*

59 *The post office executes the various duties assigned to it, by means of subordinate agents. The mails are opened*  
60 *and closed by persons invested with the character of public officers. But they are transported by individuals*  
61 *employed for that purpose, in their individual character, which employment is created by and founded in*  
62 *contract. To such contractors no official character is attached. These contractors supply horses, carriages, and*  
63 *whatever else is necessary for the transportation of the mails, upon their own account. The whole is engaged in*

1 the public service. The contractor, his horses, his carriage, his driver, are all in public employ. But this does  
2 not change their character. All that was private property before the contract was made, and before they were  
3 engaged in public employ, remain private property still. The horses and the carriages are liable to be taxed as  
4 other property, for every purpose for which property of the same character is taxed in the place where they are  
5 employed. The reason is plain: the contractor is employing his own means to promote his own private profit,  
6 and the tax collected is from the individual, though assessed upon the [22 U.S. 738, 787] means he uses to  
7 perform the public service. To tax the transportation of the mails, as such, would be taxing the operations of the  
8 government, which could not be allowed. But to tax the means by which this transportation is effected, so far as  
9 those means are private property, is allowable; because it abstracts nothing from the government; and because,  
10 the fact that an individual employs his private means in the service of the government, attaches to them no  
11 immunity whatever.”  
12 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

13 The record of the House of Representatives after the enactment of the first income tax during the Civil War in 1862,  
14 confirmed that the income tax was upon a “public office” and that even IRS agents, who are not “public officers” and who  
15 are not required to take an oath, are therefore exempt from the requirements of the revenue acts in place at the time. Read  
16 the amazing truth for yourself:

House of Representatives, Ex. Doc. 99, 1867

<http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

17 Below is an excerpt from that report proving our point. The Secretary of the Treasury at the time is comparing the federal  
18 tax liabilities of postal clerks to those of internal revenue clerks. At that time, the IRS was called the Bureau of Internal  
19 Revenue. The office of Commissioner of Internal Revenue was established in 1862 as an emergency measure to fund the  
20 Civil War, which ended shortly thereafter, but the illegal enforcement of the revenue laws continued and expanded into the  
21 states over succeeding years:

22 House of Representatives, Ex. Doc. 99, 1867, pp. 1-2  
23 39<sup>th</sup> Congress, 2d Session

24 Salary Tax Upon Clerks to Postmasters

25 Letter from the Secretary of the Treasury in answer to A resolution of the House of the 12<sup>th</sup> of February,  
26 relative to salary tax upon clerks to postmasters, with the regulations of the department

27 Postmasters' clerks are appointed by postmasters, and take the oaths of office prescribed in the 2d section of  
28 the act of July 2, 1862, and in the 2d section of the act of March 3, 1863.

29 Their salaries are not fixed in amount bylaw, but from time to time the Post master General fixes the amount',  
30 allotted to each postmaster for clerk hire, under the authority conferred upon him by tile ninth section of the act  
31 of June 5, 1836, and then the postmaster, as an agent for and in behalf of the United States, determines the  
32 salary to be paid to each of his clerks. These salaries are paid by the postmasters, acting as disbursing agents,  
33 from United States moneys advanced to them for this purpose, either directly from the Post Office Department  
34 in pursuance of appropriations made by law, or from the accruing revenues of their offices, under the  
35 instructions of the Postmaster General. The receipt of such clerks constitute vouchers in the accounts of the  
36 postmasters acting as disbursing agents in the settlements made with them by the Sixth Auditor. In the  
37 foregoing transactions the postmaster acts not as a principal, but as an agent of the United States, and the  
38 clerks are not in his private employment, but in the public employment of the United States. Such being the  
39 facts, these clerks are subjected to and required to account for and pay the salary tax, imposed by the one  
40 hundred and twenty-third section of the internal revenue act of June 30, 1864, as amended by the ninth section  
41 of the internal revenue act of July 13, 1866, upon payments for services to persons in the civil employment or  
42 service of the United States.

43 Copies of the regulations under which such salary taxes are withheld and paid into the treasury to the credit of  
44 internal revenue collection account are herewith transmitted, marked A, b, and C. Clerks to assessors of  
45 internal revenue [IRS agents] are appointed by the assessors. Neither law nor regulations require them to  
46 take an oath of office, because, as the law at present stands, they are not in the public service of the United  
47 States, through the agency of the assessor, but are in the private service of the assessor, as a principal, who  
48 employs them.

49 The salaries of such clerks are neither fixed in amount by law, nor are they regulated by any officer of the  
50 Treasury Department over the clerk hire of assessors is to prescribe a necessary and reasonable amount which  
51 shall not be exceeded in reimbursing the assessors for this item of their expenses.

52 No money is advanced by the United States for the payment of such salaries, nor do the assessors perform the  
53 duties of disbursing agents of the United States in paying their clerks. The entire amount allowed is paid

directly to the assessor, and he is not accountable to the United States for its payment to his clerks, for the reason that he has paid them in advance, out of his own funds, and this is a reimbursement to him of such amount as the department decides to be reasonable. No salary tax is therefore collected, or required by the Treasury Department to be accounted for, or paid, on account of payments to the assessors' clerks, as the United States pays no such clerks nor has them in its employ or service, and they do not come within the provisions of existing laws imposing such a tax.

Perhaps no better illustration of the difference between the status of postmasters' clerks and that of assessors' clerks can be given than the following: A postmaster became a defaulter, without paying his clerks; his successor received from the Postmaster General a new remittance for paying them; and if at any time, the clerks in a post office do not receive their salaries, by reason of the death, resignation or removal of a postmaster, the new appointee is authorized by the regulations of the Post Office Department to pay them out of the proceeds of the office; and should there be no funds in his hands belonging to the department, a draft is issued to place money in his hands for that purpose.

If an assessor had not paid his clerks, they would have no legal claim upon the treasury for their salaries. A discrimination is made between postmasters' clerks and assessor's clerks to the extent and for the reasons hereinbefore set forth.

I have the honor to be, very respectfully, your obedient servant.

H. McCulloch, Secretary of the Treasury  
[House of Representatives, Ex. Doc. 99, 1867, pp. 1-2]

Notice based on the above that revenue officers don't take an oath, so they don't have to pay the tax, while postal clerks take an oath, so they do. Therefore, the oath that creates the "public office" is the method by which the government manufactures "public officers", "taxpayers", and "sponsors" for its wasteful use or abuse of public monies. If you would like a whole BOOK full of reasons why the only "taxpayers" under the I.R.C. Subtitle A are "public officials", please see the following exhaustive analysis:

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

### 10.3 The Information Return Scam

As we said in the preceding section, the income tax described by Internal Revenue Code, Subtitle A is a franchise and excise tax upon "public offices" within the U.S. government, which the code defines as a "trade or business". Before an income tax can lawfully be enforced or collected, the subject of the tax must be connected to the activity with court-admissible evidence. Information returns are the method by which the activity is connected to the subject of the tax under the authority of 26 U.S.C. §6041(a). When this connection is made, the person engaging in the excise taxable activity is called "effectively connected with the conduct of a trade or business within the United States".

[TITLE 26 > Subtitle F > CHAPTER 61 > Subchapter A > PART III > Subpart B > § 6041](#)  
[§ 6041. Information at source](#)

(a) Payments of \$600 or more

All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments to which section 6042 (a)(1), 6044 (a)(1), 6047 (e), 6049 (a), or 6050N (a) applies, and other than payments with respect to which a statement is required under the authority of section 6042 (a)(2), 6044 (a)(2), or 6045), of \$600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Secretary, under such regulations and in such form and manner and to such extent as may be prescribed by the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

The government cannot lawfully regulate private conduct. The ability to regulate private conduct is, in fact, "repugnant to the constitution" as held by the U.S. Supreme Court. The only thing the government can regulate is "public conduct" and the "public rights" and franchises that enforce or implement it. Consequently, the government must deceive private parties into submitting false reports connecting their private labor and private property to such a public use, public purpose, and public office in order that they can usurp jurisdiction over it and thereby tax and plunder it.

1 "The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes  
2 of redress" against offensive state action, was "repugnant" to the Constitution. *Id.*, at 15. See also *United States*  
3 *v. Reese*, 92 U.S. 214, 218 (1876) ; *United States v. Harris*, 106 U.S. 629, 639 (1883) ; *James v. Bowman*, 190  
4 U.S. 127, 139 (1903) . Although the specific holdings of these early cases might have been superseded or  
5 modified, see, e.g., *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964) ; *United States v. Guest*,  
6 383 U.S. 745 (1966) , their treatment of Congress' §5 power as corrective or preventive, not definitional, has  
7 not been questioned."  
8 [*City of Boerne v. Flores, Archbishop of San Antonio*, 521 U.S. 507 (1997) ]

9 In a sense, the function of an information return therefore is to:

- 10 1. Provide evidence that the owner is consensually and lawfully engaged in the "trade or business" and public office  
11 franchise. These reports cannot lawfully be filed if this is not the case. 26 U.S.C. §7206 and 7207 make it a crime to  
12 file a false report.
- 13 2. Donate formerly private property described on the report to a public use, a public purpose, and a public office with the  
14 consent of the owner without any immediate or monetary compensation in order to procure the "benefits" incident to  
15 participation in the franchise.
- 16 3. Subject the property to excise taxation upon the "trade or business" activity.
- 17 4. Subject the property to use and control by the government:

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

26 On the other hand, if the information return:

- 27 1. Was filed against an owner of the property described who is not lawfully engaged in a public office or a "trade or  
28 business" in the U.S. government. . .OR
- 29 2. Was filed in a case where the owner of the private property did not consent to donate the property described to a public  
30 use and a public office by signing a contract or agreement authorizing such as an IRS Form W-4. . .OR
- 31 3. Was filed mistakenly or fraudulently.

32 . . .then the following crimes have occurred:

- 33 1. A violation of the Fifth Amendment Takings Clause has occurred:

34 U.S. Constitution, Fifth Amendment

35 No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or  
36 indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual  
37 service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in  
38 jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be  
39 deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public  
40 use, without just compensation.

- 41 2. A violation of due process has occurred. Any taking of property without the consent of the owner is a violation of due  
42 process of law.
- 43 3. The subject of the information return is being compelled to impersonate a public officer in criminal violation of 18  
44 U.S.C. §912.

45 TITLE 18 > PART I > CHAPTER 43 > § 912  
46 § 912. Officer or employee of the United States

47 Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United  
48 States or any department, agency or officer thereof, and acts as such, or in such pretended character demands  
49 or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more  
50 than three years, or both.

4. An unlawful conversion of private property to public property has occurred in criminal violation of 18 U.S.C. §654. Only officers of the government called “withholding agents” appointed under the authority of 26 U.S.C. §7701(a)(16) and the I.R.C. can lawfully file these information returns or withhold upon the proceeds of the transaction. All withholding and reporting agents are public officers, not private parties, whether they receive direct compensation for acting in that capacity or not.

[TITLE 18 > PART I > CHAPTER 31 > § 654](#)  
[§ 654. Officer or employee of United States converting property of another](#)

Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined under this title or not more than the value of the money and property thus embezzled or converted, whichever is greater, or imprisoned not more than ten years, or both; but if the sum embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

If you would like to learn more about how the above mechanisms work, see:

[The “Trade or Business” Scam](#), Form #05.001, Section 2  
<http://sedm.org/Forms/FormIndex.htm>

Nearly all private Americans are not in fact and in deed lawfully engaged in a “public office” and cannot therefore serve within such an office without committing the crime of impersonating a public officer. This is exhaustively proven in the following:

[The “Trade or Business” Scam](#), Form #05.001, Section 13  
<http://sedm.org/Forms/FormIndex.htm>

What makes someone a “private American” is, in fact, that they are not lawfully engaged in a public office or any other government franchise. All franchises, in fact, make those engaged into public officers of one kind or another and cause them to forfeit their status as a private person and give up all their constitutional rights in the process. See:

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

IRS therefore mis-represents and mis-enforces the Internal Revenue Code by abusing their tax forms and their untrustworthy printed propaganda as a method:

1. To unlawfully create public offices in the government in places they are forbidden to even exist pursuant to 4 U.S.C. §72.
2. To “elect” the average American unlawfully into such an office.
3. To cause those involuntarily serving in the office to unlawfully impersonate a public officer in criminal violation of 18 U.S.C. §912.
4. To enforce the obligations of the office upon those who are not lawfully occupying said office.
5. Of election fraud, whereby the contributions collected cause those who contribute them to bribe a public official to procure the office that they occupy with unlawfully collected monies, in criminal violation of 18 U.S.C. §210. IRS Document 6209 identifies all IRS Form W-2 contributions as “gifts” to the U.S. government, which is a polite way of describing what actually amounts to a bribe.

[TITLE 18 > PART I > CHAPTER 11 > § 210](#)  
[§ 210. Offer to procure appointive public office](#)

Whoever pays or offers or promises any money [withheld unlawfully] or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive [public] office or place under the United States for any person, shall be fined under this title or imprisoned not more than one year, or both.



For instance, innocent Americans ignorant of the law are deceived into volunteering to unlawfully accept the obligations of a public office by filing an IRS Form W-4 “agreement” to withhold pursuant to [26 U.S.C. §3402\(p\)](#) , 26 CFR §31.3401(a)-3(a) , and 26 CFR §31.3402(p)-1. To wit:

[26 CFR §31.3401\(a\)-3 Amounts deemed wages under voluntary withholding agreements.](#)

(a) In general.

*Notwithstanding the exceptions to the definition of wages specified in section 3401(a) and the regulations thereunder, the term “wages” includes the amounts described in paragraph (b)(1) of this section with respect to which there is a voluntary withholding agreement in effect under section 3402(p). References in this chapter to the definition of wages contained in section 3401(a) shall be deemed to refer also to this section (§31.3401(a)-3).*

[26 CFR § 31.3402\(p\)-1 Voluntary withholding agreements.](#)

(a) In general.

*An employee and his employer may enter into an agreement under section 3402(b) to provide for the withholding of income tax upon payments of amounts described in paragraph (b)(1) of §31.3401(a)-3, made after December 31, 1970. **An agreement may be entered into under this section only with respect to amounts which are includible in the gross income of the employee under section 61, and must be applicable to all such amounts paid by the employer to the employee.** The amount to be withheld pursuant to an agreement under section 3402(p) shall be determined under the rules contained in section 3402 and the regulations thereunder. See §31.3405(c)-1, Q&A-3 concerning agreements to have more than 20-percent Federal income tax withheld from eligible rollover distributions within the meaning of section 402.*

Those who have not voluntarily signed and submitted the IRS Form W-4 contract/agreement and who are were not lawfully engaged in a “public office” within the U.S. government **BEFORE** they signed any tax form cannot truthfully or lawfully earn reportable “wages” as legally defined in 26 U.S.C. §3402. Therefore, even if the IRS sends a “lock-down” letter telling the private employer to withhold at a rate of “single with no exemptions”, he must withhold **ONLY** on the amount of “wages” earned, which is still zero. If a W-2 is filed against a person who does not voluntarily sign and submit the W-4 or who is not lawfully engaged in a public office:

1. The amount reported must be ZERO for everything on the form, and especially for “wages”.
2. If any amount reported is other than zero, then the payroll clerk submitting the W-2 is criminally liable for filing a false return under [26 U.S.C. §7206](#), punishable as a felony for up to a \$100,000 fine and three years in jail.
3. If you also warned the payroll clerk that they were doing it improperly in writing and have a proof you served them with it, their actions also become fraudulent and they additionally liable under [26 U.S.C. §7207](#), punishable as a felony for up to \$10,000 and up to one year in jail.

The heart of the tax fraud and SCAM perpetrated on a massive scale by our government then is:

1. To publish IRS forms and publications which contain untrustworthy information that deceives the public into believing that they have a legal obligation to file false information returns against their neighbor.

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

2. To reinforce the deliberate deception and omissions in their publications with verbal advice that is equally damaging and untrustworthy:

*p. 21: “As discussed in §2.3.3, the **IRS is not bound by its statements or positions in unofficial pamphlets and publications.**”*

*p. 34: “6. IRS Pamphlets and Booklets. **The IRS is not bound by statements or positions in its unofficial publications, such as handbooks and pamphlets.**”*

*p. 34: “7. Other Written and Oral Advice. **Most taxpayers' requests for advice from the IRS are made orally. Unfortunately, the IRS is not bound by answers or positions stated by its employees orally, whether in person or***

by telephone. According to the procedural regulations, 'oral advice is advisory only and the Service is not bound to recognize it in the examination of the taxpayer's return.' 26 CFR §601.201(k)(2). In rare cases, however, the IRS has been held to be equitably estopped to take a position different from that stated orally to, and justifiably relied on by, the taxpayer. The Omnibus Taxpayer Bill of Rights Act, enacted as part of the Technical and Miscellaneous Revenue Act of 1988, gives taxpayers some comfort, however. It amended section 6404 to require the Service to abate any penalty or addition to tax that is attributable to advice furnished in writing by any IRS agent or employee acting within the scope of his official capacity. Section 6404 as amended protects the taxpayer only if the following conditions are satisfied: the written advice from the IRS was issued in response to a written request from the taxpayer; reliance on the advice was reasonable; and the error in the advice did not result from inaccurate or incomplete information having been furnished by the taxpayer. Thus, it will still be difficult to bind the IRS even to written statements made by its employees. As was true before, taxpayers may be penalized for following oral advice from the IRS."

[Tax Procedure and Tax Fraud, Patricia Morgan, 1999, ISBN 0-314-06586-5, West Group]

3. To make it very difficult to describe yourself as either a "nontaxpayer" or a person not subject to the Internal Revenue Code on any IRS form. IRS puts the "exempt" option on their forms, but has no option for "not subject". You can be "not subject" and a "nontaxpayer" without being "exempt" and if you want to properly and lawfully describe yourself that way, you have to either modify their form or create your own substitute. You cannot, in fact be an "exempt individual" as defined in 26 U.S.C. §7701(b)(5) without first being an "individual" and therefore subject to the I.R.C.. The following entity would be "not subject" but also not an "exempt individual" or "exempt", and could include people as well as property:

TITLE 26 > Subtitle F > CHAPTER 79 > § 7701  
§ 7701. Definitions

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

(31) Foreign estate or trust

(A) Foreign estate

The term "foreign estate" means an estate the income of which, from sources without the United States which is not effectively connected with the conduct of a trade or business within the United States, is not includible in gross income under subtitle A.

If you would like to know more about this SCAM, see:

Flawed Tax Arguments to Avoid, Form #08.004, Section 6.12  
<http://sedm.org/Forms/FormIndex.htm>

4. For the IRS to be protected by a judicial "protection racket" implemented by judges who have a conflict of interest as "taxpayers" in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455. This protection racket was instituted permanently upon federal judges with the Revenue Act of 1932 as documented in:
- 4.1. Evans v. Gore, 253 U.S. 245 (1920)  
4.2. O'Malley v. Woodrough, 307 U.S. 277 (1939)  
4.3. United States v. Hatter, 121 S.Ct 1782 (2001)
5. To receive what they know in nearly all cases are false information returns against innocent private parties who are nontaxpayers and to act as money launderers for all amounts withheld from these innocent parties.
6. To protect the filers of these false reports.
- 6.1. IRS Forms W-2, 1042-S, 1098, and 1099 do not contain the individual identity of the person who prepared the form.
- 6.2. Only IRS forms 1096 and W-3 contain the identity and statement under penalty of perjury signed by the specific individual person who filed the false information return.
- 6.3. If you send a FOIA to the Social Security Administration asking for the IRS Forms 1096 and W-3 connected to the specific information returns filed against you, they very conveniently will tell you that they don't have the documents, even though they are the ONLY ones who receive them in the government! They instead tell you to send a FOIA to the IRS to obtain them. For example, see the following:



## SOCIAL SECURITY

Refer to:

9H: \BC^8L

September 1, 2008



Dear Mr. [REDACTED]

This is in response to your request for copies of your W-2 and W-3 tax documents.

These documents are not the Social Security Administration's records. Please contact your local Internal Revenue Service (IRS) office for this information. For your convenience, I have provided you with the address and telephone number of your local IRS office.

Internal Revenue Service  
550 Main St.  
Cincinnati, OH 45202  
(513) 263-3333

I hope this information is helpful.

Sincerely,

Vincent A. Dormarunno  
Privacy Officer

If you want to see the document the above request responds to, see:

Information Return FOIA: "Trade or Business", Form #03.023

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

- 6.4. The IRS then comes back and says they don't keep the original Forms 1096 and W-3 either! Consequently, there is no way to identify the specific individual who filed the original false reports or to prosecute them criminally under 26 U.S.C. §§7206 and 7207 or civilly under 26 U.S.C. §7434. In that sense, IRS FOIA offices act as "witness protection programs" for those communist informants for the government willfully engaged in criminal activity.

Internal Revenue Manual  
3.5.20.19 (10-01-2003)  
Information Returns Transcripts - 1099 Information

1. *Generally, information returns are destroyed upon processing. Therefore, original returns cannot be retrieved. In addition, the IRS may not have record of all information returns filed by payers. The Information Returns Master File (IRMF), accessed by CC IRPTR, contains records of many information returns. The master files are not complete until October of the year following the issuance of the information document, and contain the most current year and five (5) previous years. Taxpayers should be advised to first seek copies of information documents from the payer. However, upon request, taxpayers or their authorized designee may receive "information return" information.*

2. Follow guidelines IRM 3.5.20.1 through 3.5.20.11, to ensure requests are complete and valid.
  3. This information can be requested on TDS.
  4. This information is also available using IRPTR with definer W.
  5. If IRPTR is used without definer W, the following items must be sanitized before the information is released:
    - CASINO CTR
    - CMIR Form 4790
    - CTR
  6. Form 1099 information is not available through Latham.
- [SOURCE: <http://www.irs.gov/irm/part3/ch02s02.html>]

7. To deliberately interfere with efforts to correct these false reports by those who are the wrongful subject of them:
  - 7.1. By penalizing filers of corrected information returns up to \$5,000 for each Form 4852 filed pursuant to 26 U.S.C. §6702.
  - 7.2. By not providing forms to correct the false reports for ALL THOSE who could be the subject of them. IRS Form 4852, for instance, says at the top "Attach to Form 1040, 1040A, 1040-EZ, or 1040X." There is no equivalent form for use by nonresident aliens who are victims of false IRS Form W-2 or 1099-R and who file a 1040NR.
  - 7.3. To refuse to accept W-2C forms filed by those other than "employers".
  - 7.4. To refuse to accept custom, substitute, or modified forms that would correct the original reports.
  - 7.5. To not help those submitting the corrections by saying that they were not accepted, why they were not accepted, or how to make them acceptable.
8. To ignore correspondence directed at remedying all the above abuses and thereby obstruct justice and condone and encourage further unlawful activity.

So what we have folks is a deliberate, systematic plan that:

1. Turns innocent parties called "nontaxpayers" into guilty parties called "taxpayers", which the U.S. Supreme Court said they cannot do.

*"In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal and State legislatures could not do without exceeding their authority, and among them he mentioned a law which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor] contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker], and gave it to B [the government or another citizen, such as through social welfare programs]. 'It is against all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but they cannot change innocence into guilt, or punish [being a "nontaxpayer"] as a crime [being a "taxpayer"], or violate the right of an antecedent lawful private [employment] contract [by compelling W-4 withholding, for instance], or the right of private property. To maintain that a Federal or State legislature possesses such powers [of THEFT!] if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in all free republican governments.' 3 Dall. 388."*  
[Sinking Fund Cases, 99 U.S. 700 (1878)]

2. Constitutes a conspiracy to destroy equal protection and equal treatment that is the foundation of the Constitution, assigning all sovereignty to the government, and compelling everyone to worship and serve it without compensation.
3. Constitutes a conspiracy to destroy all Constitutional rights by compelling Americans through false reports to service the obligations of an office they cannot lawfully occupy and derive no benefit from:

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

4. Constitutes an abuse of tax forms as a federal election device to unlawfully elect those who aren't eligible and without their consent into public office in the government, in criminal violation of 18 U.S.C. §912.

5. Encourages Americans on a massive scale to file false reports against their neighbor that compel them into economic servitude and slavery without compensation:

*"You shall not circulate a false report [information return]. Do not put your hand with the wicked to be an unrighteous witness."  
[Exodus, 23:1, Bible, NKJV]*

***"You shall not bear false witness [or file a FALSE REPORT or information return] against your neighbor."**  
[Exodus 10:16, Bible, NKJV]*

*"A false witness will not go unpunished, And he who speaks lies shall perish."  
[Prov. 19:9, Bible, NKJV]*

***"If a false witness rises against any man to testify against him of wrongdoing, then both men in the controversy shall stand before the LORD, before the priests and the judges who serve in those days. And the judges shall make careful inquiry, and indeed, if the witness is a false witness, who has testified falsely against his brother, then you shall do to him as he thought to have done to his brother; [enticement into slavery (pursuant to 42 U.S.C. §1994)] to the demands of others without compensation] so you shall put away the evil from among you. And those who remain shall hear and fear, and hereafter they shall not again commit such evil among you. Your eye shall not pity: life shall be for life, eye for eye, tooth for tooth, hand for hand, foot for foot."  
[Deut. 19:16-21, Bible, NKJV]***

6. Constitutes a plan to implement communism in America. The Second Plank of the Communist Manifesto is a heavy, progressive income tax that punishes the rich and abuses the taxation powers of the government to redistribute wealth.
7. Constitutes a conspiracy to replace a de jure Constitutional Republic into nothing but a big for-profit private corporation and business in which:
- 7.1. Government becomes a virtual or political entity rather than physical entity tied to a specific territory. All the "States" after the Civil War rewrote their Constitutions to remove references to their physical boundaries. Formerly "sovereign" and independent states have become federal territories and federal corporations by signing up for federal franchises:

*At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several individuals (a "corporation aggregate"). 3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am. ed. 1845) . The sovereign was considered a corporation. See id., at 170; see also 1 W. Blackstone, Commentaries \*467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as "corporations" (and hence as "persons") at the time that 1983 was enacted and the Dictionary Act recodified. See W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were originally modeled upon a state or nation"); 1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation . . . ordained and established by the American people") (quoting United [495 U.S. 182, 202] States v. Maurice, 26 F. Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.); Cotton v. United States, 11 How. 229, 231 (1851) (United States is "a corporation"). See generally Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation").  
[Ngiraingas v. Sanchez, 495 U.S. 182 (1990) ]*

- 7.2. All rights have been replaced with legislatively created corporate "privileges" and franchises. See:

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

- 7.3. "citizens" and "residents" are little more than "employees" and officers of the corporation described in 26 U.S.C. §6671(b), 26 U.S.C. §7343, and 5 U.S.C. §2105. See this document.

- 7.4. You join the club and become an officer and employee of the corporation by declaring yourself to be a statutory but not constitutional "U.S. citizen" on a government form. See:

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

- 7.5. Social Security Numbers and Taxpayer Identification Numbers serve as de facto license numbers authorizing those who use them to act in the capacity of a public officer, trustee, and franchisee within the government. See:

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



7.6. Federal Reserve Notes (FRNs) serve as a substitute for lawful money and are really nothing but private scrip for internal use by officers of the government. They are not lawful money because they are not redeemable in gold or silver as required by the Constitution. See:

*The Money Scam*, Form #05.041  
<http://sedm.org/Forms/FormIndex.htm>

7.7. So-called "Income Taxes" are nothing but insurance premiums to pay for "social insurance benefits". They are also used to regulate the supply of fiat currency. See:

*The Government "Benefits" Scam*, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

7.8. The so-called "law book", the Internal Revenue Code, is the private law franchise agreement which regulates compensation to and "kickbacks" from the officers of the corporation, which includes you. See:

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

7.9. Federal courts are really just private binding corporate arbitration for disputes between fellow officers of the corporation. See:

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

7.10. Terms in the Constitution have been redefined to limit themselves to federal territory not protected by the original de jure constitution through judicial and prosecutorial word-smithing.

"When words lose their meaning, people will lose their liberty."  
[Confucius, 500 B.C.]

"Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy."  
[Senator Sam Ervin]

See:

7.10.1. *Meaning of the Words "includes" and "including"*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

7.10.2. *Rules of Presumption and Statutory Interpretation*, Litigation Tool #10.003  
<http://sedm.org/Litigation/LitIndex.htm>

8. Constitutes a plan to unwittingly recruit the average American into servitude of this communist/socialist effort.

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

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

1 and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the  
2 Communist Party should be outlawed

- 3 9. Constitutes an effort to create and perpetuate a state-sponsored religion and to compel “tithes” called income tax to the  
4 state-sponsored church, which is the government:

Socialism: The New American Civil Religion, Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

5 To close this section, we highly recommend the following FOIA you can send to the IRS and the Social Security  
6 Administration that is useful as a reliance defense to expose the FRAUD described in this section upon the American  
7 people:

Information Return FOIA: "Trade or Business", Form #03.023  
<http://sedm.org/Forms/FormIndex.htm>

8 Let's review how the three criteria for the existence of the “straw man” are satisfied in the case of information returns:

9 1. Commercial transaction:

- 10 1.1. Information returns, consisting of IRS Forms W-2, 1042-S, 1098, and 1099 that document payments in excess of  
11 \$600 to a public officer engaged in the “trade or business” franchise.

12 2. Agency.

- 13 2.1. Parties made liable under 26 U.S.C. §6041(a) are “taxpayers”.

14 “Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the Federal  
15 Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive  
16 jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for  
17 non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law. With  
18 them[non-taxpayers] Congress does not assume to deal and they are neither of the subject nor of the object of  
19 federal revenue laws.”  
20 [Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

- 21 2.2. All “taxpayers” are public officers in the government and therefore exercising agency of the government. See:

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

22 3. Property being acquired or transferred that would otherwise be illegal:

- 23 3.1. It constitutes involuntary servitude in violation of the Thirteenth Amendment for the government to impose any  
24 duty on the bank, including the duty to prepare information returns without compensation. Therefore,  
25 government is acquiring services of another, which is property, without apparent compensation.  
26 3.2. The duty is imposed on “taxpayers”, not men or women. “Taxpayers” are public officers and Congress has  
27 always had the right to regulate the conduct of its own officers and agents.  
28 3.3. “Taxpayers” receive the following compensation or financial “benefit” for their participation in the “trade or  
29 business” and “public office” franchise, and therefore they do not work for free and are not slaves:  
30 3.3.1. A reduced, graduated rate of tax under 26 U.S.C. §1. Those not engaged in a “trade or business” as shown  
31 in 26 U.S.C. §871(a) must pay a higher, flat rate of 30% on all earnings.  
32 3.3.2. Earned income credits under 26 U.S.C. §32.  
33 3.3.3. “trade or business” deductions that reduce their existing liability under 26 U.S.C. §162.

34 **10.4 Definition of “income” means earnings of a trust or estate**

35 The term “income” is defined as in the Internal Revenue Code as follows:

36 TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter J > PART I > Subpart A > § 643  
37 § 643. Definitions applicable to subparts A, B, C, and D

38 (b) Income

39 For purposes of this subpart and subparts B, C, and D, the term “income”, when not preceded by the words  
40 “taxable”, “distributable net”, “undistributed net”, or “gross”, means the amount of income of the estate or  
41 trust for the taxable year determined under the terms of the governing instrument and applicable local law.  
42 Items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary,

1 acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and  
2 applicable local law shall not be considered income.

3 Do you see a natural being mentioned above? Only trusts and executors for dead people, both of whom are transferees or  
4 fiduciaries for “taxpayers”, meaning the government, pursuant to 26 U.S.C. §6901 and 26 U.S.C. §6903 respectively.  
5 These transferees and fiduciaries are all “public officers” of the government. The office is the “straw man” and you are  
6 surety for the office if you fill out tax forms connecting your name to the office or allow others to do so and don’t rebut  
7 them.

8 Which “trust” are they talking about here? How about the “public trust”, which means the government. The ability to  
9 regulate private conduct is “repugnant to the constitution”, and therefore the trust they are referring to can only mean a trust  
10 that is wholly owned and created by the government.

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

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

18  
19 Executive Order 12731  
20 "Part 1 -- PRINCIPLES OF ETHICAL CONDUCT

21 "Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the  
22 integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental  
23 principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this  
24 order:

25 "(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and  
26 ethical principles above private gain.

27  
28 **TITLE 5--ADMINISTRATIVE PERSONNEL**  
29 **CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS**  
30 **PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE**  
31 **BRANCH--Table of Contents**  
32 **Subpart A--General Provisions**  
33 **Sec. 2635.101 Basic obligation of public service.**

34 (a) Public service is a public trust.

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

## 40 **10.5 IRS Form 1040**

41 The IRS Form 1040 is a profit and loss statement for a federal business trust that is a wholly owned subsidiary of the  
42 “United States” federal corporation.

- 43 1. The earnings on the form are NOT your earnings, but all the earnings of the trust, for which you are acting as the  
44 trustee. That trust is the Social Security Trust created when you signed up for Social Security. This is also the ONLY  
45 entity that can earn “income” as legally defined in 26 U.S.C. §643(b), which says that “income” as legally defined can  
46 only be earned by an estate or a trust, and NOT a natural being.

2. The “deductions” authorized on the IRS Form 1040 derive from 26 U.S.C. §162 are the method of computing compensation of the trustees. These deductions, pursuant to that section, may only be taken for those engaged in the “trade or business” franchise.
3. The reason you can’t deduct the cost of producing your labor on the form is that it isn’t YOU who performed the labor, but rather you while you were voluntarily acting as a “public officer” in expectation of the commercial benefits associated with the “public office”. See:

*How the Government Defrauds You Out of Legitimate Deductions for the Market Value of Your Labor*, Form #05.026  
<http://sedm.org/Forms/FormIndex.htm>

4. All of the earnings that go on the IRS Form 1040 MUST be connected with a “trade or business” because:
- 4.1. 26 U.S.C. §162 says that only those engaged in the “trade or business” franchise can take deductions, and everything on the 1040 form is subject to such deductions and therefore connected to the franchise.
- 4.2. IRS Form 1040 uses a graduated rate of tax which is only authorized for earnings connected with a “trade or business”, as shown in 26 U.S.C. §871(b).
- 4.3. 26 U.S.C. §871(b)(1) admits that everything in 26 U.S.C. §1 and therefore appearing on IRS Form 1040 is “trade or business” income.

*TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART II > Subpart A > § 871*  
*§ 871. Tax on nonresident alien individuals*

*(b) **Income connected with United States [trade or] business**—graduated rate of tax*

*(1) Imposition of tax*

*A nonresident alien individual **engaged in trade or business within the United States during the taxable year shall be taxable as provided in section 1 or 55 on his taxable income which is effectively connected with the conduct of a trade or business within the United States.***

- 4.4. 26 U.S.C. §864(c)(3) indicates that all earnings originating from within the “United States” shall be treated as effectively connected to the “trade or business” and “public office” franchise. The ONLY “United States” where EVERYTHING is connected to a “public office” is the United States government, and not the geographical United States.

*TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART I > § 864*  
*§ 864. Definitions and special rules*

*(c) **Effectively connected income, etc.***

*(3) **Other income from sources within United States***

***All income, gain, or loss from sources within the United States (other than income, gain, or loss to which paragraph (2) applies) shall be treated as effectively connected with the conduct of a trade or business within the United States.***

- 4.5. IRS Document 7130 confirms that IRS Form 1040 is only for use by “U.S. citizens” and “residents”, both of whom have in common a domicile in the SAME “United States” above, meaning that they are officers of the government corporation.

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

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

*W:CAR:MP:FP:F:I Tax Form or Instructions*  
*[2003 IRS Published Products Catalog, p. F-15]*

Federal Rule of Civil Procedure 17(b) says the effective domicile of all officers of a corporation is the place where the corporation was incorporated, which is the District of Columbia.

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

(b) Capacity to Sue or be Sued.

**Capacity to sue or be sued is determined as follows:**

**(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;**

**(2) for a corporation, by the law under which it was organized; and**

**(3) for all other parties, by the law of the state where the court is located, except that:**

(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and

(B) 28 U.S.C. §§ 754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

5. The government can lawfully define the meaning of “profit” on the IRS Form 1040 because:
  - 5.1. It is not legislating for private entities, but rather “public offices” and federal business trusts.
  - 5.2. It is supervising its own instrumentalities and therefore is not restrained by the common law.
  - 5.3. You can’t earn “income” and therefore “gross income” pursuant to 26 U.S.C. §643(b) unless you are
    - 5.3.1. A trustee of the federal business trust . .AND
    - 5.3.2. The earnings have been connected to the “public office” and business trust using a usually FALSE information return as described earlier in section 10.3.
6. The IRS carefully and deliberately conceals the nature of the IRS Form 1040 as a form ONLY for “public offices” in the government by:
  - 6.1. Hiding the phrase “public office” within the definition of “trade or business” at 26 U.S.C. §7701(a)(26) at the end of the code in a place that few would ever notice.
  - 6.2. Using the phrase “trade or business” instead of “public office” so as not to draw attention to the nature of the activity being exercised.
  - 6.3. Conveniently omitting mention on the IRS Form 1040 that everything on the form is “trade or business”/ “public office” earnings.
  - 6.4. Conveniently omitting to mention in the IRS Form 1040 Instruction Booklet that everything on the form is “trade or business”/ “public office” earnings.
  - 6.5. Conveniently omitting to mention in 26 U.S.C. §1 that everything that subject refers to is connected with the “trade or business” franchise.
  - 6.6. Conveniently omitting the definition of “United States” from EVERYTHING they publish. It means the GOVERNMENT, and not the geographical definition. The definition found in 26 U.S.C. §7701(a)(9) and (a)(10) is the geographical definition, but that is not the ONLY sense, or even the most prevalent sense in which it is used throughout I.R.C. Subtitle A, in which it means the government and not the geographical United States.
7. The reason the IRS and the government carefully conceal the nature of the IRS Form 1040 as a form for “public offices” and therefore federal business trusts within the government is that they want to avoid all the following:
  - 7.1. Having to answer inevitable questions from millions of people about what a “trade or business” is or whether they are involved in it.
  - 7.2. Having to admit that most people are not lawfully engaged in a public office in the U.S. government.
  - 7.3. Having to admit that they can’t lawfully regulate or especially tax private conduct.
  - 7.4. Becoming an accessory after the fact to the crime of “impersonating an employee or officer of the government” pursuant to 18 U.S.C. §912.

Welcome to the MATRIX, friends! Your own legal ignorance and the strategic silence and omission in IRS publications and the law is what keeps you connected to it.

**“Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; the Lord our God shall cut them off.”**  
[Psalm 94:20-23, Bible, NKJV]

## **10.6 Social Security**

Whenever you sign the SSA Form SS-5 Application for a Social Security Card, you are in fact:

1. Adopting the Social Security Act as a trust indenture.

**Proof that There Is a “Straw man”**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.042, Rev. 2-4-2010

127 of 206

EXHIBIT: \_\_\_\_\_



2. Creating a trust that is a wholly owned subsidiary of the United States federal corporation described in 28 U.S.C. §3002(15)(A) .
3. Consenting to accept receipt, custody, and control of government property as a formerly private person and thereby become a public officer. 20 CFR §422.103(d) identifies the Social Security Card as property of the Social Security Administration. The card itself says it belongs to the Social Security Administration and must be returned upon request. The SSA Form SS-5 application says it is an application for a Social Security Card, and NOT an application for “benefits”. You are simply asking to receive government property, and that property comes with strings attached:
- 3.1. You become “federal personnel” under 5 U.S.C. §552a(a)(13).
- 3.2. You become a “fiduciary” under 26 U.S.C. §6901.
- 3.3. You become a “transferee” under 26 U.S.C. §6093.
- 3.4. You agree to act as an “individual”. The trust is actually the “individual” and the public office in the government, and you are acting as its agent and officer.
4. Accepting the “consideration” involved in the possibility but not absolute right to receive “benefits” of participation. See:

*The Government “Benefits” Scam*, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

5. Agreeing to act as the “trustee” over the trust so created. You are NOT in fact becoming the Beneficiary but rather the Trustee of the trust. Your public servants, in fact, become the REAL beneficiary because they and not you control all the property that you associate the trustee license number with. Then they LIE to you by calling you a “beneficiary”. What a joke! All trusts and corporations created by the government are what is called “eleemosynary charitable trusts and corporations”, and all such trusts exist for the equal benefit of all.

*“Eleemosynary corporation. A private corporation created for charitable and benevolent purposes. Charitable corporation. See also Charitable organization.”*  
*[Black’s Law Dictionary, Sixth Edition, p. 520]*

The only way that anyone can receive specified compensation from such a trust is as an “employee” of the trust and a public officer in the government called a “Trustee”. If you were a “beneficiary” instead of a “trustee”, then EVERYONE in the public, including those who never signed up or paid in, could receive equal “benefits” and this is not how the program is run. Therefore, the program can only be offered to officers of the government and not the public generally. Otherwise, the government will have created a “Title of Nobility”, which the Constitution forbids.

6. Agreeing to act as a “resident agent” for a “public office” that actually exists in the District of Columbia as required by 4 U.S.C. §72:

[TITLE 4 > CHAPTER 3 > § 72](#)  
[§ 72. Public offices; at seat of Government](#)

*All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.*  
*[SOURCE: [http://www4.law.cornell.edu/uscode/html/uscode04/usc\\_sec\\_04\\_00000072---000-.html](http://www4.law.cornell.edu/uscode/html/uscode04/usc_sec_04_00000072---000-.html)]*

7. Agreeing to receive “deferred retirement benefits” as Trustee that are commensurate with the amount of private property you donate to a public use and the temporary use of the trust to procure the benefits of said franchise. This makes you into “federal personnel”:

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
[§552a. Records maintained on individuals](#)

*(a) Definitions.— For purposes of this section—*

*(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).*

8. Agreeing to use the Trustee License Number called the Social Security Number in association with every transaction that involves the execution of the office.
9. Agreeing to donate a portion of your formerly private property, such as your labor, to a public use, public purpose, and a public office for the charitable benefit of the government. That portion which has been donated is associated with the Trustee License Number, the Taxpayer Identification Number. IRS Document 6209 and 31 U.S.C. §321(d) identifies

all information returns as gifts and not taxes because they fall into Tax Class 5, which is estate and gift taxes, rather than Tax Class 2, which is income taxes. Only you can convert withholding into a “tax” by attaching it to a return and assessing yourself. If anyone else converts your private property to a gift without your consent, they are stealing for the government. See Great IRS Hoax, Form #11.302, Section 5.6.8 for details on this scam.

If you would like an exhaustive analysis of all the above implications of participating in the Social Security franchise, why it creates a public office, and why you become the officer and “trustee” and “straw man” who is surety for the public officer created, see:

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

Those acting as “franchisees”, “public officers”, and therefore “straw men” within the government are also called by the following synonyms on government forms:

1. “Individuals” as defined in 5 U.S.C. §552a(a)(2) and 26 CFR §1.144101(c )(3). These “individuals” are all government instrumentalities and entities because they are defined within Title 5 of the U.S. Code, which only regulates the conduct of government employees and not the private public.
2. “taxpayers” as defined in 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313.
3. “U.S. persons” as defined in 26 U.S.C. §7701(a)(30) , where the “U.S.” they mean is the government and not the geographical United States of America.
4. Statutory “U.S. citizens” (8 U.S.C. §1401) or “U.S. resident aliens” (26 U.S.C. §7701(b)(1)(A)) within the “tax code” but not within other titles of the U.S. Code. The term “U.S.” as used in these terms implies the District of Columbia corporation pursuant to 26 U.S.C. §7701(a)(9) and (a)(10) and no part of any federal territory. You can only have a domicile in this corporation if you are acting as one of its officers, because it is a virtual and not a physical entity. This is confirmed by the District of Columbia Act of 1871, in which the District of Columbia is referred to as a “body corporate” and NOT a “body politic”.

*Statutes At Large*  
*CHAP. LXII. – An Act to provide a Government for the District of Columbia*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government of the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act.*

*[Statutes at Large, 16 Stat. 419 (1871);*

*SOURCE: <http://famguardian.org/Subjects/Taxes/16Amend/SpecialLaw/DCCorpStatuesAtLarge.pdf>]*

If you want to know how and why our government was converted into a private, for profit corporation and all the citizens were converted unwittingly into officers of the corporation, see:

Corporatization and Privatization of the Government, Form #05.024  
<http://sedm.org/Forms/FormIndex.htm>

Let’s review how the three criteria for the existence of the “straw man” are satisfied in the case of Social Security:

1. Commercial transaction:
  - 1.1. The government receives donations from the public in the form of Social Security Insurance Premiums.
  - 1.2. In return, the public receives insurance payments from the insurance pool when they get old.
2. Agency.
  - 2.1. “Beneficiaries” of Social Security are in fact trustees of a charitable trust or charitable corporation called the “United States”.
  - 2.2. The government is a trustee over the insurance premiums donated.
  - 2.3. Employers who deduct and withhold social insurance premiums are treated as trustees of the government.
3. Property being acquired or transferred that would otherwise be illegal:

- 3.1. It is illegal for a private person to be in personal custody or control of public property such as a Social Security Card. By agreeing to become a trustee of the Social Security Trust and filling out annual profit and loss statements for that business trust called IRS Form 1040, you acquire the right to hold and use this public property for your use and benefit. Your compensation as trustee is the following methods to reduce a PRESUMED but not actual tax liability:
- 3.1.1. Reduced rate of tax under 26 U.S.C. §1.
  - 3.1.2. Earned income credits under 26 U.S.C. §32.
  - 3.1.3. “Trade or Business” (public office) deductions under 26 U.S.C. §162.
- 3.2. It is illegal to distribute any sums collected by the government under its authority to tax to private persons or to aid private enterprises or any single person.

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

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

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

- 3.3. Therefore, the only way you can receive monies from the government such as “social insurance payments” is to act as an employee, officer, or instrumentality of the government providing services in furtherance of a constitutionally authorized function of the government. That is why 5 U.S.C. §552a(a)(13) identifies all recipients of Social Security as “federal personnel”.

## **10.7 How banks become “persons” and “public officers” under federal law**

[31 CFR §202.2](#) makes “national banks” into officers and agents of the government:

TITLE 31--MONEY AND FINANCE: TREASURY  
CHAPTER II--FISCAL SERVICE, DEPARTMENT OF THE TREASURY  
PART 202 DEPOSITARIES AND FINANCIAL AGENTS OF THE FEDERAL GOVERNMENT \I\  
Sec. 202.2 Designations.

(a) Financial institutions of the following classes are designated as Depositaries and Financial Agents of the Government [e.g. “public officers”] if they meet the eligibility requirements stated in paragraph (b) of this section:

- (1) Financial institutions insured by the Federal Deposit Insurance Corporation.
- (2) Credit unions insured by the National Credit Union

Administration.

(3) Banks, savings banks, savings and loan, building and loan, and homestead associations, credit unions created under the laws of any State, the deposits or accounts of which are insured by a State or agency thereof or by a corporation chartered by a State for the sole purpose of insuring deposits or accounts of such financial institutions, United States branches of foreign banking corporations authorized by the State in which they are located to transact commercial banking business, and Federal branches of foreign banking corporations, the establishment of which has been approved by the Comptroller of the Currency.

(b) In order to be eligible for designation, a financial institution is required to possess, under its charter and the regulations issued by its chartering authority, either general or specific authority to perform the services outlined in Sec. 202.3(b). A financial institution is required also to possess the authority to pledge collateral to secure public funds.

[44 FR 53066, Sept. 11, 1979, as amended at 46 FR 28152, May 26, 1981;

Therefore, a private bank becomes a “public officer” by participating in a federal insurance franchise. Only by participating in a government insurance franchise do they become “public officers” and surrender their sovereign character as private banks to become “public banks” that effectively function as part of the machinery of the government. The origin of this source of jurisdiction over banks was admitted by the U.S. Supreme Court in the case of *California Bankers Association v. Shultz*, 416 U.S. 21 (1974). Congress had just implemented Currency Transaction Reports (CTRs) into law for the first time with the Bank Secrecy Act of 1970 and banks sued the government over having to snitch on their depositors and violate their privacy. The Supreme Court held that the authority to violate the rights of depositors who were “public officers” was the bank’s acceptance of FDIC insurance:

“The bank plaintiffs somewhat halfheartedly argue, on the basis of the costs which they estimate will be incurred by the banking industry in complying with the Secretary’s recordkeeping requirements, that this cost burden alone deprives them of due process of law. They cite no cases for this proposition, and it does not warrant extended treatment. In its complaint filed in the District Court, plaintiff Security National Bank asserted that it was an ‘insured’ national bank; to the extent that Congress has acted to require records on the part of banks insured by the Federal Deposit Insurance Corporation, or of financial institutions insured under the National Housing Act, Congress is simply imposing a condition on the spending of public funds. See, e.g., *Steward Machine Co. v. Davis*, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937); *Helvering v. Davis*, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937). Since there was no allegation in the complaints filed in the District Court, and since it is not contended here that any bank plaintiff is not covered by FDIC or Housing Act insurance, it is unnecessary to consider what questions would arise had Congress relied solely upon its power over interstate commerce to impose the recordkeeping requirements. The cost burdens imposed on the banks by the recordkeeping requirements are far from unreasonable, and we hold that such burdens do not deny the banks due process of law.”<sup>62</sup>

[*California Bankers Ass’n v. Shultz*, 416 U.S. 21 (1974)]

Notice the important statement:

“Congress is simply imposing a condition on the spending of public funds. See, e.g., *Steward Machine Co. v. Davis*, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937); *Helvering v. Davis*, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937).”

[*California Bankers Ass’n v. Shultz*, 416 U.S. 21 (1974)]

The above two cases are critical, because they concern another franchise, which is Social Security. You may want to read those cases as well. Who are the only people that can spend the “public funds” mentioned by the court above? How about public officers! If you are a PRIVATE depositor of the bank who is not serving in a public office within the government, the requirement contested in the Shultz case above does not apply. Currency Transaction Reports (CTRs), IRS Form 8300, may only be filed against parties engaged in a “trade or business”, and hence expending or managing “public funds”:

“**Form 8300.** You must file form 8300, Report of Cash Payments Over \$10,000 Received in a Trade or Business [public office], if you receive more than \$10,000 in cash in one transaction, or two or more related business transactions. Cash includes U.S. and foreign coin and currency. It also includes certain monetary instruments such as cashier’s and traveler’s checks and money orders. Cash does not include a check drawn on an individual’s personal account (personal check). For more information, see Publication 1544, Reporting Cash Payments of Over \$10,000 (Received in a Trade or Business)”

[IRS Publication 334 entitled *Tax Guide for Small Businesses*, Year 2002, p. 12;  
SOURCE: <http://famguardian.org/TaxFreedom/Forms/IRS/IRSPub334.pdf>]

31 CFR §103.30(d)(2) General

(d) Exceptions to the reporting requirements of 31 U.S.C. 5331:

(2) Receipt of currency not in the course of the recipient’s trade or business.

<sup>62</sup> The only figures in the record as to the cost burden placed on the banks by the recordkeeping requirements show that the Bank of America, one of the largest banks in the United States, with 997 branches, \$29 billion in deposits, and a net income in excess of \$178 million (Moody’s Bank and Finance Manual 633-636 (1972)), expended \$392,000 in 1971, including start-up costs, to comply with the microfilming requirements of Title I of the Act. Affidavit of William Ehler, App. 24-25. The hearings before the House Committee on Banking and Currency indicated that the cost of making microfilm copies of checks ranged from 1 1/2 mills per check for small banks down to about 1/2 mill or less for large banks. See House Hearings, supra, n. 1, at 341, 354-356; H.Rep.No.91-975, supra, at 11. The House Report further indicates that the legislation was not expected to significantly increase the costs of the banks involved since it was found that many banks already followed the practice of maintaining the records contemplated by the legislation.

**The receipt of currency in excess of \$10,000 by a person other than in the course of the person's trade or business is not reportable under 31 U.S.C. 5331.**

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Title 31: Money and Finance: Treasury  
PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS  
Subpart B—Reports Required To Be Made  
§ 103.30 Reports relating to currency in excess of \$10,000 received in a trade or business.

(c) Meaning of terms. The following definitions apply for purposes of this section--

(11) **Trade or business.** The term trade or business has the same meaning as under section 162 of title 26, United States Code.

The term “trade or business” is statutorily defined as follows, and it means a “public office” in the government:

26 U.S.C. §7701

(a) Definitions

(26) Trade or business

"The term 'trade or business' includes the performance of the functions of a public office."

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*"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded."*  
*[Black's Law Dictionary, Sixth Edition, p. 581]*

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***"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."***  
*[Stenberg v. Carhart, 530 U.S. 914 (2000)]*

The California Bankers case above is also instructive in that it demonstrates how the government uses one franchise to increase participation in other franchises. FDIC insurance is used as a vehicle to compel banks to file CTRs which are false in the vast majority of cases, but causing the FDIC insurance franchise to be abused unlawfully to recruit more “taxpayer” franchisees under I.R.C. Subtitle A.

Hence:

1. The only banks subject to federal regulation and therefore “persons” under federal legislation are banks who have voluntarily signed up for a government insurance franchise or privilege such as FDIC insurance. All other banks are PRIVATE, sovereign, “foreign”, and immune from the legislative jurisdiction of the federal government beast.
2. At the point a bank accepts the “benefits” of the insurance franchise or “privilege”, they become:
  - 2.1. “National banks”
  - 2.2. Public officers
  - 2.3. Agents
  - 2.4. Fiduciaries
  - 2.5. Trustees



2.6. “straw men”

. . . acting on behalf of the national government as an integral part of the machinery of the government. This is also confirmed by how national banks sue private individuals in state court. They do so from outside the state and put “NA” after their name, meaning “national association”. Therefore, they are suing on behalf of the government and don’t have standing to sue as a private entity in the state.

3. Participants in government franchises can lawfully be required to perform the duties of their office without direct compensation and without imposing involuntary servitude upon them in violation of the Thirteenth Amendment, as was the case in the California Bankers case above.

*“The Government urges that the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. . . . The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.”*

*[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]*

The compensation the banks receive under the FDIC insurance franchise is deemed by the courts to be sufficient to not require additional direct monetary compensation to subsidize compliance with any new specific regulatory requirement arising out of the relationship. In effect, the government can impose as many uncompensated requirements as they wish under the terms of the FDIC insurance franchise agreement and the only option or recourse that franchisee banks have is to compare the costs with the benefits and decide to terminate participation when the costs of compliance outweigh the benefits of the FDIC insurance.

4. The requirement to file Currency Transaction Reports (CTRs) may only be enforced against the banks in the case of “public officers” engaged in the “trade or business” franchise within the national and not state government. They may not lawfully be filled out against a private party not so engaged and if they are anyway, a crime has been committed. This requirement is thoroughly documented in the following form readymade to present to your bank:

Demand for Verified Evidence of “Trade or Business” Activity: Currency Transaction Report, Form #04.008  
<http://sedm.org/Forms/FormIndex.htm>

Like everything else the government does, even FDIC insurance is a SCAM with a capital “S”. Most people don’t realize that if a bank fails, the government by law has 100 years to pay back all the depositors with inflated dollars! Therefore, such insurance is not of any real value anyway.

Let’s review how the three criteria for the existence of the “straw man” are satisfied in the case of the Bank Secrecy Act:

4. Commercial transaction:

4.1. FDIC insurance.

4.2. Currency Transaction Reports (CTRs), IRS Form 8300. Prepared when public officers engaged in the “trade or business” franchise withdraw public funds from financial institutions. These reports are NOT applicable to private parties or even most parties.

5. Agency.

5.1. 31 CFR §202.2 makes banks that accept FDIC insurance into agents of the government.

5.2. The bank acts as an agent of the government and the law in preparing the Currency Transaction Reports (CTRs) mandated by the Bank Secrecy Act of 1970.

6. Property being acquired or transferred that would otherwise be illegal:

6.1. It constitutes involuntary servitude in violation of the Thirteenth Amendment for the government to impose any duty on the bank, including the duty to prepare CTRs.

6.2. The banks voluntarily become agents of the government through the acceptance of FDIC insurance.

6.3. It is not involuntary servitude to impose duties on those who volunteer to become agents of the government by accepting a privilege or “benefit” from the government. Through FDIC insurance, they are being compensated for their services indirectly.

*“Congress is simply imposing a condition on the spending of public funds. See, e.g., Steward Machine Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937); Helvering v. Davis, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937).”*

*[California Bankers Ass’n v. Shultz, 416 U.S. 21 (1974)]*

## 10.8 Federal Rule of Civil Procedure 17

Federal Rule of Civil Procedure 17(d) addresses the “straw man” by name:

*Federal Rules of Civil Procedure*

[IV. PARTIES](#) > Rule 17.

[Rule 17. Plaintiff and Defendant; Capacity; Public Officers](#)

*(d) Public Officer's Title and Name.*

*A public officer who sues or is sued in an official capacity may be designated by official title rather than by name, but the court may order that the officer's name be added.*

*[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]*

The [Federal Rule of Civil Procedure 17\(b\)](#) says that the capacity to sue or be sued is determined by the law of the individual's domicile. It quotes two and only two exceptions to this rule, which are:

1. A person acting in a representative capacity as an officer of a federal entity.
2. A corporation that was created and is domiciled within federal territory.

This means that if a person is domiciled within the exclusive jurisdiction of a state of the Union and not within a federal enclave, then state law are the rules of decision rather than federal law. Since state income tax liability in nearly every state is dependent on a federal liability first, this makes an income tax liability impossible for those domiciled outside the federal zone or inside the exclusive jurisdiction of a state, because such persons cannot be statutory “U.S. citizens” as defined in 8 U.S.C. §1401 nor “residents” as defined in 26 U.S.C. §7701(b)(1)(A) .

[IV. PARTIES](#) > Rule 17.

[Rule 17. Parties Plaintiff and Defendant; Capacity](#)

*(b) Capacity to Sue or be Sued.*

**Capacity to sue or be sued is determined as follows:**

**(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;**

**(2) for a corporation, by the law under which it was organized; and**

*(3) for all other parties, by the law of the state where the court is located, except that:*

*(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and*

*(B) [28 U.S.C. §§754 and 959\(a\)](#) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.*

*[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]*

A “person” as defined in 26 U.S.C. §7343 and 26 U.S.C. §6671(b) engaged in the “trade or business” franchise occupies a “public office” within the U.S. government, which is a federal corporation (28 U.S.C. §3002(15)(A) ) created and domiciled on federal territory. The entities below are therefore the REAL “persons” and “taxpayers” within the I.R.C.

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 68](#) > [Subchapter B](#) > [PART I](#) > § 6671

[§ 6671. Rules for application of assessable penalties](#)

*(b) Person defined*

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

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 75](#) > [Subchapter D](#) > § 7343

[§ 7343. Definition of term “person”](#)

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

The only type of “corporation” they can be referring to above are federal corporations, because states are not subject to federal legislative jurisdiction, are sovereign, and therefore “foreign”:

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

The “person” referred to above is also acting in a representative capacity as an officer of said corporation. Therefore, such “persons” are the ONLY real “taxpayers” under Internal Revenue Code, Subtitle A against whom federal law may be cited outside of federal territory. Anyone in the government who therefore wishes to enforce federal law against a person domiciled outside of federal territory (the “United States” as defined in 26 U.S.C. §7701(a)(9) and (a)(10)) and who is therefore not a statutory “U.S. citizen” or “resident” (alien) therefore must satisfy the burden of proof with evidence to demonstrate that the defendant lawfully occupied a public office within the U.S. government in the context of all transactions that they claim are subject to tax. See:

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

## 10.9 The Privacy Act identifies the “straw man”

The Privacy Act identifies the straw man as “federal personnel”:

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES  
PART I- THE AGENCIES GENERALLY  
CHAPTER 5- ADMINISTRATIVE PROCEDURE  
SUBCHAPTER II- ADMINISTRATIVE PROCEDURE  
§552a. Records maintained on individuals

*(a) Definitions.— For purposes of this section—*

*(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).*

The “Federal personnel” to which they refer include Social Security, which is a form of deferred retirement program offered by the Government of the United States.

Let’s review how the three criteria for the existence of the “straw man” are satisfied in the case of the Privacy Act:

1. Commercial transaction:  
Receipt of “benefits under any retirement program of the Government of the United States (including survivor benefits).
2. Agency.
  - 2.1. Those in receipt of federal retirement become “federal personnel”.
  - 2.2. “Federal personnel” is defined as those who are officers and employees of the government as defined in 5 U.S.C. §2105.
3. Property being acquired or transferred that would otherwise be illegal:
  - 3.1. The Fourth Amendment to the United States Constitution makes privacy a protected right.
  - 3.2. In law, all rights are “property”. Therefore, privacy is “property” and control over information about oneself is also property.
  - 3.3. The purpose of the Privacy Act is to take away control of information about oneself and to authorize anyone indicated in the act to look at private information about someone. The act is found in Title 5 of the U.S. Code, and hence it only regulates the privacy of “government employees” and not private Americans in states of the Union generally.
  - 3.4. Therefore, those who work for the government essentially must give up their right to privacy as a precondition of their employment agreement. They exchange privacy for their employment “wages”. When they go to work for the government, they implicitly surrender their private status and their official actions then become administratively discoverable through the Privacy Act and/or the Freedom of Information Act without the need

for litigation to institute legal discovery. That is why they are called “public employees”. Otherwise, they would be “private employees”.

*“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O’Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277-278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm’n v. Letter Carriers, 413 U.S. 548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616-617 (1973).”*  
[Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]

## 10.10 Taxpayer Identification Numbers Issued to the Straw Man

The only regulations *mandating* the use of identifying numbers are found in 26 CFR §301.6109-1(b). All of those regulations fall within part 301 of 26 CFR. Part 301 is published under the authority of 5 U.S.C. §301, which empowers the Secretary to write regulations for the management of his department. These regulations may NOT impose duties on the general public, but only upon those working within the department:

[TITLE 5 > PART 1 > CHAPTER 3 > § 301](#)  
[§ 301. Departmental regulations](#)

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

Hence, the requirement to use Taxpayer Identification Numbers ONLY applies to Treasury employees, and not to the general public and certainly not to the income tax. If that requirement ALSO applied to the general public OR to the income tax, it would ALSO be found in Part 1 of the regulations and be published in the Federal Register as required by 5 U.S.C. §553(a) and 44 U.S.C. §1505(a). Hence, once again, TINs are only for use by the public officer “straw man” and not the private person, like nearly everything the government does.

The straw man is a franchisee engaged in privileged activities with an effective domicile on federal territory. The older versions of the regulations admit that this straw man acquires an effective domicile or “residence” on federal territory by engaging in the “trade or business” franchise:

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

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

After we first posted the above regulation on our website, the government rewrote it and replaced it with a temporary regulation in 2005 to HIDE THE TRUTH! They don’t want you to know how their SCAM works. Notice that the above implies that you indirectly are making an election to become a “resident alien” pursuant to 26 U.S.C. §7701(b)(A) whenever you consent to engage in the “trade or business” excise taxable franchise. The reason you must do this is because

you are only eligible for the benefits if you are domiciled or resident on federal territory and therefore within the legislative jurisdiction of congress.

The instructions for IRS Form 1042-S indicate all the circumstances where “Taxpayer Identification Numbers” are absolutely required. The TIN functions as a de facto license to engage in federal franchises and the occasions where this license is ABSOLUTELY REQUIRED identify what the franchises are that which are subject to said license. Below is the section of this form containing the list, and note that the very first item is the “trade or business” franchise, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”, which office is in the U.S. government and the District of Columbia as mandated by 4 U.S.C. §72:

Box 14, Recipient's U.S. Taxpayer Identification Number (TIN)

**You must obtain a U.S. taxpayer identification number (TIN) for:**

- Any recipient whose income is effectively connected with the **conduct of a trade or business [public office pursuant to 26 U.S.C. §7701(a)(26)]** in the United States.  
*Note.* For these recipients, exemption code 01 should be entered in box 6.
- Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a foreign country and the United States, unless the income is an unexpected payment (as described in Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations that are actively traded; dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and are registered with the Securities and Exchange Commission under the Securities Act of 1933; and amounts paid with respect to loans of any of the above securities.
- Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities received under qualified plans.
- A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt organization under section 501(c ) or as a private foundation.
- Any *QI*.
- Any *WP* or *WT*.
- Any nonresident alien individual claiming exemption from withholding on compensation for independent personal services [services connected with a “trade or business”].
- Any foreign grantor trust with five or fewer grantors.
- Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.

[IRS Form 1042s Instructions, Year 2006, p. 14]

We have taken the time to further investigate the list above and put it in tabular form for your reading pleasure. These requirements are also found in 26 CFR §301.6109-1(b):

**Table 3: Instances where Taxpayer Identification Number is MANDATORY**

#	Name	Applicable I.R.C. Code section(s)
1	Effectively connected with the “trade or business” franchise	26 U.S.C. §7701(a)(26) 26 U.S.C. §871(b) 26 U.S.C. §1
2	Foreign person claiming reduced rate of, exemption from, tax under treaty	26 U.S.C. §894 26 U.S.C. §6114 26 U.S.C. §6712 26 U.S.C. §1(h)(11)(C)(i)(II)
3	Nonresident alien claiming exemption for annuities received under qualified plans	26 U.S.C. §871(f)
4	Foreign organization claiming an exemption from tax solely because of its status as a tax exempt organization	26 U.S.C. §501(c )
5	Qualified Intermediary (QI)	26 CFR §1.1441-1(e)(5): Generally 26 CFR §1.1441-1(e)(5)(ii): Definition



#	Name	Applicable I.R.C. Code section(s)
6	Withholding Foreign Partnership (WP) or Withholding Foreign Trust (WT)	26 CFR §1.1441-5(c )
7	Nonresident claiming exemption for independent personal services	26 CFR §1.1441-4(b)(4): Withholding 26 CFR §1.1461-1(c )(2)(i): Reporting 26 CFR §1.1441-6(g)(1): TIN requirement
8	Foreign grantor trust with five or fewer grantors	26 U.S.C. §§671 to 679 26 CFR §1.1441-5(e): Generally 26 CFR §1.1441-1(c )(26): Definition
9	Any branch of a foreign bank or foreign insurance company that is treated as a “U.S. person”	26 U.S.C. §7701(a)(30)

Based on reading the statutory authorities for each of the conditions requiring a Taxpayer Identification Number, we reach the following conclusions:

1. Every one of the conditions involves a “benefit” and thereby a franchise or “public right” of some kind and implies a reduction in an *existing* tax liability that can ONLY be incurred by a person lawfully serving in a public office within the government, including:
  - 1.1. 501(c ) status.
  - 1.2. The entity is a privileged “corporation”.
  - 1.3. They are a “withholding agent” within the U.S. government pursuant to 26 U.S.C. §7701(a)(16) in the case of a WP or WT.
  - 1.4. “trade or business” deductions under 26 U.S.C. §162.
  - 1.5. Exemption from tax under 26 U.S.C. §871(f).
  - 1.6. Exemption from withholding because engaged in “personal services”, which is defined as work performed in connection with the “trade or business” franchise.

[26 CFR §1.469-9](#) Rules for certain rental real estate activities.

(b)(4) PERSONAL SERVICES.

**Personal services means any work performed by an individual in connection with a trade or business.**  
However, personal services do not include any work performed by an individual in the individual's capacity as an investor as described in section 1.469-5T(f)(2)(ii).

2. The subject is a “person” domiciled in the District of Columbia and therefore subject to the municipal rather than federal laws applicable there because they are:
  - 2.1. A “U.S. person” as defined in 26 U.S.C. §7701(a)(30).
  - 2.2. An “nonresident alien individual” who made an election pursuant to 26 U.S.C. §6013(g) and (h) to become a resident alien.
  - 2.3. Participating in the “trade or business” or “public office” franchise. See 26 CFR §301.7701-5 above.
  - 2.4. Resident in a foreign country and taking advantage of a tax treaty “benefit” (franchise) with the United States to reduce double taxation pursuant to 26 CFR §1.1441-1(c )(3)(ii).

In other words, you have to be part of the government or contracting with the government in order to need a de facto license to engage in federal franchises called a Taxpayer Identification Number. The average American is not engaged in any thing that has to do with the U.S. government. It is only by the abuse of “words of art” to deceive them that they can even become connected with the U.S. government.

26 U.S.C. §871 confirms that only earnings from sources within the “United States” (District of Columbia pursuant to 26 U.S.C. §7701(a)(9) and (a)(10)) are subject to tax in the case of a nonresident alien. People domiciled in states of the Union are nonresident aliens because they are outside of the legislative jurisdiction of Congress:

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

[Carter v. Carter Coal Co., [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

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

All of the activities for which Taxpayer Identification Numbers are required involve privileged activities and the Taxpayer Identification Number acts as the de facto license to engage in the activity. Of such licenses, the U.S. Supreme Court has said that Congress may not "authorize", meaning "license" ANY ACTIVITY, including the "trade or business" franchise, within a state of the Union:

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

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

[*License Tax Cases*, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

Let's review how the three criteria for the existence of the "straw man" are satisfied in the case of the Taxpayer Identification Numbers:

1. Commercial transaction:

- 1.1. Taxpayer Identification Numbers are only used in the context of commercial transactions.
- 1.2. A commercial transaction also occurs when the "taxpayer" receives a refund check of overpayments back from the IRS.

2. Agency.

- 2.1. Both 20 CFR §422.103(d) and the Social Security Card itself say the Social Security Number belongs to the Social Security Administration and not the person using.
- 2.2. Persons using said numbers therefore become "public officers" when in possession of public property. The very essence of being a "public officer" is management over public property. See the definition of "public officer" below for proof:

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

2.3. Through the mechanism of:

2.3.1. The Internal Revenue Code, the IRS issues “public property” called a Taxpayer Identification Number to a private person and deputizes that person in possession to become a public officer managing said property under the authority of 26 U.S.C. §6109 and the regulations thereunder.

2.3.2. The Social Security Act, the SSA issues “public property” called a Social Security Number to a private person and deputizes that person in possession to become a public officer managing said property under the authority of the Social Security Act. The Social Security Card is proof of employment with the federal government and the owner is a “Kelly Girl” on loan to their private employer.

3. Property being acquired or transferred that would otherwise be illegal:

3.1. It is unlawful for a private person to use public property for their own private and personal benefit. This is called theft and embezzlement.

3.2. Social Security payments may only be sent to the public officer in control of the card and the number that are also public property. The number and the card act as a de facto “license” to receive federal “benefit” payments from the Treasury. It is illegal for those not in possession of said “license” to receive a payment. These payments effectively act as compensation to the “trustee”, who is the public officer or “federal personnel” (5 U.S.C. §552a(a)(13)) receiving the payment.

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

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

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

3.3. IRS refund checks may only be sent to public officers called “taxpayers” in receipt, custody, and control of all the Taxpayer Identification Number and all property and rights to property that attach to the number at financial institutions. All private property associated with the number becomes private property donated to a public use to procure the benefits of the “trade or business” franchise. The collection of all these rights and benefits is the “res” that the IRS enforces against. It is otherwise illegal to pay public monies to a private person.

“Res. Lat. The subject matter of a trust [the Social Security Trust or the “public trust”/“public office”, in most cases] or will [or legislation]. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “res,” according to the modern civilians, is meant everything that may form an object of rights, in opposition to “persona,” which is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions [or CONSEQUENCES of choices and CONTRACTS/AGREEMENTS you make by procuring BENEFITS] of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

Res is everything that may form an object of rights and includes an object, subject-matter or status [e.g. “taxpayer”]. In re Riggle’s Will, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or status, considered as the defendant [hence, the ALL CAPS NAME] in an action, or as an object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is “the res”; and proceedings of this character are said to be in rem. (See In personam; In Rem.) “Res” may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled “In re \_\_\_\_\_.”  
[*Black’s Law Dictionary*, Sixth Edition, pp. 1304-1306]

## 10.11 UCC places the Straw Man in the District of Columbia

The Uniform Commercial Code governs how commercial transactions are executed. The term “United States” within that code is defined as follows:

[U.C.C. §9-307](#)

(h) [Location of United States.]

*The United States is located in the District of Columbia.*  
[SOURCE: <http://www.law.cornell.edu/ucc/9/article9.htm#s9-307>]

The above is the SAME “United States”:

1. Defined within the Internal Revenue Code at 26 U.S.C. §7701(a)(9) and (a)(10) as the “District of Columbia”.
2. That is used in the phrase “U.S. citizen” and “U.S. resident” found on most government forms, and especially on tax forms.
3. That is used within the phrase “sources within the United States” throughout the Internal Revenue Code. They are NOT using the geographical sense, but the government sense. Otherwise, they would be instituting slavery upon the people they are supposed to be protecting and converting private property to a public use without the consent of the owner and without compensation and in violation of the Fifth Amendment Takings Clause. On the other hand, if they only tax “public offices” in the government, these entities are already devoted to public use and so no illegal conversion from private property to public property and no compensation therefore needs to occur so that there can be no such violation.
4. Referenced in 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) as the place where your identity is kidnapped and involuntarily transported to the District of Columbia if you happen to be located outside of the District of Columbia at the time.

[TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)  
[§ 7701. Definitions](#)

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

*(39) Persons residing outside United States*

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

*(A) jurisdiction of courts, or*

*(B) enforcement of summons*

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[TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408](#)  
[§ 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions](#)

*(d) Citizens and residents outside the United States*

*If any citizen or resident of the United States does not reside in, and does not have his principal place of business in, any United States judicial district [federal territory], such citizen or resident **shall be treated for purposes of this section as residing in the District of Columbia.***

## 10.12 IRS Liens are against the “straw man”

When the IRS liens a “taxpayer”, the lien is accomplished as follows:

1. The authority for the lien is found in 26 U.S.C. §6331(a), which identifies who the proper subject is. This subject is an officer or agent of the U.S. government:

[TITLE 26 > Subtitle F > CHAPTER 64 > Subchapter D > PART II > § 6331](#)  
[§ 6331. Levy and distraint](#)

(a) Authority of Secretary

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

In order to deceive the recipient, the IRS includes portions of 26 U.S.C. §6331 on the Notice of Lien, Form 668(Y)(c) they send to financial institutions, but very conveniently omits the above paragraph so that the recipient basically will illegally STEAL for the government by enforcing against those who are not the proper subject. LIARS!

2. When a lien is executed, a Transaction Code 582 is entered in the IRS Individual Master File (IMF) of the “person”. This transaction code indicates a “Regular Lien”.
3. IRS Form 668(Y)(c) Notice of Lien is mailed to the last known address of the “person” and to the country recorder at the last known address. This notice includes a column (a) indicating “Kind of Tax”. This column represents the Internal Revenue Code section from which the authority to impose the lien derives. It does NOT represent the form number, but the I.R.C. code section. See:  
<http://sedm.org/SampleLetters/Federal/Situational/IRS-668Yc-050504.pdf>
4. Most IRS Form 668(Y)(c) Notice of Liens that we have seen indicate I.R.C. Section 1040 in column (a) for “Kind of Tax”.
5. I.R.C. Section 1040 reads as follows. Note that this section refers to executors and trustees over estates of deceased persons, who are fiduciaries and officers of the deceased person. This deceased person was domiciled on federal territory at the time of death and therefore subject to the provisions of Subtitle B of the Internal Revenue Code.

[TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter O > PART III > § 1040](#)  
[§ 1040. Transfer of certain farm, etc., real property](#)

(a) General rule

**If the executor of the estate of any decedent transfers to a qualified heir (within the meaning of section 2032A (e)(1)) any property with respect to which an election was made under section 2032A, then gain on such transfer shall be recognized to the estate only to the extent that, on the date of such transfer, the fair market value of such property exceeds the value of such property for purposes of chapter 11 (determined without regard to section 2032A).**

(b) Similar rule for certain trusts

**To the extent provided in regulations prescribed by the Secretary, a rule similar to the rule provided in subsection (a) shall apply where the trustee of a trust (any portion of which is included in the gross estate of the decedent) transfers property with respect to which an election was made under section 2032A.**

(c) Basis of property acquired in transfer described in subsection (a) or (b)

*The basis of property acquired in a transfer with respect to which gain realized is not recognized by reason of subsection (a) or (b) shall be the basis of such property immediately before the transfer increased by the amount of the gain recognized to the estate or trust on the transfer.*

Consequently, when the IRS places a lien on you for an unpaid tax, they are assuming that:

1. You are a trustee or executor for a deceased “taxpayer” domiciled on federal territory.
2. You are a “transferee” pursuant to 26 U.S.C. §6901 or a fiduciary pursuant to 26 U.S.C. §6903.

**Proof that There Is a “Straw man”**

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.042, Rev. 2-4-2010



If you would like further information on this SCAM, see the following articles:

1. [Liens: Are they for Subtitle A Income taxes or Subtitle B Estate Taxes?](http://famguardian.org/TaxFreedom/Evidence/Collection/Lien/Lien.htm)  
<http://famguardian.org/TaxFreedom/Evidence/Collection/Lien/Lien.htm>
2. [How the IRS traps into liability by making you a fiduciary for a dead "straw man"](http://famguardian.org/TaxFreedom/Instructions/0.6HowIRStrapsYouStrawman.htm)  
<http://famguardian.org/TaxFreedom/Instructions/0.6HowIRStrapsYouStrawman.htm>

### **10.13 All IRS correspondence is directed at the “straw man” and not private persons**

All IRS notices and correspondence contain the following below the return address:

*“Penalty for Private Use \$300”*

The opposite of private is public. Which means that their correspondence can only be directed at a public officer or government entity and not a private person. IRS is NOT empowered to correspond with anyone other than fellow government instrumentalities, agencies, bureaus, and “employees”. That is why they are a “bureau” rather than an “agency” by the admission of no less than the Dept. of Justice: Because bureaus service only other government entities and do not interact directly with the public. See:

[U.S. Government admits under oath that the IRS is not an agency of the U.S. Government!](http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm)  
<http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

### **10.14 IRS Withholding Notices Are Directed at the Straw Man**

Whenever you fill out an IRS Form W-4, the IRS uses the submission as prima facie evidence of the existence of a “public office” within the U.S. Government:

1. The upper left corner of the form indicates “Employee Withholding Allowance Certificate”.
2. The term “employee” is statutorily defined as follows:
  - 2.1. In 5 U.S.C. §2105 it means a public officer.
  - 2.2. In 26 U.S.C. §3401(c) and 26 CFR §31.3401(c)-1 it is defined as an officer or instrumentality of the United States.
3. Submission of the form causes IRS form W-2’s to be filed in the name of the submitter connecting the submitter to a “trade or business” pursuant to 26 U.S.C. §6041(a).
4. A “trade or business” is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.
5. 26 U.S.C. §7701(a)(31) indicates that any estate that is not connected to a “public office”/“trade or business” is a foreign estate not subject to the Internal Revenue Code.
6. It is ILLEGAL to file information returns against a person who is not engaged in a “public office”. Those who file false information returns are in violation of the following:
  - 6.1. 26 U.S.C. §7434: False information returns.
  - 6.2. 26 U.S.C. §7206 and 7207: False returns.
  - 6.3. 18 U.S.C. §912: Impersonating an officer or employee of the government.
7. 26 CFR §31.3401(a)-3(a) and 26 CFR §31.3402(p)-1 indicate that the IRS form W-4 is an agreement, meaning a contract, to call your earnings “wages” which are therefore subject to tax and reportable as “trade or business” earnings.
8. The submission of the IRS Form W-4 creates jurisdiction of the IRS to supervise the activities of the public officer straw man: Because the office is part of the government and you contractually are surety for the office.

If you submit IRS Form W-4 indicating that you are exercising a “public office” within the government, and the IRS doesn’t like the way you filled out the W-4, they typically contact the employer and direct them to change some aspect of the withholding arrangement. For instance, they will send IRS Letter 2800C directing the private employer to disregard the exemptions claimed if they are excessive. See:

IRS Letter 2800C  
<http://sedm.org/SampleLetters/Federal/Letters/IRS-LTR2800C.pdf>

If you examine the lower right corner of this notice, you will find the following conspicuous language:

*For Internal Use Only XXX-XX-XXXX*

The phrase "Internal Use" refers to the GOVERNMENT, but they very conveniently don't tell you that and won't answer questions about what "internal" means. This is confirmed by the fact that:

1. The return address has printed below it "Penalty for Private Use \$300". The opposite of private is public. Which means that their correspondence can only be directed at a public officer or government entity and not a private person.
2. The notice also does not have a valid OMB control number, which means that it can impose no obligation on the part of anyone other than a government entity. This is confirmed by the Paperwork Reduction Act at 44 U.S.C. §3412, which says that a private person not in the government cannot be penalized for failure to comply with a request for specific information.

### **10.15 Tax Court and IRS Notices of Deficiency are directed ONLY at the "Straw Man"**

IRS Notices of Deficiency (NOD), Letters 3219 and 531 come with a direction that you must petition the tax court if you don't agree with the "assessed" amount in the NOD.

1. The IRS is without authority to perform an actual lawful assessment. See:

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

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

2. The notice contains a PROPOSED assessment subject to ratification by the "taxpayer", not a legally binding obligation. This was confirmed by the IRS itself in a letter to the Government Accounting Office (GAO):

*"In its response to this letter, IRS officials indicated that they do not generally prepare actual tax returns. Instead, IRS prepares substitute documents that propose [not MAKE] assessments. Although IRS and legislation refer to this as the substitute for return program, these officials said the document does not look like an actual tax return."*

[Government Accounting Office Report GAO/GGD-00-60R, p. 1, Footnote 1;

SOURCE: <http://www.gao.gov/docsearch/repandtest.html>]

*"[IRS] Customer Service Division official commented on the phrase 'Substitute for Return.' They asked us to emphasize that even though the program is commonly referred to as the SFR program, no actual tax return is prepared."*

[Government Accounting Office Report GAO/GGD-00-60R, p. 2;

SOURCE: <http://www.gao.gov/docsearch/repandtest.html>]

3. 26 CFR §601.105 requires that the "taxpayer" is supposed to be offered an opportunity to consent to the proposed assessment appearing on these bogus notices BEFORE they become legally enforceable. This requirement is blatantly and maliciously ignored by the IRS in nearly all cases.
4. Pursuant to Tax Court Rule 13(a), only franchisees called "taxpayers" may lawfully petition the Tax Court.

*United States Tax Court  
RULE 13. JURISDICTION*

*(a) Notice of Deficiency or of Transferee or Fiduciary Liability Required:*

*Except in actions for declaratory judgment, for disclosure, for readjustment or adjustment of partnership items, for administrative costs, or for review of failure to abate interest (see Titles XXI, XXII, XXIV, XXVI, and XXVII), the jurisdiction of the Court depends (1) in a case commenced in the Court by a taxpayer, upon the issuance by the Commissioner of a notice of deficiency in in-come, gift, or estate tax or, in the taxes under Code chapter 41, 42, 43, or 44 (relating to the excise taxes on certain organizations and persons dealing with them), or in the tax under Code chapter 45 (relating to the windfall profit tax), or in any other taxes which are the subject of the issuance of a notice of deficiency by the Commissioner; and (2) in a case commenced in the Court by a transferee or fiduciary, upon the issuance by the Commissioner of a notice of liability to the transferee or fiduciary. See Code secs. 6212, 6213, and 6901.*

26 U.S.C. §7442 notices the Tax Court of its jurisdiction....

The Tax Court and its divisions shall have such jurisdiction as is conferred on them by this title, by chapters 1, 2, 3, and 4 of the Internal Revenue Code of 1939, by title II and title III of the Revenue Act of 1926 (44 Stat. 10-87), or by laws enacted subsequent to February 26, 1926.

Since the Internal Revenue Code of 1939 and the laws prior to it were repealed...what jurisdiction is this statute talking about? But even if Tax Court jurisdiction were not a mere fantasy, which it appears to be...26 U.S.C. §6902(a) notices the Tax Court that there are (emphasis added)...

*Provisions of special application to transferees*

*(a) Burden of proof*

*In proceedings before the Tax Court the burden of proof shall be upon the Secretary to show that a petitioner [i.e. any petitioner] is liable as a transferee of property of a taxpayer, but not to show that the taxpayer was liable for the tax.*

We prove with extensive evidence in the following memorandum that the “taxpayer” referenced above is, in fact, the U.S. Government and not a human being and that the “public officer” occupying the public office that is the subject of the tax is, in fact the “transferee” referenced in the above statute.

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

From the above evidence and analysis, we can safely infer that:

1. The “transferee” is a “public officer” acting as a fiduciary/agent over “taxpayer”/government property. The “transferee” is “the one to whom a transfer is made (Black’s 6th)”. This would seem to be the “employer”/“withholding agent” (26 U.S.C. §§3401(d) and 7701(a)(16)) via the IRS Form W-4...who is the one to whom the worker transfers his/her property (money) so the transferee can send it to the IRS.
2. The “transferee” and the “taxpayer” are two distinct and separate legal “persons”.
3. It is the “**transferee**” who has the standing to petition the Tax Court...not the alleged “taxpayer”.
4. The recipient of the Notice of Deficiency (NOD), as the “transferee” and public officer has no standing to petition the Tax Court...and the Tax Court would lack in personam jurisdiction (and subject matter jurisdiction for want of verification of a lawful assessment).
5. 26 U.S.C. §6902(b) requires that it is the “transferee” who is liable for the tax imposed on the “taxpayer”...and it is the “transferee” of the “taxpayer’s” (government’s) property who is the only one that can lawfully subpoena “taxpayer” books and records...not the Revenue Agent of Department of Treasury of Puerto Rico.

*6902b Evidence*

*Upon application to the Tax Court, a transferee of property of a taxpayer shall be entitled, under rules prescribed by the Tax Court, to a preliminary examination of books, papers, documents, correspondence, and other evidence of the taxpayer or a preceding transferee of the taxpayer’s property, if the transferee making the application is a petitioner before the Tax Court for the redetermination of his liability in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed upon the taxpayer. Upon such application, the Tax Court may require by subpoena, ordered by the Tax Court or any division thereof and signed by a judge, the production of all such books, papers, documents, correspondence, and other evidence within the United States the production of which, in the opinion of the Tax Court or division thereof, is necessary to enable the transferee to ascertain the liability of the taxpayer or preceding transferee and will not result in undue hardship to the taxpayer or preceding transferee. Such examination shall be had at such time and place as may be designated in the subpoena.*

The government tries to hide the above facts by:

1. Providing an ambiguous definition of “taxpayer” in 26 U.S.C. §7701(a)(14).
2. Deceiving you by calling you the “taxpayer”, when in fact, the public office occupied by you is the “taxpayer” and you are the “transferee” for the “taxpayer”.
3. Refusing to talk about the definition of the phrase “trade or business”, which is defined at 26 U.S.C. §7701(a)(26) as “the functions of a public office” and DOES NOT include the ordinary sense of the word. See:

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

4. Deceiving and lying to you by claiming that the I.R.C. Subtitle A is a direct, unapportioned tax when in fact the U.S. Supreme Court, the Congressional Research Service (CRS), and the I.R.C. all universally recognize it as an indirect excise tax upon the “trade or business” franchise. See:

*Flawed Tax Arguments to Avoid*, Form #08.004, Section 6.6  
<http://sedm.org/Forms/FormIndex.htm>

If you would like further evidence supporting the content of this section, we highly recommend the following resources:

1. *IRS Humbug: IRS Weapons of Enslavement*, Frank Kowalik, ISBN 0-9626552-0-1, 1991, by Universalistic Publishers. The best tax book we have found other than our own materials.
2. *Great IRS Hoax*, Form #11.302, Section 5.6.10: Public Officer Kickback Position.  
<http://sedm.org/Forms/FormIndex.htm>

## **11 Why it is THEFT to use the straw man for PRIVATE gain or advantage**

As we have already repeatedly pointed out:

1. The straw man is a public office in the government.
2. The office is legislatively created by an act of Congress.
3. The rights which attach to the straw man are “public rights” and are property of the GOVERNMENT and not the officer filling the office.
4. The public officer filling the office has a fiduciary duty to the public at large not to abuse his office or the property or rights associated with the office to injure any member of the public.
5. It is a violation of fiduciary duty for the officer to abuse his authority to use the rights attached to the office to benefit him or her self personally or individually.

With these critical facts in mind, it ought to be obvious to the reader that there is no reasonable or legitimate way for a private person who is not a court to do any of the following without STEALING from the public and becoming a criminal:

1. Lien the straw man using a UCC-3 form.
2. File or issue judgments against the straw man.
3. Take property or rights to property attached to the office of the straw man and use it for a private use.
4. Claim the identity of the straw man which is a “res”.
5. Use any property associated with the straw man in connection with one’s otherwise private affairs. This includes:
  - 5.1. Social Security Numbers, which are property of the Social Security Administration per 20 CFR 422.103(d) both BEFORE and AFTER they are issued..
  - 5.2. Taxpayer Identification Number (TINS), which are property of the I.R.S. both BEFORE and AFTER they are issued per 26 U.S.C. §6109.

The above considerations are why our Member Agreement, Form #01.001, Section 1.3, Item 2 states the following:

2. *I will not bring reproach upon this ministry by using any ministry materials or services for commercial or financial reasons. Instead, I will consistently describe my motivations as being exclusively spiritual, moral, legal, and religious. For instance, I will not use ministry materials or services in connection with any of the following:*
  - 2.1. *Mortgage cancellation.*
  - 2.2. *Debt cancellation.*
  - 2.3. *Bills of exchange used in paying off tax debts.*
  - 2.4. *1099OIDs.*
  - 2.5. *Using the "straw man" commercially to benefit anyone but its owner, which is the government. The "straw man" is a creation of and property of the government, and I acknowledge that it is stealing from the government to use their property, which is public property, for my own private benefit. I seek to abandon the straw man, not hijack him to steal from the government. See:*  
[Proof That There Is a "Straw Man"](http://sedm.org/Forms/FormIndex.htm), Form #05.042; <http://sedm.org/Forms/FormIndex.htm>.
  - 2.6. *For the reasons for all the above, see:*  
[Policy Document: UCC Redemption](http://sedm.org/Forms/FormIndex.htm), Form #08.002; <http://sedm.org/Forms/FormIndex.htm>.

[SOURCE: <http://sedm.org/Forms/FormIndex.htm>]

Many of our readers have at one time or another been involved in a practice that we label as “UCC Redemption”. Upon reading the above prohibitions imposed by our Member Agreement, Form #01.001, some have been known to get upset at us because we essentially destroy any means for them to use their “special secret knowledge” about law for their own personal benefit. In response to such allegations, we remind our readers of the following important facts:

1. The abuse of franchises outside the place they are authorized is the source of the REAL problem we are fighting.
2. The only way to fight fire is WITH fire.
3. The “fire” you have to use to fight franchises is MORE franchises.
4. We agree that everyone needs to be able to use their knowledge of the law to defend themselves from the crimes of a de facto government. That is one of the reasons we exist as a ministry, in fact.
5. You don’t have to hijack or use the straw man to gain an advantage over or control of government actors who are trying to steal from you.
6. Under the concept of equal rights and equal protection, you are entitled to ACQUIRE rights over the government and government actors by the same mechanisms as the corrupt de facto government.
7. If they assert a right to deceive ignorant third parties into filing knowingly FALSE information returns against you that connect you to THEIR franchise, you can nominate THEM into YOUR franchises using the same mechanisms. If they argue with you, then they can’t enforce THEIR franchises that way EITHER.
8. You can create your own anti-franchise franchise and impose it upon them and make THEM into YOUR straw man. Here is an example of that phenomenon in action:  
[Sovereignty Franchise and Agreement](http://sedm.org/Forms/FormIndex.htm), Form #06.027  
<http://sedm.org/Forms/FormIndex.htm>
9. The only defense a government can use against the above tactics is sovereign immunity, but they can’t invoke it if they are operating in commerce corporation involved in private business concerns.
10. Any time the government operates outside their territory or violates the purpose of their creation, which is the protection of PRIVATE RIGHTS, they are operating as a private business concern.
11. The Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97, applies to the U.S. government when operating outside their territory in a legislatively but not constitutionally foreign “state”, meaning a state of the Union. They can’t exempt anyone from the law, much less themselves.

In recognition of the above, we have ensured that all the major forms that our members could use in interacting with the government invoke, impose, and enforce the Sovereignty Franchise and Agreement, Form #06.027 against anyone who attempts to illegally enforce franchises against our members. See:

1. [Affidavit of Citizenship, Domicile, and Tax Status](http://sedm.org/Forms/FormIndex.htm), Form #02.001, Section 5.
2. [Tax Form Attachment](http://sedm.org/Forms/FormIndex.htm), Form #04.201, Section 6.
3. [Legal Notice of Change in Citizenship/Domicile and Divorce from the United States](http://sedm.org/Forms/FormIndex.htm), Form #10.001, Section 2.9.



4. Disclaimer, Section 5, Item 14.  
<http://sedm.org/disclaimer.htm>
5. Member Agreement, Form #01.001, Section 5, Item 14.  
<http://sedm.org/Membership/MemberAgreement.htm>

When you present your defense by the above mechanisms, you will paint them into a corner, because now they will have to expose, recognize, and CORRECT their own deceit in commerce that is the heart of the problem or recognize your EQUAL right to defend yourself by the same mechanisms. No matter what direction they turn, they will dig a hole for themselves and have to jump in. However they respond, they will be forced to help you enforce your own franchise or terminate the illegal enforcement of THEIRS!

## 12 Legal Actions Against the “Straw Man”

This section will describe how legal actions in court operate upon the straw man. As we have proven throughout this document, the “straw man” is:

1. Created through your right to contract with others.
2. A “public office” within the government.
3. A product of your explicit (in writing) or implicit (by action or omission) “consent” to occupy said office.
4. A creation of the government subject to government control and regulation.

Franchises are euphemistically called “public rights” by the U.S. Supreme Court. To wit:

*“The distinction between public rights and private rights has not been definitively explained in our precedents.<sup>63</sup> Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a minimum arise “between the government and others.” Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413.<sup>64</sup> In contrast, “the liability of one individual to another under the law as defined,” Crowell v. Benson, supra, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art. III courts and delegated to legislative courts or administrative agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d 464 (1977); Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power.”*

[. . .]

*“Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other rights, such a distinction underlies in part Crowell’s and Raddatz’ recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against “encroachment or aggrandizement” by Congress at the expense of the other branches of government. Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683. But when Congress creates a statutory right [a “privilege” in this case, such as a “trade or business”], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right.<sup>FN35</sup> Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress’ power to define the right that it has created. No comparable justification exists, however, when the*

<sup>63</sup> Crowell v. Benson, 285 U.S. 22, 52 S.Ct. 285, 76 L.Ed. 598 (1932), attempted to catalog some of the matters that fall within the public-rights doctrine:

“Familiar illustrations of administrative agencies created for the determination of such matters are found in connection with the exercise of the congressional power as to interstate and foreign commerce, taxation, immigration, the public lands, public health, the facilities of the post office, pensions and payments to veterans.” Id., at 51, 52 S.Ct., at 292 (footnote omitted).

<sup>64</sup> Congress cannot “withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.” Murray’s Lessee v. Hoboken Land & Improvement Co., 18 How. 272, 284 (1856) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing “private rights” from “public rights.” And it is also clear that even with respect to matters that arguably fall within the scope of the “public rights” doctrine, the presumption is in favor of Art. III courts. See Glidden Co. v. Zdanok, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 (opinion of Harlan, J.). See also Currie, The Federal Courts and the American Law Institute, Part 1, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.

1 *right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions*  
2 *that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions*  
3 *of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted*  
4 *encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.*  
5 *[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]*

## 6 **12.1 Proving consent that creates the “straw man” in court**

7 The terms “public right” as used in the preceding section and “privilege” are synonymous. You become eligible to partake  
8 of the “privilege” or “public right” by consenting to the franchise agreement. Examples of how that consent is procured  
9 include, but are not limited to, the following:

- 10 1. Filling out a government application. Such an “application” really constitutes “begging” for government benefits. You  
11 are a beggar and a vagabond who can’t govern and support himself so you are asking the government to subsidize your  
12 idleness. See:

*The Government “Benefits” Scam*, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

- 13 2. Filling out an SSA Form SS-5 Application for a Social Security Card.  
14 3. Applying for government employment.  
15 4. Tax returns:  
16 4.1. Signing an IRS Form 1040 tax return. Article 1, Section 8, Clauses 1 and 3 of the United States Constitution  
17 delegates ONLY to Congress the authority to “lay and collect”, meaning “assess” taxes. That power cannot be  
18 delegated to any other branch of the government, and certainly not to the Executive Branch. The courts recognize  
19 tax returns as an assessment, which makes the filer into a “public officer” within the Legislative Branch of the  
20 government and therefore a “straw man” and a franchisee.  
21 4.2. Taking deductions on the return. Everything that goes on such a “return” is earnings connected with the “trade or  
22 business” franchise. 26 U.S.C. §162 says you can only take deductions on this form if you are in fact engaged in  
23 the “trade or business” franchise. Every attempt to avoid the liabilities of the franchise by taking deductions in  
24 effect ropes you further into the franchise. Everything you take deductions against becomes private property  
25 donated to a public use to procure the benefits of a federal franchise.

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

35 The only way out of the “trade or business” franchise is to stop the usually FALSE information return reports that  
36 connected your private “income” with the “public office” to begin with using the following. This then prevents you  
37 from ever having to file the “return” in the first place. If you don’t have “income” as defined in 26 U.S.C. §643(b),  
38 then you don’t need deductions in the first place:

*Correcting Erroneous Information Returns*, Form #04.001  
<http://sedm.org/Forms/FormIndex.htm>

- 39 5. Filling out a driver’s license application. The Vehicle Code in your state is private law that you can only become  
40 subject to with your consent. The application for any kind of “license” is evidence of consent to surrender all rights  
41 adversely impacted by making such application.  
42 6. Filling out a marriage license application. This creates a trust relation and a franchise where the spouses become  
43 “trustees” and the government becomes the grantor and beneficiary. The “corpus” of the trust is the community  
44 property within the marriage, including the children, who are now “wards of the state” instead of the parents:

45 *[4] In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is*  
46 *its province and its duty to forbid interference by another state as well as by any foreign power with the status*  
47 *of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such*  
48 *sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have*  
49 *an established domicile in the state which resents such interference with matters which disturb its social*  
50 *serenity or affect the morals of its inhabitants. [5] Jurisdiction over divorce proceedings of residents of*

California by the courts of a sister state cannot be conferred by agreement of the litigants. [6] As protector of the morals of her people it is the duty of a court of this commonwealth to prevent the dissolution of a marriage by the decree of a court of another jurisdiction pursuant to the collusion of the spouses. If by surrendering its power it evades the performance of such duty, marriage will ultimately be considered as a formal device and its dissolution freed from legal inhibitions. [7] Not only is a divorce of California [81 Cal.App.2d 880] residents by a court of another state void because of the plaintiff's lack of bona fide residence in the foreign state, but it is void also for lack of the court's jurisdiction over the State of California. [8] This state is a party to every marriage contract of its own residents as well as the guardian of their morals. Not only can the litigants by their collusion not confer jurisdiction upon Nevada courts over themselves but neither can they confer such jurisdiction over this state.

[9] It therefore follows that a judgment of divorce by a court of Nevada without first having pursuant to its own laws acquired...

[Roberts v. Roberts, 81 Cal.App.2d 871 [Civ. No. 15818. Second Dist., Div. Two. Oct. 17, 1947]

JUSTICE MAAG delivered the opinion of the court: This action was brought in April of 1993 by Carolyn and John West (grandparents) to obtain visitation rights with their grandson, Jacob Dean West. Jacob was born January 27, 1992. He is the biological son of Ginger West and Gregory West, Carolyn and John's deceased son...

However, this constitutionally protected parental interest is not wholly without limit or beyond regulation. Prince v. Commonwealth of Massachusetts, 321 U.S. 158, 166, 88 L. Ed. 645, 64 S. Ct. 438, 442 (1944). "[T]he state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare." Prince, 321 U.S. at 167, 88 L. Ed. 645, 64 S. Ct. at 442. In fact, the entire familial relationship involves the State. When two people decide to get married, they are required to first procure a license from the State. If they have children of this marriage, they are required by the State to submit their children to certain things, such as school attendance and vaccinations. Furthermore, if at some time in the future the couple decides the marriage is not working, they must petition the State for a divorce. Marriage is a three-party contract between the man, the woman, and the State. Linneman v. Linneman, 1 Ill. App. 2d 48, 50, 116 N.E.2d. 182, 183 (1953), citing Van Koten v. Van Koten, 323 Ill. 323, 326, 154 N.E. 146 (1926). The State represents the public interest in the institution of marriage. Linneman, 1 Ill. App. 2d at 50, 116 N.E.2d. at 183. This public interest is what allows the State to intervene in certain situations to protect the interests of members of the family. The State is like a silent partner in the family who is not active in the everyday running of the family but becomes active and exercises its power and authority only when necessary to protect some important interest of family life. Taking all of this into consideration, the question no longer is whether the State has an interest or place in disputes such as the one at bar, but it becomes a question of timing and necessity. Has the State intervened too early or perhaps intervened where no intervention was warranted? This question then directs our discussion to an analysis of the provision of the Act that allows the challenged State intervention (750 ILCS 5/607(b) (West 1996)). [West v. West, 689 N.E.2d. 1215 (1998)]

It is important to know how our property becomes connected with the franchise because all disputes in court relating to the "straw man" will relate to this property. In fact:

1. All rights are property.
2. Anything that conveys rights is property.
3. Contracts convey rights, and therefore are "property".
4. All franchises are contracts and therefore are "property".

American Jurisprudence Legal Encyclopedia 2d  
Franchises, §2: As a Contract

It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and that it does in fact constitute a contract when the requisite element of a consideration is present.<sup>65</sup>

<sup>65</sup> Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S Ct 196; Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; Arkansas-Missouri Power Co. v. Brown, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; Chicago General R. Co. v. Chicago, 176 Ill. 253, 52 N.E. 880; Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13; State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955; Baker v. Montana Petroleum Co. 99 Mont 465, 44P.2d. 735; Re Board of Fire Comrs. 27 N.J. 192, 142 A.2d. 85; Chrysler Light & P. Co. v. Belfield, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; Franklin County v. Public Utilities Com. 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; State ex rel. Daniel v. Broad River Power Co. 157 S.C. 1, 153 S.E. 537; Rutland Electric Light Co. v. Marble City Electric Light Co., 65 Vt. 377, 26 A. 635; Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S Ct 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co. 141 Va. 69, 126 S.E. 353.

Conversely, a franchise granted without consideration is not a contract binding upon the state.<sup>66</sup> It is generally considered that the obligation resting upon the grantee to comply with the terms and conditions of the grant constitutes a sufficient consideration.<sup>67</sup> As expressed by some authorities, the benefit to the community may constitute the sole consideration for the grant of a franchise by a state.<sup>68</sup>

A contract thus created has the same status as any other contract recognized by the law;<sup>69</sup> it is binding mutually upon the grantor and the grantee and is enforceable according to its terms and tenor,<sup>70</sup> and is entitled to be protected from impairment by legislative action under the provision of the state and federal constitutions prohibiting the passage of any law by which the obligation of existing contracts shall be impaired or lessened.<sup>71</sup> The well-established rule as to franchises is that where a municipal corporation, acting within its powers, enacts an ordinance conferring rights and privileges on a person or corporation, and the grantee accepts the ordinance and expends money in availing itself of the rights and privileges so conferred, a contract is thereby created which, in the absence of a reserved power to amend or repeal the ordinance, cannot be impaired by a subsequent municipal enactment.<sup>72</sup> Certain limitations upon this general rule, and particular applications thereof, are discussed in the following section.

The equivalent of a municipal grant or franchise may result from the acceptance of an offer contained in a state statute<sup>73</sup> or in the constitution of the state.<sup>74</sup>  
[Am.Jur.2d., Franchises, §2: As a Contract]

5. Any of your property that you connect to the franchise becomes “property” of the franchise itself. That donation process occurs by attaching the franchise license number, which is the Social Security Number or Taxpayer Identification Number, to your private property. All property so associated becomes “private property donated to a public use to procure the benefits of a government franchise”.

<sup>66</sup> Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A. 836.

<sup>67</sup> Central Transp. Co. v. Pullman's Palace Car Co. 139 U.S. 24, 35 L.Ed. 55, 11 S.Ct. 478; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Dufour v. Stacey, 90 Ky 288, 14 SW 48; State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433.

<sup>68</sup> Dartmouth College v. Woodward, supra; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433.

<sup>69</sup> Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13.

<sup>70</sup> Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Louisville v. Cumberland Tel. & Tel. Co., 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433; East Ohio Gas Co. v. Akron, 81 Ohio.St. 33, 90 N.E. 40.

<sup>71</sup> Ohio Pub. Serv. Co. v. Ohio, 274 U.S. 12, 71 L.Ed. 898, 47 S.Ct. 480; Northern Ohio Traction & Light Co. v. Ohio, 245 U.S. 574, 62 L.Ed. 481, 38 S.Ct. 196; Cincinnati v. Cincinnati & H. Traction Co., 245 U.S. 446, 62 L.Ed. 389, 38 S.Ct. 153; Kansas Gas & E. Co. v. Independence (CA10) 79 F.2d 32, 638, 100 A.L.R. 1479; State ex rel. Weatherly v. Birmingham Waterworks Co. 185 Ala 388, 64 So 23; Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Chicago v. Chicago Union Traction Co., 199 Ill. 259, 65 N.E. 243; Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; State ex rel. Shaver v. Iowa Tel. Co. 175 Iowa 607, 154 N.W. 678; Dayton v. South Covington & C. Street R. Co., 177 Ky. 202, 197 S.W. 670; Shreveport Traction Co. v. Shreveport, 122 La 1, 47 So 40; Benton Harbor v. Michigan Fuel & Light Co., 250 Mich 614, 231 N.W. 52, 71 A.L.R. 114; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn 140, 83 N.W. 527, 86 N.W. 69; Westport v. Mulholland, 159 Mo 86, 60 SW 77; Quinby v. Public Serv. Com. 223 N.Y. 244, 119 N.E. 433, 3 A.L.R. 685; Northwestern Tel. Exch. Co. v. Anderson, 12 N.D. 585, 98 N.W. 706; Interurban R. & Terminal Co. v. Public Utilities Com., 98 Ohio.St. 287, 120 N.E. 831, 3 A.L.R. 696; Providence Gas Co. v. Thurber, 2 RI 15; Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 SW 104; Salt Lake City v. Utah Light & Traction Co., 52 Utah. 210, 173 P. 556, 3 A.L.R. 715; State v. Gibbs, 82 Vt. 526, 74 A 229; Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co. 141 Va. 69, 126 S.E. 353; Allen v. Forrest, 8 Wash. 700, 36 P. 971; Clarksburg Electric Light Co. v. Clarksburg, 47 W.Va. 739, 35 S.E. 994, error dismd (US) 46 L.Ed. 1267, 22 S.Ct 942; Wright v. Milwaukee Electric R. & Light Co., 95 Wis. 29, 69 N.W. 791.

<sup>72</sup> New York Electric Lines Co. v. Empire City Subway Co., 235 U.S. 179, 59 L.Ed. 184, 35 S.Ct. 72; Boise Artesian Hot & Cold Water Co. v. Boise City, 230 U.S. 84, 57 L.Ed. 1400, 33 S.Ct 997; Owensboro v. Cumberland Tel. & Tel. Co. 230 U.S. 58, 57 L.Ed. 1389, 33 S.Ct 988; Omaha Water Co. v. Omaha (CA8) 147 F.1, app dismd 207 U.S. 584, 52 L.Ed. 352, 28 S.Ct. 262; Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747; Washington v. Atlantic Coast Line R. Co., 136 Ga 638, 71 S.E. 1066; Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; Michigan Tel. Co. v. St. Joseph, 121 Mich 502, 80 N.W. 383; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn 140, 83 N.W. 527, 86 N.W. 69; Westport v. Mulholland, 159 Mo 86, 60 SW 77; Backus v. Lebanon, 11 N.H. 19; Northwestern Tel. Exch. Co. v. Anderson, 12 N.D. 585, 98 N.W. 706; Elliott v. Eugene, 135 Or 108, 294 P 358; Milwaukee Electric R. & Light Co. v. Railroad Com., 153 Wis. 592, 142 N.W. 491, affd 238 U.S. 174, 59 L.Ed. 1254, 35 S.Ct 820.

<sup>73</sup> The grant resulting from the acceptance, by the establishment of a plant devoted to the prescribed public use, of the state's offer to permit persons or corporations duly incorporated for the purpose "in any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light," to lay pipes in the city streets for the purpose specified, constitutes a contract and vests in the accepting individual or corporation a property right protected by the Federal Constitution against impairment. Russell v. Sebastian, 233 U.S. 195, 58 L.Ed. 912, 34 S.Ct 517.

<sup>74</sup> Madera Waterworks v. Madera, 228 U.S. 454, 57 L.Ed. 915, 33 S.Ct 571.



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

9       6. A franchise with the government makes all property connected with the government into “public property” controlled  
10       by the “public office” instead of the private person who formerly owned it.

## 11    12.2 Franchise (property) courts

12    If any dispute arises under the franchise agreement, the franchise agreement normally specifies that the dispute must be  
13    heard in a what we call a “property court”. For instance, all federal district and circuit courts are “property” courts  
14    established pursuant to Article 4, Section 3, Clause 2 of the United States Constitution, which states:

15                   United States Constitution  
16                   Article 4, Section 3, Clause 2

17                   The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the  
18                   Territory or other Property belonging to the United States; and nothing in this Constitution shall be so  
19                   construed as to Prejudice any Claims of the United States, or of any particular State.

20    Federal district and circuit courts are NOT Article III constitutional courts, but simply property courts. This fact is  
21    exhaustively proven in the following book:

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

24    For an example of why federal district and circuit courts are Article IV courts, we need look no further than the federal  
25    judge’s oath. The judge oath is prescribed in [28 U.S.C. §453](#) and [5 U.S.C. §3331](#) and all federal judges take the same oath.  
26    The oath that all judges take is a combination of these two code sections and reads as follows:

27                   “I, \_\_\_\_\_, do solemnly swear and affirm that I will administer justice without regard to persons and do  
28                   equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all of the  
29                   duties incumbent upon me as \_\_\_\_\_ under the Constitution and laws of the United States, and that I  
30                   will support and defend the Constitution of the United States against all enemies foreign and domestic, that I  
31                   will bear true faith and allegiance to the same, and that I take this obligation freely without any mental  
32                   reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I  
33                   am about to enter. So help me God.”

34    The federal judge oath says that they will “administer justice without regard to persons”. If they don’t “regard persons”,  
35    then they can’t care about the Constitutional rights of such “persons”. Practical experience litigating in federal court has  
36    taught us that in fact, these “franchise courts” that administer federal franchises don’t give a DAMN about your rights as a  
37    “person” under the USA Constitution. Those participating in federal franchises, in fact, don’t have any rights, but only  
38    statutorily granted privileges or “public rights”.

39    It is VERY important that even property courts such as federal district and circuit courts cannot proceed without your  
40    consent:

- 41    1. They are officiating over a franchise and all franchises are property.
- 42    2. The ONLY way that a specific franchise agreement could lawfully become “property” in the first place is through a  
43       legally enforceable contract or agreement you expressly or impliedly consented to, usually in writing.
  - 44       2.1. Rights are **not** conveyed to the government **without** express or implied consent.
  - 45       2.2. Without proof on the record of the proceeding that you VOLUNTARILY surrendered an interest in private  
46           property, title to the property is PRESUMED to be EXCLUSIVELY PRIVATE and therefore BEYOND the  
47           CIVIL control of the government.



3. The public office being exercised UNDER the franchise agreement MUST have been LAWFULLY created AND LAWFULLY exercised. This means the party enforcing the franchise against you has the burden of proving ON THE RECORD with WRITTEN evidence of the following. Failure to introduce such evidence results in the commission of the crime of impersonating a public office in violation of 18 U.S.C. §912 by the judge and the government prosecutor.
- 3.1. You were either lawfully appointed or elected to said PUBLIC office.
- 3.2. You are exercising said office in the ONLY place expressly authorized, which is the District of Columbia pursuant to 4 U.S.C. §72.
- 3.3. You occupied said office BEFORE signing up for the franchise. Government cannot offer “benefits” to or pay PUBLIC FUNDS to PRIVATE parties and no franchise agreement we have ever read EXPRESSLY authorizes the creation of any NEW public offices by simply applying for the franchise or filling out a tax form.
4. In any litigation involving a franchise, the first step in the litigation must include proving you are:
- 4.1. Domiciled within the EXCLUSIVE jurisdiction of the court in question and therefore subject to the CIVIL laws of that jurisdiction under Federal Rule of Civil Procedure 17(b)...AND
- 4.2. Subject to the civil franchise agreement. This is proven by introducing a document evidencing EXPRESS WRITTEN CONSENT to the franchise agreement. In a tax case, for instance, the court would need to show that you are a franchisee called a “taxpayer” as legally defined in 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313.
5. The court cannot lawfully officiate over any dispute until you consent to their jurisdiction by making an “appearance” in the matter, which is legally defined as consenting to the jurisdiction of the court:

**appearance.** *A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The **voluntary submission to a court's jurisdiction.***

*In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many stages of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his behalf. See e.g., Fed.R.Crim.P. 43.*

*An appearance may be either **general or special**; the former is a simple and unqualified or unrestricted submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific purpose only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting to the sufficiency of service or the jurisdiction of the court over defendant without submitting to such jurisdiction; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction of court. Insurance Co. of North America v. Kunitz, 175 Neb. 260, 121 N.W.2d. 372, 375, 376. [Black's Law Dictionary, Sixth Edition, p. 97]*

The party seeking to enforce a right under a franchise agreement in a court of law therefore has the burden of proving that you as the defendant or respondent did one or more of the following:

1. Expressly consented to the franchise agreement in writing at some point.
2. Never denied that you were engaged in the franchise.
3. Described yourself as a “franchisee” such as a “taxpayer”.
4. Are in possession, use, or control of the franchise license number called a Social Security Number or Taxpayer Identification Number.
5. Waived sovereign immunity under the Foreign Sovereign Immunities Act by either:
  - 5.1. Engaging in any of the activities described in 28 U.S.C. §1605 OR . . .
  - 5.2. By declaring yourself to be a “citizen” under the law of the foreign sovereign pursuant to 28 U.S.C. §1603(b)(3).
6. Availled yourself of the “benefits” of the franchise by accepting payments in connection with it.

CALIFORNIA CIVIL CODE  
DIVISION 3. OBLIGATIONS  
PART 2. CONTRACTS  
CHAPTER 3. CONSENT  
[Section 1589](#)

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

Absent one or more of the above, you are presumed innocent until proven guilty, which means you are not a franchisee such as a “taxpayer” and cannot lawfully become the target of enforcement by the court.

*The presumption of innocence plays a unique role in criminal proceedings.* As Chief Justice Burger explained in his opinion for the Court in *Estelle v. Williams*, [425 U.S. 501](#) (1976): [507 U.S. 284]:

**The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial under our system of criminal justice.** Long ago this Court stated:

*The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.* *Coffin v. United States*, 156 U.S. 432, 453 (1895).

*To implement the presumption, courts must be alert to factors that may undermine the fairness of the factfinding process. In the administration of criminal justice, courts must carefully guard against dilution of the principle that guilt is to be established by probative evidence and beyond a reasonable doubt. In re Winship*, [397 U.S. 358, 364](#) (1970). [[425 U.S. 501, 504](#)] [*Delo v. Lashely*, 507 U.S. 272 (1993)]

### **12.3 Proceedings against “straw man” are “in rem”**

Any proceeding involving the enforcement of any provisions of the franchise agreement in court is always against the “res”. The “res”, in turn, is the collection of all rights that attach to the “public office” and the franchise license which creates the office:

*Res.* Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “res,” according to the modern civilians, is meant everything that may form an object of rights, in opposition to “persona,” which is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

**Res is everything that may form an object of rights and includes an object, subject-matter or status.** In *re Riggle’s Will*, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. **The term is particularly applied to an object, subject-matter, or status, considered as the defendant in an action, or as an object against which, directly, proceedings are taken.** Thus, in a prize case, the captured vessel is “the res”; and proceedings of this character are said to be in rem. (See *In personam*; *In Rem*.) “Res” may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled “*In re* \_\_\_\_\_” [*Black’s Law Dictionary*, Sixth Edition, pp. 1304-1306]

In law, any proceeding that is against a “res” or “license” is called “in rem”.

*In rem.* A technical term used to designate proceedings or actions instituted against the thing, in contradistinction to personal actions, which are said to be in personam.

“*In rem*” proceedings encompass any action brought against person in which essential purpose of suit is to determine title to or to affect interest in specific property located within territory over which court has jurisdiction. *ReMine ex rel. Liley v. District Court for City and County of Denver*, Colo., 709 P.2d. 1379, 1382. It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object the disposition of property, without reference to title of individual claimants; but, in a larger and more general sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of property owned by them, or of some interest therein. Such are cases commenced by attachment against the property of debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. *Pennoyer v. Neff*, 95 U.S. 714, 24 L.Ed. 565. In the strict sense of the term, a proceeding “in rem” is one which is taken directly against property or one which is brought to enforce a right in the thing itself.

Actions in which the court is required to have control of the thing or object and which an adjudication is made as to the object which binds the whole world and not simply the interests of the parties to the proceeding. *Flesch v. Circle City Excavating & Rental Corp.*, 137 Ind.App. 695, 210 N.E.2d. 865.

See also in personam; *In rem* jurisdiction; *Quasi in rem* jurisdiction. [*Black’s Law Dictionary*, Sixth Edition, p. 793]

An example of an “in rem” proceeding involving a franchise would be an action for a divorce, which is an action to extinguish the “res” or marriage “license”.

It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the 'marriage status' is the res. Both parties to the marriage, and the state of the residence of each party to the marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action for divorce that court must in some way get jurisdiction over the res (the marriage status). The early cases assumed that such jurisdiction was obtained when the petitioning party was properly domiciled in the jurisdiction. *Ditson v. Ditson*, 4 R. I. 87, is the leading case so holding; see, also, *Andrews v. Andrews*, 188 U.S. 14, 23 S.Ct. 237, 47 L.Ed. 366. Until 1905 the overwhelming weight of authority was to the effect that, if the petitioning party was domiciled in good faith in any state, that state could render a divorce decree on constructive service valid not only in the state of its rendition, but which would be recognized everywhere. In *Atherton v. Atherton*, 181 U.S. 155, 21 S.Ct. 544, 45 L.Ed. 794, the United States Supreme Court apparently recognized that doctrine. In that case the parties were living together and domiciled in Kentucky. That state was the last state where the parties lived together as husband and wife. The wife left the husband and came to and became domiciled in \*721 New York. She brought an action for divorce in New York, her husband defending on the ground that he had secured a divorce in Kentucky on constructive service. New York refused to recognize the validity of the Kentucky decree, on the ground that Kentucky could not in such an action affect the status of a citizen of New York. The United States Supreme Court reversed the New York decisions (82 Hun, 179, 31 N. Y. S. 977; *Id.* 155 N. Y. 129, 49 N. E. 933, 40 L. R. A. 291, 63 Am. St. Rep. 650) and \*33 held that the Kentucky decree was entitled to full faith and credit even though the wife was not served with process and not appear in the Kentucky action, and even though at the time the decree was rendered the wife was a resident of and domiciled in New York. In so holding, however, the court pointed out that the reason the Kentucky decree was entitled to full faith and credit was because Kentucky had jurisdiction over the marriage status by virtue of the fact that that state was the matrimonial domicile, i. e., the last place the parties lived together as husband and wife. Then in 1905, the United States Supreme Court decided the *Haddock Case*, supra. Here the parties were married and domiciled in the state of New York. The husband, without cause, abandoned his wife and went to and acquired a domicile in Connecticut. Thereafter the husband secured in Connecticut a divorce on constructive service. Several years later the wife sued for divorce in New York, and secured personal service on the husband. The husband set up as a defense the Connecticut decree. New York refused to recognize it. The Supreme Court of the United States held that although the Connecticut decree was probably good in that state, it was without binding force in New York, and was not entitled to full faith and credit. The court pointed out that the matrimonial domicile of the parties was New York, and that in such a case Connecticut had no jurisdiction over the marriage status so as to affect the status of a New York resident. New York could recognize the Connecticut decree, but it could not be compelled to do so under the full faith and credit clause. The result of this decision has been to create a hopeless conflict of authority as to the status of a foreign divorce rendered against a nondomiciled defendant on constructive service. Some courts refuse to recognize foreign decrees so rendered as against their own residents. It should be noted that Pennsylvania, the state rendering the decree involved in the instant case, is a state which refuses to grant any efficacy to a foreign decree secured on constructive service against one of its own citizens, at least where Pennsylvania is the matrimonial domicile. *Colvin v. Reed*, 55 Pa. 375; *Duncan v. Duncan*, 265 Pa. 464, 109 A. 220. Other states recognize such decrees to their full extent, permitting them to be attacked solely on jurisdictional\*34 grounds. Among this latter group of states there is hopeless conflict of authority as to what constitutes a jurisdictional defect which can be collaterally attacked in a sister state. See 39 A.L.R. 603 AND 42 A.L.R. 1405, notes where the cases are exhaustively collected and commented upon.  
[*Delanoy v. Delanoy*, 216 Cal. 27, 13 P.2d. 719 (CA. 1932)]

In a tax proceeding the “res” is the Taxpayer Identification Number (TIN) and the “account” that attaches to it.

1. Applying for the number makes you an “individual” and a “person” who is then “subject to the I.R.C.” because engaged in a franchise. Without applying for such a number, you couldn’t be an “individual” and therefore would not be the “person” described in 26 U.S.C. §7701(a)(1) who is subject to the code.
2. Possessing or using said number constitutes prima facie evidence that you are THE “individual” described in the I.R.C. and defined in 26 CFR §1.1441-1(c)(3):

26 CFR §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

(c ) Definitions  
(3) Individual.

(i) Alien individual.

The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).

(ii) Nonresident alien individual.

The term nonresident alien individual means a person described in section 7701(b)(1)(B), an alien individual who is a resident of a foreign country under the residence article of an income tax treaty and Sec. 301.7701(b)-7(a)(1) of this chapter, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of

Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under Sec. 301.7701(b)-1(d) of this chapter. An alien individual who has made an election under section 6013 (g) or (h) to be treated as a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of withholding under chapter 3 of the Code and the regulations thereunder.

3. The TIN acts as the de facto “license” to engage in the franchise or “public right”.
4. Use or disclosure of the TIN is prima facie evidence that you are engaging in franchises or public rights. Its use is only MANDATORY for persons engaged in all of the following activities described on IRS Form 1042-S Instructions, all of which are “franchises” and “public rights” that trigger jurisdiction of the I.R.C. upon the activities

*Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)*

**You must obtain a U.S. taxpayer identification number (TIN) for:**

- Any recipient whose income is effectively connected with the conduct of a trade or business in the United States.  
*Note.* For these recipients, exemption code 01 should be entered in box 6.
- Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a foreign country and the United States, unless the income is an unexpected payment (as described in Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations that are actively traded; dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and are registered with the Securities and Exchange Commission under the Securities Act of 1933; and amounts paid with respect to loans of any of the above securities.
- Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities received under qualified plans.
- A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt organization under section 501(c ) or as a private foundation.
- Any QI.
- Any WP or WT.
- Any nonresident alien individual claiming exemption from withholding on compensation for independent personal services [services connected with a “trade or business”].
- Any foreign grantor trust with five or fewer grantors.
- Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

*If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.*  
*[IRS Form 1042s Instructions, Year 2006, p. 14]*

The content of the above is also repeated in the regulations at 26 CFR §301.6109-1(b).

5. The TIN is used to create and maintain the “account” in the Individual Master File (IMF) which tracks the exercise of the “public office” that is the subject of the tax.
6. The TIN is the property of the government, just like the Social Security Number.
  - 6.1. They use it to penalize you.
  - 6.2. They can’t penalize you without you consensually asking for the number to begin with on an IRS Form W-7 or W-9.
  - 6.3. They couldn’t penalize you for the use of this property if it WASN’T THEIRS. The whole notion behind property is the right to either exclude others from using it or dictating how it is used. Otherwise you could penalize them for using it against you if it was your “property”.

If you want to avoid all the above presumptions being employed against you in connection with compelled use of Taxpayer Identification Numbers and Social Security Numbers, we recommend the following form be attached to ALL IRS forms you are compelled to fill out and submit:

[Tax Form Attachment](http://sedm.org/Forms/FormIndex.htm), Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

## **12.4 Disassociating yourself from the “straw man” on the record of the proceeding**

It is important to be able to meet the burden of proof that you AREN’T appearing and CAN’T lawfully appear in a court proceeding as a “public officer” or “straw man”. Imagine being in front of a judge who is demanding that you plead guilty

***Proof that There Is a “Straw man”***

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Form 05.042, Rev. 2-4-2010

156 of 206

EXHIBIT: \_\_\_\_\_

or not guilty to a tax crime if you aren't a "public officer" called a "taxpayer". In effect, he is asking you to commit the crime of impersonating a public officer in violation of 18 U.S.C. §912 by forcing you to enter a plea. Imagine how effective it can be to simply state and be able to prove that it is a crime to even enter a plea. This is very important stuff folks!

So how do we satisfy the burden of proving in court with evidence that we are NOT engaged in a "public office"? This section will give you some suggestions. The U.S. Supreme Court helped clarify how to meet the burden of proving that you aren't a "public officer" or a "straw man" when it held the following:

**"One great object of the Constitution is to permit citizens to structure their private relations as they choose subject only to the constraints of statutory or decisional law."** [500 U.S. 614, 620]

**To implement these principles, courts must consider from time to time where the governmental sphere [e.g. "public purpose" and "public office"] ends and the private sphere begins. Although the conduct of private parties lies beyond the Constitution's scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the "essential dichotomy" between the private sphere and the public sphere, with all its attendant constitutional obligations. Moose Lodge, supra, at 172. "**

[...]

Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state action analysis centers around the second part of the Lugar test, whether a private litigant, in all fairness, must be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect of the analysis is often a fact-bound inquiry, see *Lugar, supra*, 457 U.S. at 939, our cases disclose certain principles of general application. **Our precedents establish that, in determining whether a particular action or course of conduct is governmental in character, it is relevant to examine the following:**

**[1] the extent to which the actor relies on governmental assistance and benefits, see *Tulsa Professional Collection Services, Inc. v. Pope*, 485 U.S. 478 (1988); *Burton v. Wilmington Parking Authority*, 365 U.S. 715 (1961);**

**[2] whether the actor is performing a traditional governmental function, see *Terry v. Adams*, 345 U.S. 461 (1953); *Marsh v. Alabama*, 326 U.S. 501 (1946); cf. *San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622] Committee*, 483 U.S. 522, 544-545 (1987);**

**[3] and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see *Shelley v. Kraemer*, 334 U.S. 1 (1948).**

Based on our application of these three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant in the District Court was pursuant to a course of state action. **[*Edmonson v. Leesville Concrete Company*, 500 U.S. 614 (1991)]**

Based on the above, you are representing the government as a public officer or employee if:

1. You are relying on governmental assistance and benefits. See *Tulsa Professional Collection Services, Inc. v. Pope*, [485 U.S. 478](#) (1988); *Burton v. Wilmington Parking Authority*, [365 U.S. 715](#) (1961). Examples:
  - 1.1. Social security.
  - 1.2. Medicare.
  - 1.3. Unemployment insurance.
2. You are performing a traditional governmental function, see *Terry v. Adams*, [345 U.S. 461](#) (1953); *Marsh v. Alabama*, [326 U.S. 501](#) (1946); cf. *San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622] Committee*, [483 U.S. 522, 544-545](#) (1987);
3. You caused someone an injury that was aggravated by the fact that you were exercising governmental authority. See *Shelley v. Kraemer*, [334 U.S. 1](#) (1948). For instance:
  - 3.1. You were acting as a "withholding agent" as defined in 26 U.S.C. §7701(a)(16) and you did it improperly or unlawfully, you are presumed to be a "public officer" in the government.
  - 3.2. You were acting as a "taxpayer" as defined in 26 U.S.C. §7701(a)(14) and submitted a "taxpayer" form to the government, and the form contained falsehoods, then you are presumed to be a government actor. All "taxpayers" are public officers in the government engaged in the "trade or business" and "public office" franchise. See:



We also described in detail earlier in section 6.2 exactly who are "public officers" and all the legal requirements that must be met in order to lawfully occupy a public office in the government. The burden of proving you aren't a "public officer" is therefore satisfied using the following tactics:

1. Stating under penalty of perjury in the record of the proceedings and in open court the following in the context of the proceeding. Demand that if the opposition has any proof to the contrary, that they introduce said evidence IMMEDIATELY into the record so that it can be rebutted:
  - 1.1. You are NOT any of the following:
    - 1.1.1. "public officer"
    - 1.1.2. "taxpayer" as defined in 26 U.S.C. §7701(a)(14).
    - 1.1.3. Statutory "citizen" as defined in 8 U.S.C. §1401.
    - 1.1.4. Statutory "resident" as defined in 26 U.S.C. §7701(b)(1)(A).
    - 1.1.5. "inhabitant".
    - 1.1.6. "person" as defined in 26 U.S.C. §7701(c).
    - 1.1.7. "individual" as defined in 26 CFR §1.1441-1(c)(3).
  - 1.2. You are NOT engaged in a "trade or business" as defined in 26 U.S.C. §7701(a)(26).
2. If the Court argues with you about any of the above statuses:
  - 2.1. Remind them that they are PROHIBITED BY LAW from declaring your status in the context of taxes and that YOU are the ONLY one who can declare your status. See the Declaratory Judgments Act, 28 U.S.C. §2201(a).
  - 2.2. Introduce the following into the record to prove that YOU are the only one who can declare your civil status and that this declaration is your method of exercising your First Amendment protected right to either politically associate or disassociate with the "state". See:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

3. Claim that you don't satisfy all the legal requirements for occupying a public office described in section 9 and demanding that the government, as the moving party asserting that you do, MUST satisfy the burden of proving otherwise ON THE RECORD WITH EVIDENCE.
4. Not cite any provision from any of the following franchise agreements. All you do by citing the provisions of private contract law is prove that you are subject to it, which is a NO NO.
  - 4.1. Internal Revenue Code, Subtitle A "trade or business" franchise agreement. Don't claim the benefits or protections of any provision of the I.R.C. franchise agreement, because all you do by attempting this is admit that you are a "taxpayer" who is subject to it! For instance, here is a provision you WOULDN'T want to cite:

*TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter B > § 7433*  
*§ 7433. Civil damages for certain unauthorized collection actions*

*(a) In general*

*If, in connection with any collection of Federal tax **with respect to a taxpayer**, any officer or employee of the Internal Revenue Service recklessly or intentionally, or by reason of negligence, disregards any provision of this title, or any regulation promulgated under this title, **such taxpayer may bring a civil action** for damages against the United States in a district court of the United States. Except as provided in section 7432, such civil action shall be the exclusive remedy for recovering damages resulting from such actions.*

- 4.2. Social Security Act, Title 42, Chapter 7.
- 4.3. The motor vehicle code in your state.
5. Invoke the common law and the Constitution or state law as your only defense. Almost all statutory civil statutory law passed by the feds is law for the government and those domiciled on federal territory and not you, as a private person domiciled outside of federal territory. See:

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

6. Don't identify yourself as a franchisee called a "taxpayer", "citizen", "resident", or "inhabitant" either in your administrative or legal paperwork or your speech. Instead you attach the following:

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

7. Contradict anyone who calls you a franchisee called a “taxpayer”, “benefit recipient”, “citizen”, “resident”, or “inhabitant”, or even “defendant”.
8. Don’t file your case in a legislative franchise court such as U.S. Tax Court. 26 U.S.C. §7441 indicates that this court is an Article I, legislative franchise court, meaning an administrative agency, within the legislative and not judicial department. Tax Court Rule 13(a) says the court is ONLY available to “taxpayer”. Instead, you must file your case in a state court under the common law directly against the offending agent who did the assessment. See:

The Tax Court Scam, Form #05.039  
<http://sedm.org/Forms/FormIndex.htm>

9. Provide proof that you withdrew from Social Security. See:  
Resignation of Compelled Social Security Trustee, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

10. Provide proof that you aren’t eligible and never have been eligible for Social Security. See:  
Why You Aren’t Eligible for Social Security, Form #06.001  
<http://sedm.org/Forms/FormIndex.htm>

11. Provide proof that you aren’t eligible and never have been eligible for a Taxpayer Identification Number. See:  
Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205  
<http://sedm.org/Forms/FormIndex.htm>

12. Show them all the responses you provided to government correspondence in which you lined out the number and said it was “WRONG”.
13. Point out that what the government calls “benefits” really don’t amount to ANYTHING.

“... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time.”  
[United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980)]

“We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint.”  
[Flemming v. Nestor, 363 U.S. 603 (1960)]

- 13.1. You have no legally enforceable right to ANYTHING in a real, constitutional court.
- 13.2. They could entirely eliminate it at any time without any liability.
- 13.3. The franchise agreement, which is a contract, is therefore unenforceable because it lacks the most important element, which is REAL consideration.

For details on the above, see:

The Government “Benefits” Scam, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

14. Insist that it is a crime to impersonate a public officer in criminal violation of 18 U.S.C. §912 and that it would be a crime to even participate in any tax proceeding as a “taxpayer” because of this. The reasons include:
- 14.1. 4 U.S.C. §72 says all public offices MUST be exercised ONLY in the District of Columbia.
- 14.2. There is no definition of “State” or “United States” within the I.R.C. that expressly includes any state of the Union. Therefore, they are purposefully excluded by implication:

“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”  
[Black’s Law Dictionary, Sixth Edition, p. 581]

“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a rule, a definition which declares what a term “means” . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”

2 14.3. The only remaining internal revenue district within which the I.R.S. can enforce as required by 26 U.S.C. §7601  
3 is the District of Columbia pursuant to Treasury Order 150-02. There are not internal revenue districts within any  
4 state of the Union.

- 5 15. Demonstrate to them that they have NO LAWFUL AUTHORITY to either establish or exercise a “public office”  
6 within the boundaries of a state of the Union. See section 8 of the following:

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

- 7 16. Prevent abuse of presumptions and “words of art” to connect you to all franchises and offices by attaching the  
8 following to your initial complaint or response:

[Rules of Presumption and Statutory Interpretation](#), Litigation Tool #10.003  
<http://sedm.org/Litigation/LitIndex.htm>

- 9 17. Rebut all evidence that might connect you to any federal franchise, such as:  
10 17.1. Identifying numbers.  
11 17.2. Information returns, such as IRS Forms W-2, 1042-S, 1098, and 1099.  
12 17.3. Government “benefits” applications filed by others.

13 If you don’t do as many of the above as you can, then the courts will prejudicially and usually unconstitutionally presume  
14 all the following about you:

- 15 1. You fit one of the following two categories under F.R.Civ.P. 17(b):  
16 1.1. You maintain a domicile on federal territory within the district.. .OR  
17 1.2. You are engaged in federal franchises and therefore acting in the capacity of the “Public Officer” mentioned in  
18 F.R.Civ.P. 17(d).  
19 2. You are a “public officer” within the government.  
20 3. You are partaking of a “public right” and statutory “privilege”.  
21 4. You are not protected by the constitution, but only have such “public rights” as Congress confers by statute.  
22 5. You consented to participate in the franchise because you didn’t indicate duress or rebut the evidence connecting you  
23 to the franchise.

24 If you would like more resources on how to litigate successfully as a sovereign, a non-citizen national, and a “transient  
25 foreigner” who does not participate in government franchises, see:

[Civil Court Remedies for Sovereigns: Taxation](#), Litigation Tool #10.002  
<http://sedm.org/Litigation/LitIndex.htm>

## 26 **12.5 Effect of representing the “straw man” on your standing**

27 The most important affect of partaking in a franchise or public right upon your standing in federal court is that you are  
28 effectively signing a blank check because:

- 29 1. The government grantor of the franchise can change the terms of the franchise agreement at any time without notice to  
30 you.  
31 2. The franchise agreement often determines choice of law and frequently even dictates the forum in which disputes must  
32 be litigated. The I.R.C. Subtitle A franchise agreement for franchisees called “taxpayers”, for instance, says that the  
33 forum that disputes are litigated under is the District of Columbia. See 26 U.S.C. §§7701(a)(39) and 7408(d).

34 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)  
35 [§ 7701. Definitions](#)

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

38 (39) Persons residing outside United States

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

(A) jurisdiction of courts, or

(B) enforcement of summons

TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408

§ 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions

(d) Citizens and residents outside the United States

If any citizen or resident of the United States does not reside in, and does not have his principal place of business in, any United States judicial district, such citizen or resident **shall be treated for purposes of this section as residing in the District of Columbia.**

3. Through the franchise agreement, you can even sign away ALL your rights to have ANY remedy in ANY court of law.

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

The list above is the reason why both the Founding Fathers and the Bible says you should MUST avoid franchises at all costs:

**"Take heed to yourself, lest you make a covenant [contract or franchise] with the inhabitants of the land where you are going, lest it be a snare in your midst. But you shall destroy their altars, break their sacred pillars, and cut down their wooden images (for you shall worship no other god, for the LORD, whose name is Jealous, is a jealous God), lest you make a covenant [engage in a franchise, contract, or agreement] with the inhabitants of the land, and they play the harlot with their gods [pagan government judges and rulers] and make sacrifice [YOU and your RIGHTS!] to their gods, and one of them invites you and you eat of his sacrifice, and you take of his daughters for your sons, and his daughters play the harlot with their gods and make your sons play the harlot with their gods."**  
[Exodus 34:10-16, Bible, NKJV]

The "gods" referred to above are the "parens patriae" that you nominate to be your ruler whenever you sign up for a franchise or government "benefit".

"The more you want [privileges], the more the world can hurt you."  
[Confucius]

**"The proposition is that the United States, as the grantor of the franchises of the company, the author of its charter, and the donor of lands, rights, and privileges of immense value, and as parens patriae, is a trustee, invested with power to enforce the proper use of the property and franchises granted for the benefit of the public."**  
[*U.S. v. Union Pac. R. Co.*, 98 U.S. 569 (1878)]

PARENS PATRIAE. Father of his country; parent of the country. In England, **the king**. In the United States, the state, as a sovereign **referring to the sovereign power of guardianship over persons under disability**; In re

Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.  
[Black's Law Dictionary, Sixth Edition, p. 1269]

Here is what the Founding Fathers also said about avoiding participation in government franchises, which are all contracts:

"My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic; **but to keep the United States free from political connections with every other Country. To see that they may be independent of all, and under the influence of none. In a word, I want an American character, that the powers of Europe may be convinced we act for ourselves and not for others** [as contractors, franchisees, or "public officers"]; this, in my judgment, is the only way to be respected abroad and happy at home."  
[George Washington, (letter to Patrick Henry, 9 October 1775);  
Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]

"About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; **peace, commerce, and honest friendship with all nations — entangling alliances [contracts, treaties, franchises] with none:**"  
[Thomas Jefferson, First Inaugural Address, March 4, 1801]

## 12.6 Effect of franchises on Constitutional Requirement for "due process of law": NONE REQUIRED

Due process of law is defined as follows:

**Due process of law.** Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and **under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs.** A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence **for the enforcement and protection of private rights.** To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of the creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. *Pennoy v. Neff*, 95 U.S. 714, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. **If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law.**

An orderly proceeding wherein a person with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having the power to hear and determine the case. *Kazubowski v. Kazubowski*, 45 Ill.2d 405, 259 N.E.2d 282, 290. Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a hearing. *Pettit v. Penn*, LaApp., 180 So.2d 66, 69. The concept of "due process of law" as it is embodied in the Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious and that the means selected shall have a reasonable and substantial relation to the object being sought. *U.S. v. Smith*, D.C.Iowa, 249 F.Supp. 515, 516. Fundamental requisite of "due process of law" is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons for such choice. *Trinity Episcopal Corp. v. Romney*, D.C.N.Y., 387 F.Supp. 1044, 1084. Aside from all else, "due process" means fundamental fairness and substantial justice. *Vaughn v. State*, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883.

**Embodied in the due process concept are the basic rights of a defendant in criminal proceedings and the requisites for a fair trial.** These rights and requirements have been expanded by Supreme Court decisions and include, timely notice of a hearing or trial which informs the accused of the charges against him or her; the opportunity to confront accusers and to present evidence on one's own behalf before an impartial jury or judge; the presumption of innocence under which **guilt must be proven by legally obtained evidence** and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal process; and the guarantee that an individual will not be tried more than once for the same offence (double jeopardy).  
[Black's Law Dictionary, Sixth Edition, p. 500]



1 As indicated above, the purpose of due process of law is:

2 1. To protect rights identified within but not granted by the Constitution of the United States.

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

7 2. To protect private rights but not public rights. Those engaged in any of the following are not exercising private rights,  
8 but public rights:

9 2.1. Government franchises.

*Government Instituted Slavery Using Franchises*, Form #05.030

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

10 2.2. Government "benefits". See:

*The Government "Benefits" Scam*, Form #05.040

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

11 2.3. Public office.

12 2.4. "trade or business", which is defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office".

13 2.5. Licensed activities, which are franchises.

14 3. To prevent litigants before a court of being deprived of their property by the court or their opponent without just  
15 compensation. In law, all rights are property and any deprivation of rights without consideration is a deprivation of  
16 property in violation of the Fifth Amendment takings clause. Those who violate due process essentially are  
17 STEALING from their opponent.

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

27 4. Prevent presumptions, and especially conclusive presumptions, that may injure the rights of the litigants by insisting  
28 that only physical evidence with foundational testimony may form the basis for any inferences by the court or the jury.

29 *"If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not*  
30 *due process of law."*  
31 *[Black's Law Dictionary, Sixth Edition, p. 500]*

32

33 (1) [8:4993] *Conclusive presumptions affecting protected interests:*

34 *A conclusive presumption may be defeated where its application would impair a party's constitutionally-*  
35 *protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a*  
36 *party's due process and equal protection rights.* *[Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct 2230,*  
37 *2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under*  
38 *Illinois law that unmarried fathers are unfit violates process]*  
39 *[Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34]*

40 From the above, we can see that if the controversy being litigated involves a franchise, which means a public and not  
41 private right, then those representing the "public office" personified by the franchise:

42 1. Are NOT entitled to due process of law in a constitutional sense because public offices are domiciled on federal  
43 territory not protected by the constitution. As an example, see the following holding of the Supreme Court, in which  
44 the "trade or business" franchise was at issue. The reason the U.S. Supreme Court in Turpin below had never ruled on

“due process” in the context of tax collection up to that time should be obvious: Income taxation is a franchise and a public right, rather than a private right:

“Exactly what due process of law requires in the assessment and collection of general taxes has never been decided by this court, although we have had frequent occasion to hold that, in proceedings for the condemnation of land under the laws of eminent domain, or for the imposition of special taxes for local improvements, notice to the owner at some stage of the proceedings, as well as an opportunity to defend, is essential. [Cites omitted.] But laws for the assessment and collection of general taxes stand upon a somewhat different [meaning statutory rather than constitutional] footing, and are construed with the utmost liberality, sometimes even to the extent of holding that no notice whatever is necessary. Due process of law was well defined by Mr. Justice Field in *Hagar v. Reclamation Dist.*, No. 108, 111 U.S. 701, 28 L.Ed. 569, 4 Sup.Ct.Rep. 663, in the following words: “It is sufficient to observe here, that by ‘due process’ is meant one which, following the forms of law, is appropriate to the case, and just to the parties to be affected. It must be pursuant in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and wherever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought. The clause in question means, therefore, that there can be no proceeding against life, liberty, or property which may result in deprivation of either, without the observance of those general rules established in our system of jurisprudence for the security of private rights.”

Under the Fourth Amendment, the legislature is bound to provide a method for the assessment and collection of taxes that shall not be inconsistent with natural justice; but it is not bound to provide that the particular steps of a procedure for the collection of such taxes shall be proved by written evidence; and it may properly impose upon the taxpayer the burden of showing that in a particular case the statutory method was not observed.”  
[*Turpin v. Lemon*, 187 U.S. 51, 23 S.Ct. 20 (1902)]

“We can hardly find a denial of due process in these circumstances, particularly since it is even doubtful that appellee’s burdens under the program outweigh his benefits. It is hardly lack of due process for the Government to regulate that which it subsidizes.”  
[*Wickard v. Filburn*, 317 U.S. 111, 63 S.Ct. 82 (1942)]

2. Are subject to the arbitrary whims of whatever bureaucrat administers the franchise and may not pursue recourse in a true, constitutional Article III court. Instead, their case must be heard in an Article IV territorial franchise court, because the case involves public property. All franchises are public property of the grantor, which is the government.

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

3. Should not be arguing that due process of law has been violated, unless:
  - 3.1. They have stated under penalty of perjury that the controversy does not involve a franchise.
  - 3.2. They have stated under penalty of perjury that they are not representing a public officer nor acting as a public officer in the context of the proceeding.
  - 3.3. They have rebutted all evidence that might connect them to the franchise, such as government identifying numbers, statutory “citizen” or resident status, and all information returns (e.g. IRS Forms 1042-s, 1098, 1099, and W-2).
  - 3.4. They have evidence to show that they do not consent to receive any of the “benefits” of the franchise. The following form ensures this, if attached to all tax forms you fill out:

Tax Form Attachment, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

3.5. They were not domiciled on federal territory at the time and therefore were not eligible to participate in the franchise.

## 12.7 Investigating further

Lastly, if you would like to see all of the effects that franchises have upon your rights as a person filling the shoes of the “straw man” in court litigation, then we recommend the following:

1. Government Instituted Slavery Using Franchises, Form #05.030, Sections 12 to 12.5.  
<http://sedm.org/Forms/FormIndex.htm>
2. Federal Jurisdiction, Form #05.018, Sections 4 through 4.7.  
<http://sedm.org/Forms/FormIndex.htm>

## 13 How most people are fraudulently deceived into thinking they are the Straw Man

*“[J]udicial verbiage is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy.”  
[Senator Sam Ervin]*

*“The wicked man does deceptive work,  
But to him who sows righteousness will be a sure reward.  
As righteousness leads to life,  
So he who pursues evil pursues his own death.  
Those who are of a perverse heart are an abomination to the Lord,  
But such as are blameless in their ways are a delight.  
Though they join forces, the wicked will not go unpunished;  
But the posterity of the righteous will be delivered.”  
[Prov. 11:18-21, Bible, NKJV]*

*“Integrity without knowledge is weak and useless, and knowledge without integrity is dangerous and dreadful.”  
[Samuel Johnson Rasselas, 1759]*

*“Beware lest anyone cheat you through philosophy and empty deceit, according to the tradition of men, according to the basic principles of the world, and not according to Christ.”  
[Colossians 2:8, Bible, NKJV]*

Deceptive “word of art” definitions within the Internal Revenue Code are the main vehicle for deceiving most people that they are the “public officer”, “person”, “individual”, or straw man that is the subject of government statutes.

*“WORDS OF ART. The vocabulary or terminology of a particular art or science, and especially those expressions which are idiomatic or peculiar to it. See Cargill v. Thompson, 57 Minn. 534, 59 N.W. 638.”  
[Black’s Law Dictionary, Fourth Edition, p. 1779]*

The following “terms” form the heart of the deception:

1. “United States” as defined in 26 U.S.C. §7701(a)(9) and (a)(10). The District of Columbia. Nowhere within Internal Revenue Code, Subtitle A, the income tax, is there found a definition of the term “United States” that expressly includes any state of the Union.
2. “State” as defined in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110(d). A territory or possession of the United States and NOT a state of the Union. All states of the Union are “foreign” with respect to federal legislative jurisdiction.
3. “trade or business” as defined in 26 U.S.C. §7701(a)(26). A “public office” within the U.S. government.
4. “employee” as defined in 26 U.S.C. §3401(c) and 26 CFR §31.3401(c)-1 and 26 U.S.C. §6331(a). A government “public officer” or instrumentality.
5. “employer” as defined in 26 U.S.C. §3401(d). A “person” who has “employees”.
6. “income” as defined in 26 U.S.C. §643(b). Means the earnings of a trust or estate and NOT a natural being.
7. “individual” as defined in 5 U.S.C. §552a(a)(2) and 26 CFR §1.1441-1(c)(3). Means a person domiciled or resident on federal territory and not within the exclusive or general jurisdiction of any state of the Union.

Most people do not read the law, which means that they aren't aware of the above definitions. Those who take the time to read the law are usually met by the following downright fraudulent tactics by the government:

1. They are told that the definition employs the word "includes" and that this word authorizes them to add ANYTHING they want to the definition, including things that do not expressly appear in the law itself. This is HOGWASH!

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."

[Stenberg v. Carhart, 530 U.S. 914 (2000)]

"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded."

[Black's Law Dictionary, Sixth Edition, p. 581]

2. If they are in court and cite the statutory definition, the opposing government attorney will say:

"Objection: Calls for a legal conclusion."

This too is hogwash, because in the context of a tax trial, the Declaratory Judgments Act, 28 U.S.C. §2201(a) forbids the judge or the government in general from making such a declaration of fact.

3. They will rely upon an expert or government employee. The ONLY thing upon which one can rely is the law in a society of law and not men.

"The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve that high appellation, if the laws furnish no remedy for the violation of a vested legal right."

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

- 3.1. All that federal prosecutors and judges prove by parading "men" in front of the jury instead of reading the law itself is that they want to destroy the very foundation of our rights and liberty in this country, which is the rule of law, and replace it with an imperial judicial monarchy of men. The result is that they turn our country into what God calls "an abomination".

"One who turns his ear from hearing the law [God's law or man's law], even his prayer is an abomination."

[Prov. 28:9, Bible, NKJV]

"But this crowd that does not know [and quote and follow and use] the law is accursed."

[John 7:49, Bible, NKJV]

"Salvation is far from the wicked, For they do not seek Your [God's] statutes."

[Psalm 119:155, Bible, NKJV]

- 3.2. No amount of grandstanding and salesmanship by an "expert" can add ANYTHING to the definitions clearly appearing in the statutes. The courts cannot WRITE law, which means that they can't ADD to what appears in the law in order to enlarge their jurisdiction. It is a violation of the separation of powers for a court to write or rewrite law. The making of law is a political question and courts may not lawfully entertain political questions. Bringing experts in to write or rewrite the law simply turns the court into a perpetual constitutional convention or legislative body that subjectively decides what THEY and not the Sovereign People want. Below is what the U.S. Supreme Court ruled on this important question:

1 But, fortunately for our freedom from political excitements in judicial duties, this court can never with  
2 propriety be called on officially to be the umpire in questions merely political. The adjustment of these  
3 questions belongs to the people and their political representatives, either in the State or general government.  
4 These questions relate to matters not to be settled on strict legal principles. They are adjusted rather by  
5 inclination, or prejudice or compromise, often. Some of them succeed or are defeated even by public policy  
6 alone, or mere naked power, rather than intrinsic right. There being so different tastes as well as opinions in  
7 politics, and especially in forming constitutions, some people prefer foreign models, some domestic, and some  
8 neither, while judges, on the contrary, for their guides, have fixed constitutions and laws, given to them by  
9 others and not provided by themselves. And those others are no more Locke than an Abbe Sieyes, but the  
10 people. Judges, for constitutions, must go to the people of their own country, and must [48 U.S. 52] merely  
11 enforce such as the people themselves, whose judicial servants they are, have been pleased to put into  
12 operation.

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

48 4. They will cite an IRS publication, which the IRS itself says is untrustworthy.

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

52 Below are some of the most prevalent mistakes that people make who allow themselves to be deceived into "volunteering"  
53 (e.g. "voluntary compliance") to represent the straw man as a public officer or government employee without compensation  
54 using words of art:

- 55 1. They will PRESUME that the terms used on government forms have their ordinary meaning instead of the meaning  
56 defined in the law itself.
- 57 2. They will PRESUME that the word "United States" as used in federal statutes includes any part of the exclusive  
58 jurisdiction of a state.
- 59 3. They will not even realize that they are making presumptions and not question or investigate what they read on  
60 government forms or in government publications.
- 61 4. They do not realize that all presumptions which impair constitutionally protected rights are a tort and are impermissible  
62 in any court of law.



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

A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) [412 U.S. 441](#), 449, 93 S.Ct 2230, 2235; Cleveland 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]

5. They will look at the word “individual” and PRESUME that it means them. All terms within federal law, according to the courts themselves, are to be construed as limited to the place where the government has general legislative powers. The federal government DOES NOT have general jurisdiction within states of the Union because of the separation of powers doctrine:

“The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L. R. 12 Ch. Div. 522, 528; State v. Carter, 27 N.J.L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch [E.G. DECEIVE]. In the case of the present statute, the improbability of the United States attempting to make acts done in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be discussed.”  
[[American Banana Co. v. U.S. Fruit](#), [213 U.S. 347](#) at 357-358]

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

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

All of the above PRESUMPTIONS are what lead to most of the evil, deceit, and slavery. The root of ALL of them is the love of YOUR money and stuff by politicians, who would sell their soul for the almighty dollar and the power that possessing it gives them over you:

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

We have written an exhaustive legal memorandum which describes why presumption violates both God’s law, violates due process of law, and may not lawfully be employed against anyone protected by the United States Constitution.

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

If you would like to know more about how the craft of lawyers, which is words, is systematically abused to deliberately deceive, enslave, and injure people, and how to defend yourself against such dishonest tactics see:

1. [Meaning of the Words “includes” and “including”](#), Form #05.014-proves that the purpose of law is to delegate authority, and that it cannot serve that essential function if the definition of words is left to the subjective discretion of a judge who is a “taxpayer”.  
<http://sedm.org/Forms/FormIndex.htm>
2. [Reasonable Belief About Income Tax Liability](#), Form #05.007-proves that everything a government prosecutor can or would rely on to rebut the definitions clearly shown in the Internal Revenue Code is UNTRUSTWORTHY according to the courts themselves.

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

3. Great IRS Hoax, Form #11.302, Sections 3.9.1 through 3.9.28

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

## 14 ALL CAPS NAME fallacies

Many people in the freedom community claim that the “straw man” is represented by the all caps name that the government uses when they mail you notices and correspondence. An example of such rhetoric may be found on the web below:

Memorandum of Law on the Name

<http://famguardian.org/Subjects/LawAndGovt/Articles/MemLawOnTheName.htm>

We believe that those who take this position are simply mistaken and that they don’t understand that:

1. The straw man is a public officer in the government.
2. The method of connecting one’s private property to the “straw man” is by using the license number assigned to the office, which is the Taxpayer Identification Number.

The measure of whether the all caps name means anything is whether the courts treat it as a criteria in a dispute. No one has ever shown us any proof that use of an all caps name in association with a natural being was a legitimate basis to determine whether the accused was engaged in a federal franchise or was engaged in the “trade or business” franchise. Until we see evidence that courts or government prosecutors actually make the all caps name into a criteria for convicting someone, using this argument is going to do nothing but make those who use it look STUPID in front of both a judge and a jury.

A better way to attack the straw man is simply to claim that any identifying number associated with you by the government:

1. Is not “yours”. 20 CFR §422.103(d) says it belongs to the government and not any private person. It is illegal and constitutes theft and embezzlement to use public property for a private use and you therefore can’t associate such public property with your private property without donating your private property to a public use to procure the benefits of a government franchise. The only one who can perform that donation is you WITH your informed consent.

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

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

2. If it is a Taxpayer Identification Number, cannot be yours because you are a nonresident alien and not an alien. IRS can only issue Taxpayer Identification Numbers to “U.S. persons” with a domicile on federal territory, and so if they use a Social Security Number in place of a Taxpayer Identification Number, indirectly they are assuming usually falsely that you maintain a domicile on federal territory and you should vigorously rebut that presumption. See:
  - 2.1. About SSNs and TINs on Government Forms and Correspondence, Form #05.012  
<http://sedm.org/Forms/FormIndex.htm>
  - 2.2. Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?, Form #05.013  
<http://sedm.org/Forms/FormIndex.htm>
3. May only be used in connection those engaging in the “trade or business” or “public office” franchise. This is confirmed by IRS Form 1042-S Instructions.

*Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)*

*You must obtain a U.S. taxpayer identification number (TIN) for:*

- Any recipient whose income is effectively connected with the conduct of a trade or business [public office pursuant to 26 U.S.C. §7701(a)(26)] in the United States.  
*Note.* For these recipients, exemption code 01 should be entered in box 6.

[...]

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.  
[IRS Form 1042s Instructions, Year 2006, p. 14]

If you would like to know more about why the all caps name is not a legitimate defense in court, see section 7.1 of the following:

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

## **15 Lawfully Avoiding the Duties of the Straw Man**

### **15.1 In General**

The key to avoiding the duties and liabilities of the straw man is found in the Bible, which reads on the subject:

*"Now we know that whatever the law says, it says to those who are under the law, that every mouth may be stopped, and all the world may become guilty before God. Therefore by the deeds of the law no flesh will be justified in His sight, for by the law is the knowledge of sin."*  
[Romans 3:19-20, Bible, NKJV]

*"Therefore, my brethren, you also have become dead to the law through the body of Christ, that you may be married to another—to Him who was raised from the dead, that we should bear fruit to God."*  
[Romans 7:4, Bible, NKJV]

Someone who is "under the [civil] law" in our country is someone who voluntarily consents to be subject to it by choosing a domicile within the place protected by that law and thereby becoming a "citizen", "resident", or "inhabitant". This is the whole notion behind the Declaration of independence: Consent of the governed, or should we say consent TO BE governed:

**"The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction."**  
[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]

You cannot complain about the civil laws of a place based on the above, because you wouldn't be called a "citizen" in that place unless you have voluntarily chosen a domicile there and thereby:

- Consented to be "governed", as the Declaration of Independence indicates. In legal terms, this choice is called "animus manendi".
- Delegated authority to the government of that place to protect you and accepted the obligation to pay for the protection in the form of "tribute" or "taxes".

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

1 3. Became a “subject” under the civil law.

2 “Citizens” are members of a political community who, in their associated capacity, have established or  
3 submitted themselves to the dominion of a government [by giving up their rights and thereby becoming  
4 “subjects”] for the promotion of their general welfare and the protection of their individual as well as  
5 collective rights. *Herriott v. City of Seattle*, 81 Wash.2d 48, 500 P.2d. 101, 109.”  
6 [*Black’s Law Dictionary, Sixth Edition, p. 244*]

7 A man or woman who is “dead to the law” as Romans 7:4 indicates is someone who:

- 8 1. Cannot and does not describe himself with any word or “term” or status found within the statutes of the heathen rulers  
9 or their tax collectors. Such words include, but are not limited to:  
10 1.1. “citizen”  
11 1.2. “resident”  
12 1.3. “individual”  
13 1.4. “inhabitant”  
14 1.5. “taxpayer”  
15 1.6. “employee”  
16 1.7. “employer”  
17 1.8. “nonresident alien individual”  
18 1.9. “alien individual”  
19 2. Uses ONLY the following words to describe himself:  
20 2.1. “nonresident”  
21 2.2. “transient foreigner”  
22 2.3. “stateless person”  
23 2.4. “in transitu”  
24 2.5. “transient”  
25 2.6. “sojourner”

26 The following words originate from the fact that a person retains their domicile of origin, which is Heaven for  
27 believers, as long as they are “in transitu” or travelling:

28 *Treatise on the Law of Domicil; M.W.Jacobs, 1887*

29 § 114. *Id. Domicil of Origin adheres until another Domicil is acquired. –*

30 *But whether the doctrine of Udry v. Udry be or be not accepted, the law, as held in Great Britain and America,*  
31 *is beyond all doubt clear that domicil of origin clings and adheres to the subject of it until another domicil is*  
32 *acquired. This is a logical deduction from the postulate that” every person must have a domicil somewhere.”*  
33 *For as a new domicil cannot be acquired except by actual residence cum animo manendi, it follows that the*  
34 *domicil of origin [Heaven] adheres while the subject of it is in transitu, or, if he has not yet determined upon*  
35 *a new place of abode, while he is in search of one,--“quarens quo S.E. conferat atque ubi constituat.”*  
36 *Although this is a departure from the Roman law doctrine, yet it is held with entire unanimity by the British and*  
37 *American cases. It was first announced, though somewhat confusedly, by Lord Alvanley in Somerville v.*  
38 *Somerville: “The third rule I shall extract is that the original domicil . . . or the domicil of origin is to prevail*  
39 *until the party has not only acquired another, but has manifested and carried into execution an intention of*  
40 *abandoning his former domicil and taking another as his sole domicil.” The same idea has been expressed by*  
41 *Lord Wensleydale in somewhat different phrase in Aikman v. Aikman : “Every man’s domicil of origin must be*  
42 *presumed to continue until he has acquired another sole domicil by actual residence with the intention of*  
43 *abandoning his domicil of origin. This change must be animo et facto, and the burden of proof unquestionably*  
44 *lies upon him who asserts the change.” Lord Cranworth observed in the same case: “It is a clear principle of*  
45 *law that the domicil of origin continues until another is acquired; i.e., until the person has made a new home*  
46 *for himself in lieu of the home of his birth.” In America similar language has been used.*  
47 [*Treatise on the Law of Domicil; M.W.Jacobs, 1887, pp. 174-175; Little, Brown, and Company;*  
48 *SOURCE: <http://books.google.com/books?id=MFQvAAAAIAAJ&printsec=titlepage/>*

- 49 3. Has no civil domicile or residence within the jurisdiction of the government that wrote the specific civil statute or civil  
50 law.  
51 4. Any government form they fill out must put “None” or “Kingdom of Heaven” or their own man-made government for  
52 every block that says:  
53 4.1. “Residence”. Remember, the ONLY parties who can have a “residence” under the I.R.C. are aliens and you are  
54 NOT an “alien” if you were born in our country! All “taxpayers” are “aliens” within the I.R.C. The ONLY  
55 definition of “residence” is found at 26 CFR §1.871-2(b) is the only definition for “residence” and it does not

include “nonresident aliens”, “citizens”, or “non-citizen nationals”. If you put down a “residence” on a tax form, indirectly, you are admitting you are an alien and committing perjury under penalty of perjury. Anyone who wants to argue with you should be challenged to produce a statute or regulation that includes “nonresident aliens”, “nonresidents”, or “non-citizen nationals” because the rules of statutory construction forbid adding anything to a definition:

*“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”*  
[Black’s Law Dictionary, Sixth Edition, p. 581]

*“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning.” Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945) ; Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”*  
[Stenberg v. Carhart, 530 U.S. 914 (2000)]

#### 4.2. “Permanent address”

#### 4.3. “Domicile”

For reasons, see:

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

5. Does not accept the “benefits” of any government franchise or insurance program:
- 5.1. Does not participate in Social Security, Medicare, or Unemployment and terminates participation if they signed up at any point.
  - 5.2. Insists that the government is not authorized to provide any “benefits” whenever they are offered.
  - 5.3. Insists that the government meet the burden of proving that it is providing REAL consideration whenever they want to impose the duties of the franchise agreement. That consideration MUST not result in any surrender of any constitutional right and must be legally enforceable in a real, constitutional court and not an Article IV administrative franchise court. Most government programs, in fact, do not provide a legally enforceable right to ANYTHING in a real, constitutional court. The following document is extremely useful in posing such a challenge and provides very powerful evidence that will put any jury on your side on this subject:

Government “Benefits” Scam, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

6. Claims constitutional rights under the common law rather than “civil rights” under statutory civil law:
- 6.1. “Civil rights” are statutory rights that attach to your choice of domicile, which is a protection franchise. They are also called “public rights” by the courts.
  - 6.2. Constitutional rights attach to the land whereas civil rights attach to your choice of domicile and the private law contracts that implement the franchise.

*“It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status [e.g. contracts and franchises consented to] of the people who live in it.”*  
[Balzac v. Porto Rico, 258 U.S. 298 (1922)]

- 6.3. Acceptance of a statutory “public right” actually results in the opposite of what most people expect: A surrender of private rights in exchange for public rights or franchises, a surrender of sovereign immunity, and a complete surrender of any remedy in a REAL Constitutional court of law!:

*These general rules are well settled: (1) That the United States, when it creates rights [CIVIL RIGHTS!!] in individuals against itself [a “public right”, which is a euphemism for a “franchise” to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419,*



431, 433, 18 L.Ed. 700; *Comegys v. Vasse*, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. *Wilder Manufacturing Co. v. Corn Products Co.*, 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; *Arnson v. Murphy*, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; *Barnet v. National Bank*, 98 U.S. 555, 558, 25 L.Ed. 212; *Farmers' & Mechanics' National Bank v. Dearing*, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See *Medbury v. United States*, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; *Parish v. MacVeagh*, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; *McLean v. United States*, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; *United States v. Laughlin* (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919. But here Congress has provided: [U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]

6.4. You can't be party to any franchise, "public right", or "civil right" if you want to be "dead to the law", free, and sovereign!

7. Claims allegiance to no one but God and his neighbor, which are the two great commandments. See Matt. 22:36-40.
8. Does not claim allegiance to any ruler or government or sign any perjury statement.
9. Identifies themselves as a "sui juris" rather than a "pro se" or "pro per" in a litigation setting:

"Sui juris. Of his own right; possessing full social and civil rights; not under any legal disability, or the power of another, or guardianship. Having capacity to manage one's own affairs; not under legal disability to act for one's self."  
[Black's Law Dictionary, Sixth, p. 1434]

"Pro se. For one's own behalf [behalf of the STRAW MAN!]; in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself in court."  
[Black's Law Dictionary, Sixth, p. 1221]

10. Does not use identifying numbers. SSNs and TINs create a presumption that the applicant is domiciled or resident on federal territory. See:

About SSNs and TINs on Government Forms and Correspondence, Form #05.012  
<http://sedm.org/Forms/FormIndex.htm>

11. Does not fill out or submit any government forms. Do so only when compelled to do so and
  - 11.1. Indicate duress on the form.
  - 11.2. Define every "word of art" on the form to disassociate them with any government jurisdiction and prevent themselves from becoming a victim of the presumptions of others. Presumption is a Biblical sin in violation of Numbers 15:30 (NKJV). For an example, see:

Tax Form Attachment, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

- 11.3. Attach the following:

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

## 15.2 Resignation of Compelled Social Security Trustee, Form #06.002

The following form provides government approved procedures and tools for lawfully terminating Social Security participation and thereby restoring your status as a private person.

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

After you terminated unlawful participation in Social Security, there may be occasions where you need to prove to people that you don't qualify to participate. This will prevent them from demanding or insisting that you use a Social Security Number. We have prepared a form for this use available below:

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

### 15.3 Legal Notice of Change in Domicile/Citizenship Records and Divorce From the United States, Form #10.001

The spider web and “matrix” of franchises designed to recruit you into servitude to the government have two key Achilles heels:

1. They are all franchises, and all franchises are contracts between the grantor and the grantee.

*As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit,<sup>75</sup> and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.<sup>76</sup>*  
[Am.Jur.2d, Franchises, §4: Generally]

Why must they be contracts? Because a property interest cannot be conveyed without written consent in some form. Franchise courts such as Tax Court can only hear cases where the government has a property interest that is provable using evidence.

2. To be a contract, they must impose a mutual contractual obligation upon both parties that is legally enforceable under the terms of the franchise agreement.

*CONTRACT. A promissory agreement between two or more persons that creates, modifies, or destroys a legal relation. Buffalo Pressed Steel Co. v. Kirwan, 138 Md. 60, 113 A. 628, 630; Mexican Petroleum Corporation of Louisiana v. North German Lloyd, D.C.La., 17 F.2d. 113,114.*

*An agreement, upon sufficient consideration, to do or not to do a particular thing. 2 Bl.Comm. 442; 2 Kent, Comm. 449. Justice v. Lang, 42 N.Y. 496, 1 Am.Rep. 576; Rabon v. State Finance Corporation, 203 S.C. 183, 26 S.E.2d. 501, 502.*

*An agreement between two or more parties, preliminary Step in making of which is offer by one and acceptance by other, in which minds of parties meet and concur in understanding of terms. Lee v. Travelers' Ins. Co. of Hartford, Conn., 173 S.C. 185, 175 S.E. 429.*

*A deliberate [e.g. voluntary] engagement between competent parties, upon a legal consideration, to do, or abstain from doing, some act. Wharton; Smith v. Thornhill, Tex.Com.App. 25 S.W.2d. 597, 599. It is agreement creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are not ascertainable. H. Liebes & Co. v. Klengenber, C. C.A.Ca1.. 23 F.2d. 611, 612. A contract or agreement is either where a promise is made on one side and assented to on the other; or where two or more persons enter into engagement with each other by a promise on either side. 2 Steph.Comn1. 54. The writing which contains the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation.*  
[Black's Law Dictionary, Fourth Edition, p. 395]

3. Each party must have the capacity, delegated authority, and standing to enter into the contract as a matter of law.
4. To be enforceable, the franchise must convey a mutual “benefit” or advantage to both the grantor and the grantee. BOTH parties to the transaction must not only perceive but actually receive a quantifiable “benefit” from participation. See:

The Government “Benefits” Scam, Form #05.040

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

5. If duress was imposed upon either the grantor or grantee at the time the contract was signed or the application was submitted, the contract can be voided by proving the duress:

*“An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to*

<sup>75</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La 857, 47 So 2d 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

<sup>76</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La 857, 47 So 2d 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

execute the agreement as the state of mind induced.<sup>77</sup> Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,<sup>78</sup> and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>79</sup> However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.<sup>80</sup>”  
[American Jurisprudence 2d, Duress, Section 21]

To invalidate the enforcement of a franchise against a party then, we must demonstrate one or more elements:

1. That you lawfully terminated participation in the franchise.
2. That there was no consideration or “benefit” received by you as the grantee and not them as the grantor define the term “benefit”. You are the “customer” and it is a usurpation and criminal slavery to:
  - 2.1. Force you to accept something that is actually harmful to you and then to call it a “benefit”.
  - 2.2. Impose someone else’s definition, such as that of a judge, of what constitutes a “benefit”.
3. That one or BOTH parties to the contract had no lawful or delegated authority to enter into the agreement with you, the applicant.
4. That there was duress present in some aspect of the transaction.
5. That there was fraud imposed in some aspect of the transaction. Fraud vitiates and invalidates the most solemn of contracts.

The following form on our form on our website does all three of the above, and therefore destroys the ability of the government to enforce any provision of any franchise against you, thus rendering it illegal and impossible for you to act as a “straw man” or in any capacity within the government. It is a mandatory requirement of those who become members of our ministry:

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

The following provisions of the above form implement the above four methods of invalidating the enforcement of a government franchise:

1. Indicates that you lawfully terminated participation in all franchises.
  - 1.1. Section 4.3 perpetually abandons all employment, agency, or office in the government. Therefore, it is impossible to consensually or lawfully participate in the a “trade or business” or public office in the government.
  - 1.2. Section 8.5, item 7.4 indicates that you resigned from Social Security and that any numbers associated with you are not those defined at 20 CFR §422.103(d).
2. Removes the possibility that you could receive consideration or “benefit” in connection with any franchise.
  - 2.1. Section 4.4 indicates that the government MAY NOT provide and that you do not consent to receive any “benefit” or consideration in connection with any franchise and that if the government violates this positive command, such act shall be construed not as “consideration”, but rather a “gift” for which no compensation is due, slavery, and a compelled bribe.
  - 2.2. Section 8.6.1.2 defines “benefit” for the purposes of all franchises in such a way that it is impossible to construe anything the government provides as a “benefit” which therefore confers any reciprocal obligation whatsoever.
3. Demonstrates that neither you nor the government have the legal capacity or delegated authority to enter into such an agreement without violating either the Constitution or their delegation of authority order.
  - 3.1. Section 4.2 reserves all rights.

<sup>77</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

<sup>78</sup> Barnette v. Wells Fargo Nevada Nat’l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S Ct 85.

<sup>79</sup> Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicum, 142 Or 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

<sup>80</sup> Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

- 3.2. Section 4.1 establishes that the only contracts you can or will be held accountable for are those in a writing signed by you and which completely describe all rights surrendered and the precise consideration exchanged for those rights. This is the same requirement the government places upon rights enforced against them: All contracts must be in writing and when you want to sue them, you must prove their consent in writing by producing a waiver of sovereign immunity derived from an act of Congress.
- 3.3. Section 5 and Enclosure (7) completely describe your citizenship status so as to place your domicile outside the civil jurisdiction of the government.
- 3.4. Section 8.6 defines all “words of art” in such a way that it is impossible to construe jurisdiction over you and thereby establishes that you can’t lawfully participate.
- 3.5. Section 8.4 demonstrates that the grantor, the U.S. government, has no jurisdiction to enforce the franchise within any state of the Union.
4. Proves that duress and fraud were present which invalidates the enforceability of the franchise agreement.
- 4.1. Section 8.3 establishes that all “taxes” paid were paid under duress and protest and therefore are refundable.
- 4.2. Section 8.9 establishes that you do not consent to the jurisdiction of any court that might administer the franchise.

#### 15.4 Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001

When or if you are demanded to complete a government tax form, you must fill out the form so as to not implicate you as a “taxpayer”. Not surprisingly, all tax forms we have seen presume the person submitting them is a “taxpayer” and they usually offer no options to indicate that you are either a “nontaxpayer” or a person not “exempt”, but rather “not subject” to the provision cited. The signature block usually pegs the submitter as a “taxpayer”, which forces you to either modify the form or submit your own substitute. For details on this scam, see section 5.10 of the following:

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

In order to avoid becoming the target of false presumptions maliciously planted on government tax forms to trap you into becoming a “taxpayer” and therefore a “public officer” with presumptions, we highly recommend using the following as a substitute for all government tax withholding forms you are asked to fill out:

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

If you are ordered to use the company’s forms instead of your own substitute, we recommend attaching the above form to their form and writing above the signature on their form the following:

*“Not valid without the attached, signed Affidavit of Citizenship, Domicile, and Tax Status.”*

#### 15.5 Tax Form Attachment, Form #04.201

Government tax forms are famous for abusing “words of art” that entrap you with presumptions. The words on these forms not only are not defined, but even if they were, the IRS says you couldn’t trust the definition anyway!

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

The Bible forbids Christians to presume, and by implication condone or encourage others to presume that they know what a word means:

*““But the person who does anything presumptuously, whether he is native-born or a stranger, that one brings reproach on the Lord, and he shall be cut off from among his people.”*  
*[Numbers 15:30, Bible, NKJV]*

Consequently, Christians have a duty to prevent presumptions that might injure them by defining the meaning of all terms used on government forms in such a way that they are not inadvertently compelled to act as a “public officer” for the government and thereby serve two masters, God and Government, as a “public officer” of both simultaneously:

1                   *"No one can serve two masters [god and government, or two employers, for instance]; for either he will hate*  
2                   *the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and*  
3                   *mammon [government]."*  
4                   *[Luke 16:13, Bible, NKJV. Written by a tax collector]*

5     The following form is a mandatory attachment to all standard, unmodified tax forms that Members of this ministry submit  
6     under compulsion in fulfillment of the above goals. Section 3 of the form defines all identifying numbers so that they  
7     cannot be used to connect you to any franchise. Section 4 of the form defines all "words of art" to place you outside of  
8     government jurisdiction. It also contains its own franchise agreement that nullifies the affect of the government's  
9     franchises. Thus, it acts as an anti-franchise franchise that you are entitled to enforce because of your right to equal  
10    protection of the law:

*Tax Form Attachment, Form #04.201*  
<http://sedm.org/Forms/FormIndex.htm>

## 11   **15.6 Why It is Illegal for Me to Request or Use a Taxpayer Identification Number, Form** 12   **#04.205**

13   Those you do business with frequently will demand a Taxpayer Identification Number before they will contract with you.  
14   In nearly all cases, the use of such a number is ILLEGAL and if you could prove that to them, they would stop asking for  
15   the STINKING number that attaches to the "straw man" and the "public office". We have prepared the following form that  
16   you can use to prove with evidence that you aren't eligible for a Taxpayer Identification Number.

*Why It is Illegal for Me to Request or Use a Taxpayer Identification Number, Form #04.205*  
<http://sedm.org/Forms/FormIndex.htm>

## 17   **15.7 IRS Form 56: Disconnecting from the Straw man**

18   IRS Form 56 is the only approved method by which one may specify the existence of a fiduciary relationship between the  
19   "public office"/ "trade or business" franchise and a specific person. You can find instructions for preparing IRS Form 56  
20   form our website at the address below:

*About IRS Form 56, Form #04.204*  
<http://sedm.org/Forms/FormIndex.htm>

21   The IRS Form 56, for instance, is used with the Resignation of Compelled Social Security Trustee, Form #06.002 form  
22   mentioned in the previous section and is filled out with the name and address of the Commissioner of Social Security as the  
23   fiduciary for the number. This is done, for instance, because 20 CFR §422.103(d) says the number belongs not to you, but  
24   to the government. Therefore, the government and not you must be liable for all the obligations associated with THEIR  
25   property. The Resignation of Compelled Social Security Trustee form also says that if they want to hire you as the person  
26   responsible for the liabilities associated with this government property, then the compensation you demand is all the tax and  
27   penalty liability therein associated plus \$1,000 per hour above and beyond that for your services as a "public officer".

28   Remember, anyone who wants you to take custody of and responsibility for government property is making an offer of  
29   employment to you. Even the U.S. Supreme Court has recognized that YOU, and not THEM, have the right to determine  
30   the amount of compensation you will work for. If they won't accept the terms of your counter-offer, then the relationship is  
31   non-binding.

## 32   **15.8 Delegation of Authority Order from God to Christians, Form #13.007**

33   The following form on our website provides a powerful tool you can use to avoid being compelled to accept the duties of  
34   the straw man. It proves that the Bible forbids Christians to enter into any government contracts, franchises, or licenses or  
35   conduct any kind of commerce with the government. Consequently, you as a Christian have no delegated authority from  
36   God to consent to such contracts, franchises, or agreements. Therefore, all such methods of enslaving you may not be  
37   enforced because executed without delegated authority:



Delegation of Authority Order from God to Christians, Form #13.007  
<http://sedm.org/Forms/FormIndex.htm>

A good example of the use of the above document is Section 7 of the following form entitled “Constraints on the Delegated Authority of the Submitter In Re Government”, in which the Submitter, who is a Christian, alleges that they have no delegated authority to engage in government franchises such as the “trade or business” franchise. If you use this document to attach to all tax forms you are compelled to sign or submit and then invoke the protections of the Religious Freedom Restoration Act RFRA, the government will be toast if you get them in court:

Tax Form Attachment, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

## **15.9 Liening the Straw Man so he can’t do you any harm**

The following document shows you how to lien the straw man so that he can’t threaten or obligate the natural being:

U.C.C. Security Agreement, Form #14.002  
<http://sedm.org/Forms/FormIndex.htm>

## **15.10 The Government “Benefits” Scam, Form #05.040**

Those who refuse to accept [government franchises](#) and services and lawfully refuse to pay for these services are sometimes illegally prosecuted by zealous but *criminal* government attorneys for "willful failure to file" under [26 U.S.C. §7203](#) and "tax evasion" under [26 U.S.C. §7201](#). The government's offense in these cases is like a broken record:

*"Mr./Ms. \_\_\_\_\_ accepts the 'benefits' of living in this country but refuses to pay his/her 'fair share'.  
He/she is a LEECH and you ought to hang him!"*

The following form is useful as a defense for those who want to lawfully avoid becoming surety for the straw man. It proves beyond a shadow of a doubt that all such rhetoric is not only FALSE, FRAUDULENT, and RIDICULOUS, but constitutes a criminal conspiracy against your constitutionally guaranteed rights. You have a constitutionally protected right to NOT contract with or do business with the government protected by [Article 1, Section 10](#) of the Constitution. The government is just like any other corporation or business and the only service it provides is "protection". Those who are "customers" of this protection and [social insurance](#) service must voluntarily choose a [domicile](#) within the jurisdiction of the government and are then called statutory "[U.S. citizens](#)", "[U.S. residents](#)", or "[U.S. persons](#)". When the "protection service" provided by government is ineffective, wasteful, inefficient, and/or actually harmful to us or our family, we *always* have the right to "fire the bastards" and cease to be "customers". The [Declaration of Independence](#), in fact, makes it our DUTY to pursue "better safeguards for our future security". Those who do this are called "nonresidents", "[nonresident aliens](#)", and "transient foreigners". Use this pamphlet as a powerful defense in court against such bogus charges.

The Government “Benefits” Scam, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

## **16 Legal Remedies for Identity Theft**

If you are, in fact, not a public officer in the government or franchisee and someone else has compelled you, often without your knowledge and definitely without your consent, to involuntarily accept the duties of the public officer straw man, the laws listed in this section may be helpful in achieving a legal remedy against the person or organization that is the source of the duress. These laws are categorized by the jurisdiction they apply to.

The table above lists what is called a “Dual office prohibition”. This means that you cannot simultaneously be a public officer in the federal government and a public officer in the state government at the same time. Anyone who participates in any federal franchise or office and also in state franchises or offices fits this description.

**Table 4: Statutory remedies for those compelled to act as public officers and straw man**

<i>Jurisdiction</i>	<i>Legal Cite Type</i>	<i>Title</i>	<i>Legal Cite</i>
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***Proof that There Is a “Straw man”***

Copyright Sovereignty Education and Defense Ministry, <http://sedm.org>  
Form 05.042, Rev. 2-4-2010

178 of 206

EXHIBIT: \_\_\_\_\_

<b><i>Jurisdiction</i></b>	<b><i>Legal Cite Type</i></b>	<b><i>Title</i></b>	<b><i>Legal Cite</i></b>
Alabama	Constitution	Dual Office Prohibition	Article III, Section 25; Article IV, Sect. 22; Art. V, Sect. 10; Article VI, Section 12
Alabama	Statute	Crime: Impersonating Public Officer	C.O.A. § 13A-10-10
Alabama	Statute	Crime: Identity Theft	C.O.A. Title 13A, Article 10
Alaska	Constitution	Dual Office Prohibition	Const. Sections 2.5, 3.6, 4.8
Alaska	Statute	Crime: Identity Theft	A.S. § 11.46.160
Alaska	Statute	Crime: Impersonating Public Officer	A.S. § 11.56.830
Arizona	Constitution	Dual Office Prohibition	Const. Article 4, Part 2, Section 4; Const. Article 6, Section 28
Arizona	Statute	Crime: Identity Theft	A.R.S. § 13-2006
Arizona	Statute	Crime: Impersonating Public Officer	A.R.S. § 13-2406
Arkansas	Constitution	Dual Office Prohibition	Const. Article 3, Section 10; Const. Article 5, Section 7; Article 5, Section 10; Art. 80, Sect. 14
Arkansas	Statute	Crime: Impersonating Public Officer	A.S.C. § 5-37-208
California	Constitution	Dual Office Prohibition	Const. Article 5, Section 2 (governor); Const. Article 5, Section 14; Article 7, Section 7
California	Statute	Crime: Identity Theft	Penal Code § 484.1
Colorado	Constitution	Dual Office Prohibition	Const. Article V, Section 8 (internal)
Connecticut	Constitution	Dual Office Prohibition	Const. Article 1, Section 11 (internal)
Connecticut	Statute	Crime: Identity Theft	C.G.S.A. § 53a-129a to 53a-129c
Delaware	Constitution	Dual Office Prohibition	Const. Article 1, Section 19
Delaware	Statute	Crime: Identity Theft	D.C. Title 11, Section 854
Delaware	Statute	Crime: Impersonating Public Officer	D.C. Title 11, Section 907(3)
District of Columbia	Constitution	Dual Office Prohibition	Const. of D.C., Article IV, Sect. 4(B) (judges); Art. III, Sect. 4(D) (governor)
District of Columbia	Statute	Crime: Impersonating Public Officer	D.C. Code § 22-1404
Florida	Constitution	Dual Office Prohibition	Const. Article II, Section 5
Florida	Statute	Crime: Impersonating Public Officer	F.S. Title XLVI, Section 817.02
Georgia	Constitution	Dual Office Prohibition	Const. Article I, Section II, Para. III; Const. Article III, Section II, Para. IV(b)
Georgia	Statute	Crime: Impersonating Public Officer	O.C.G.A. § 16-10-23
Hawaii	Constitution	Dual Office Prohibition	Const. Article III, Section 8 (internal)
Hawaii	Statute	Crime: Impersonating Public Officer	H.R.S. § 710-1016
Idaho	Constitution	Dual Office Prohibition	Const. Article V, Section 7 (judges)
Idaho	Statute	Crime: Impersonating Public Officer	I.S. § 18-3001

<i><b>Jurisdiction</b></i>	<i><b>Legal Cite Type</b></i>	<i><b>Title</b></i>	<i><b>Legal Cite</b></i>
Illinois	Constitution	Dual Office Prohibition	Const. Article IV, Section 2(e) (legislative)
Illinois	Statute	Crime: Impersonating Public Officer	720 ILCS 5/17-2
Indiana	Constitution	Dual Office Prohibition	Const. Article 2, Section 9; Const. Article 4, Section 30 (legislative)
Indiana	Statute	Crime: Impersonating Public Officer	I.C. § 25-30-1-18
Iowa	Constitution	Dual Office Prohibition	Const. Article III, Section 22 (legislature); Const. Article IV, Section 14 (governor)
Iowa	Statute	Crime: Impersonating Public Officer	I.C. Title XVI, Section 718.2
Kansas	Constitution	Dual Office Prohibition	Const. Article 3, Section 13 (judges)
Kansas	Statute	Crime: Impersonating Public Officer	K.R.S. § 21-3825
Kentucky	Statute	Crime: Impersonating Public Officer	K.R.S. § 434.570
Kentucky	Statute	Crime: Identity Theft	K.R.S. § 514.60; K.R.S. § 532.034
Kentucky	Statute	Dual Office Prohibition	K.R.S. § 61.080
Louisiana	Constitution	Dual Office Prohibition	Const. Article II, Section 2 (internal); Const. Article IV, Section 2 (executive)
Louisiana	Statute	Crime: Impersonating Public Officer	R.S. § 14:112
Maine	Constitution	Dual Office Prohibition	Const. Article III, Section 2 (internal)
Maine	Statute	Crime: Impersonating Public Officer	17-A M.R.S. Section 457
Maryland	Constitution	Dual Office Prohibition	Const. Declaration of Rights, Article 33 (judges); Const. Const. Declaration of Rights, Article 35 (officers)
Maryland	Statute	Crime: Impersonating Public Officer	Statutes §8-301
Massachusetts	Constitution	Dual Office Prohibition	Const. Chapter VI, Article 2
Massachusetts	Statute	Crime: Impersonating Public Officer	G.L.M. Chapter 268, Section 33
Michigan	Constitution	Dual Office Prohibition	Const. Article IV, Section 8
Michigan	Statute	Crime: Impersonating Public Officer	Mich. Penal Code, Chapter XXXV, Section 750.217c
Minnesota	Constitution	Dual Office Prohibition	Const. Article IV, Section 5
Minnesota	Statute	Crime: Impersonating Public Officer	M.S. § 609.475
Mississippi	Statute	Crime: Impersonating Public Officer	M.C. § 97-7-43
Missouri	Constitution	Dual Office Prohibition	Const. Article VII, Section 9
Missouri	Statute	Crime: Impersonating Public Officer	M.R.S. § 570.223
Missouri	Statute	Crime: Identity Theft	M.R.S. § 570.223
Montana	Constitution	Dual Office Prohibition	Const. Article III, Section 1; Const. Article V, Section 9 (office); Article VII, Section 9 (judges)

<i><b>Jurisdiction</b></i>	<i><b>Legal Cite Type</b></i>	<i><b>Title</b></i>	<i><b>Legal Cite</b></i>
Montana	Statute	Crime: Impersonating Public Officer	M.C.A. § 45-7-209
Nebraska	Constitution	Dual Office Prohibition	Const. Article III-9
Nebraska	Statute	Crime: Impersonating Public Officer	N.R.S. § 28-636
Nebraska	Statute	Crime: Identity Theft	N.R.S. § 28-639
Nevada	Constitution	Dual Office Prohibition	Const. Article 4, Section 9 (officers)
Nevada	Statute	Crime: Impersonating Public Officer	N.R.S. § 197.120
New Hampshire	Constitution	Dual Office Prohibition	Const. Art. 94-95
New Hampshire	Statute	Crime: Identity Theft	N.H.R.S. § 359-I:2
New Jersey	Constitution	Dual Office Prohibition	Const. Article III, Section 1; Const. Article IV, Section V, Sections 3-4; Const. Article V, Section I, Section 3
New Jersey	Statute	Crime: Impersonating Public Officer	N.J.S.A. § 2C:28-8
New Mexico	Constitution	Dual Office Prohibition	Const. Article IV, Section 3 (senators); Const. Article VI, Section 19 (judge)
New Mexico	Statute	Crime: Identity Theft	N.M.S.A. § 30-16-21.1
New York	Constitution	Dual Office Prohibition	Const. Article III, Section 7 (legislature); Const. Article VI, Section 20(b)(1)
New York	Statute	Crime: Identity Theft	General Business Law 380-S; Penal Law 190.78
New York	Statute	Crime: Impersonating Public Officer	Penal Law § 190.23
North Carolina	Constitution	Dual Office Prohibition	Const. Article VI, Section 9
North Carolina	Statute	Crime: Impersonating Public Officer	N.C.G.S. § 14-277
North Dakota	Statute	Crime: Impersonating Public Officer	N.D.C.C. § 12.1-13-04
Ohio	Constitution	Dual Office Prohibition	Const. Article 2, Section 04 (legislature); Const. Article 4, Section 06, Para. (B)
Ohio	Statute	Crime: Impersonating Public Officer	
Oklahoma	Constitution	Dual Office Prohibition	Const. Article II, Section 12; Const. Article V, Section 18 (legislature)
Oklahoma	Statute	Crime: Impersonating Public Officer	O.S. Title 21, Section 1533
Oklahoma	Statute	Crime: Identity Theft	O.S. Title 21, Section 1533.1
Oregon	Constitution	Dual Office Prohibition	Const. Article II, Section 10
Oregon	Statute	Crime: Impersonating Public Officer	O.R.S. § 162.365
Oregon	Statute	Crime: Identity Theft	O.R.S. § 165.803
Pennsylvania	Constitution	Dual Office Prohibition	Const. Article V, Section 17 (judges)
Pennsylvania	Statute	Crime: Identity Theft	18 Pa.C.A. § 4120
Rhode Island	Constitution	Dual Office Prohibition	Const. Article III, Section 6
Rhode Island	Statute	Crime: Impersonating Public Officer	G.L.R.I. § 11-14-1

<b><i>Jurisdiction</i></b>	<b><i>Legal Cite Type</i></b>	<b><i>Title</i></b>	<b><i>Legal Cite</i></b>
South Carolina	Constitution	Dual Office Prohibition	Const. Article 1, Section 8(internal);Const. Article VI, Section 3 (officers)
South Carolina	Statute	Crime: Impersonating Public Officer	S.C.C.O.L. § 16-13-290
South Dakota	Constitution	Dual Office Prohibition	Const. Article 3, Section 3
South Dakota	Statute	Crime: Impersonating Public Officer	S.D.C.L. § 22-40-16
South Dakota	Statute	Crime: Identity Theft	S.D.C.L. § 22-40-8
Tennessee	Constitution	Dual Office Prohibition	Const. Article II, Section 2 (internal);Const. Article II, Section 26 (officers)
Tennessee	Statute	Crime: Impersonating Public Officer	T.C. § 39-16-301
Texas	Constitution	Dual Office Prohibition	Const. Article 2, Section 1 (internal);Const. Article 3, Section 18 (legislature); Const. Article 4, Section 6 (executive)
Texas	Statute	Crime: Impersonating Public Officer	Penal Code, Section 37.11
Texas	Statute	Crime: Identity Theft	T.S. § 32.51
United States	Statute	Crime: Impersonating Public Officer	18 U.S.C. § 912
Utah	Constitution	Dual Office Prohibition	Const. Article V, Section 1 (internal);Const. Article VIII, Section 10 (judges)
Utah	Statute	Crime: Impersonating Public Officer	U.C. § 76-8-512
Vermont	Constitution	Dual Office Prohibition	Const. Chapter II, Section 54
Vermont	Statute	Crime: Impersonating Public Officer	13 V.S.A. § 3002
Virginia	Constitution	Dual Office Prohibition	Const. Article IV, Section 4 (legislature); Const. Article V, Section 4 (governor)
Virginia	Statute	Crime: Identity Theft	C.O.V. § 18.2-186.3
Washington	Constitution	Dual Office Prohibition	Const. Article II, Section 14 (legislature); Const. Article IV, Section 15 (judges)
Washington	Statute	Crime: Impersonating Public Officer	R.C.W. 18.71.190
West Virginia	Constitution	Dual Office Prohibition	Const. Article 6, Section 16 (senators); Const. Article 7, Section 4 (executive); Const. Article 8, Section 7 (judges)
West Virginia	Statute	Crime: Impersonating Public Officer	W.V.C. § 61-5-27a(e)
Wisconsin	Constitution	Dual Office Prohibition	Const. Article IV, Section 13
Wisconsin	Statute	Crime: Identity Theft	W.S. § 943.201
Wyoming	Constitution	Dual Office Prohibition	Const. Section 97-3-008 (legislature);Const. Section 97-5-027 (judges)
Wyoming	Statute	Crime: Identity Theft	W.S. § 6-3-901
Wyoming	Statute	Crime: Impersonating Public Officer	W.S. § 6-5-307



If you would like to research further the laws and remedies available in the specific jurisdiction you are in, we highly recommend the following free tool on our website:

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

The above tool is also available at the top row under the menu on our Litigation Tools page at the link below:

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

## **17 Conclusions and summary**

We will now succinctly summarize everything that we have learned in this short memorandum of law in order to emphasize the important points:

1. What people call the “straw man” is real. It is recognized in the legal dictionary, in fact.
2. Three requirements must be met in order for a “straw man” to lawfully exist:
  - 2.1. A commercial transaction involving real or personal property.
  - 2.2. Agency of one or more persons on behalf of an artificial entity who accomplish the commercial transaction.
  - 2.3. Property being acquired by a party that otherwise is not allowed or not lawful.
3. The government had to create the straw man because without it, nearly everyone would be entirely beyond their reach as an exclusively private person and a sovereign.
  - 3.1. The ability to regulate private conduct, in fact, is “repugnant to the constitution”, according to the U.S. Supreme Court. [City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 \(1997\)](#).
  - 3.2. The straw man makes it possible for the government to regulate private conduct indirectly, rather than directly, using the office that the government created and which you consented to occupy by applying for government franchises and benefits and thereby exercising your right to contract. The government can only tax that which it created. Since it didn’t create the natural being, then it had to create something else and fool you into believing that you are that person using “words of art”, smoke, and mirrors.

*“The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power to create; and there is a plain repugnance in conferring on one government [THE FEDERAL GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other, with respect to those very measures, is declared to be supreme over that which exerts the control.”*  
[Van Brocklin v. State of Tennessee, [117 U.S. 151](#) (1886)]

*“What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature, and can be revoked or altered only by the authority that made it. The life-giving principle [act of creation] and the death-doing stroke [power to destroy] must proceed from the same hand.”*  
[VanHorne’s Lessee v. Dorrance, [2 U.S. 304](#) (1795)]

*“The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law [including a tax law] involving the power to destroy. ”*  
[Providence Bank v. Billings, [29 U.S. 514](#) (1830)]

4. The key to understanding the straw man is to understand the law of PROPERTY. The heart of the law of property is the following concepts:
  - 4.1. Ownership of a thing implies the right to exclude ALL OTHERS from either USING or BENEFITTING from the use of a thing.
  - 4.2. Property includes not only PHYSICAL things but rights or privileges to use a thing.
  - 4.3. Physical possession of a material thing does NOT imply OWNERSHIP.
  - 4.4. Rights over the possessor of a physical thing may lawfully be acquired by handing that physical thing to a person and giving them notice of the obligations that attach to TEMPORARY possession or use of that thing. For instance, 20 CFR §422.103(d) says that Social Security Cards and numbers are property of the government EVEN AFTER you receive physical custody of them. The Social Security Card also says this and emphasizes that the card must be returned to the government OWNER upon request.

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

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

- 19 5. In law, all rights are "property". The purpose of creating the straw man is to allow the government to acquire PUBLIC  
20 rights and CIVIL jurisdiction over OTHERWISE EXCLUSIVELY PRIVATE property WITHOUT compensating the  
21 human beings it acquires them from. Without the straw man, this acquisition of otherwise EXCLUSIVELY PRIVATE  
22 property would be unlawful but with the straw man, it is not unlawful. There are four main "rights" or types of  
23 property that the government acquires by creating the straw man that they cannot otherwise lawfully possess in the  
24 context of EXCLUSIVELY PRIVATE persons:
- 25 5.1. They cannot lawfully impose duties or obligations upon human beings without compensation. This is a violation  
26 of the Thirteenth Amendment prohibition against involuntary servitude. This prohibition, unlike the Bill of  
27 Rights, applies everywhere, including on federal territory.
- 28 5.2. They cannot lawfully abuse their power to tax to pay public monies to private persons.
- 29 5.3. They cannot lawfully maintain records about private persons without their consent.
- 30 5.4. They cannot lawfully use, benefit from, or tax your private property without your consent, whether express or  
31 implied.
- 32 6. The "straw man" in all the contexts we have been able to identify is simply:
- 33 6.1. A "public officer" or agent within the government.
- 34 6.2. An artificial entity that is usually the subject of a trust. That trust is usually an extension of the "public trust",  
35 meaning the government. The trust document is the Constitution.

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

38 And this principle follows from the structure of the respective Governments, State and Federal, and their  
39 reciprocal relations. They are different agents and trustees of the people of the several States, appointed with  
40 different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions,  
41 are mutually obligatory."

42 [Dred Scott v. Sandford, 60 U.S. 393 (1856)]

- 43 7. The straw man is a creation of the government.
- 44 7.1. The straw man is therefore "property" of the government. The essence of ownership over "property" is the  
45 protected right to exclude its use by others and to deprive others of any of the "benefits" arising from its use.
- 46 7.2. Only those expressly authorized by the government can therefore lawfully "benefit" commercially from the  
47 government's creation and property. That authorization must be found somewhere within the franchise  
48 agreement that created the straw man.
- 49 7.3. You as a private human being cannot therefore lawfully take control of or benefit from the straw man without  
50 IMPLICITLY CONSENTING to become a trustee and public officer of the government operating under the  
51 terms of the franchise agreement that created the straw man and regulates its activities. Within I.R.C. Subtitle A,  
52 for instance, the "straw man" is a franchisee called a "taxpayer" as defined in 26 U.S.C. §7701(a)(14).
- 53 7.4. If you try to commercially benefit from the straw man WITHOUT accepting the associated liabilities and the  
54 public office that goes with it, then you are stealing property from the government and you will lose in court  
55 every time and deserve to lose. This idea is the reason why so many people lose in court who try to cancel debts,  
56 transfer liabilities of the straw man to others, or file bills of exchange liening the straw man in satisfaction of tax  
57 debts. All such activities amount essentially to stealing property from the government.

7.5. Income taxes essentially amount to the “rent” you pay for the “privilege” of availing yourself of the “benefits” of the franchise associated with the straw man such as:

7.5.1. Unemployment insurance.

7.5.2. Medicare benefits.

7.5.3. Social security benefits.

7.5.4. A fiat currency system that makes it easy to borrow.

8. If you want to identify who the “straw man” is in the law, start with the definitions for the following terms:

8.1. “person”. See, for instance, 26 U.S.C. §6671(b) and 26 U.S.C. §7343, all of whom are officers or employees of federal corporations and not natural beings.

8.2. “individual”. See 26 CFR §1.1441-1(c)(3), which is defined as an alien or nonresident alien who is then defined in 26 CFR §1.1-1(a)(2)(ii) as being engaged in the “trade or business” franchise.

8.3. “taxpayer”. See 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313. This is a “person” engaged in the “trade or business” franchise and therefore a “public office” within the U.S. government.

8.4. “citizen”. See 26 CFR §1.1-1(c). Defined as an artificial entity with a domicile in the District of Columbia (see 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.

8.5. “resident”. See 26 U.S.C. §7701(b)(1)(A). Defined as an artificial entity that is an alien with a domicile in the District of Columbia (see 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.

8.6. “employee”. See 5 U.S.C. §2105, 26 U.S.C. §3401(c), and 26 CFR §31.3401(c)-1.

8.7. “U.S. person” as defined in 26 U.S.C. §7701(a)(30), where the “U.S.” they mean is the government and not any geographical place.

8.8. “trade or business”. 26 U.S.C. §7701(a)(26) defines this as “the functions of a public office”. Only public officers can lawfully exercise the functions of a public office. You have to be a public officer for the national government in order for them to acquire extraterritorial jurisdiction in a foreign state, which is what the states of the Union are in relation to the national government under the Constitution.

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

9. The usual method for creating the “straw man” is the exercise of your right to contract by applying for and accepting government franchises and other so-called “benefits”. In other words, the exercise of your right to contract creates the artificial “person” or “public office” or “res” that is the only lawful subject of nearly all government legislation. For details on how these franchises operate, see:

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

10. All government franchises:

10.1. Are “Property” within the meaning of Article 4, Section 3, Clause 2 of the United States government.

10.2. Are implemented as contracts and must meet all the same criteria as contracts in order to be enforceable.

*As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit,<sup>81</sup> and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.<sup>82</sup>*  
[Am.Jur.2d, Franchises, §4: Generally]

10.3. Function as “private law” that “acquires the force of law” and “activates” ONLY upon your voluntary consent.

Without your consent, they are NOT “law” *in your specific case* and may NOT lawfully be enforced against you.

10.4. May be consented to implicitly (by conduct) or explicitly (in writing).

10.5. Create a “res” that is the object of all litigation directed at the franchisee.

<sup>81</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La 857, 47 So 2d 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

<sup>82</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La 857, 47 So 2d 665; Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691.

10.6. May be enforced without any constitutional constraint by the government. Those who accept the “benefits” of the franchise implicitly surrender their right to complain about violations of their constitutional rights resulting from enforcement of the franchise agreement:

“We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint.”  
[Flemming v. Nestor, 363 U.S. 603 (1960)]

“The Government urges that the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. .... The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.”  
[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

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

CALIFORNIA CIVIL CODE  
DIVISION 3. OBLIGATIONS  
PART 2. CONTRACTS  
CHAPTER 3. CONSENT  
Section 1589

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

11. In the courts, the term “franchise” is disguised using the name “benefits”, “public right”, or “publici juris” in order to avoid all the problems that the truth can create for those intent on plundering your private property in government or intent on converting that private property to a public use. See:

The Government “Benefits” Scam, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

12. Social Security Numbers and Taxpayer Identification Numbers function as the de facto license number to act as the “straw man” and exercise the functions of a public office within the government. The term “trade or business”, in fact, is synonymous with a “public office” in the government.

Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)

You must obtain a U.S. taxpayer identification number (TIN) for:

- Any recipient whose income is effectively connected with the conduct of a trade or business [public office pursuant to 26 U.S.C. §7701(a)(26)] in the United States.  
**Note.** For these recipients, exemption code 01 should be entered in box 6.

[. . .]

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.  
[IRS Form 1042s Instructions, Year 2006, p. 14]

13. The exercise of the duties of the straw man/public office can only lawfully occur in the District of Columbia and not elsewhere as mandated by statute:

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

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

14. Federal franchises may only lawfully be created or enforced on federal territory and not within any state of the Union.

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

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

The reason for the above is because the rights of persons protected by the U.S. Constitution within states of the Union are “unalienable”, according to the Declaration of Independence. “Inalienable” means they cannot be bargained away or sold through any commercial process. Since franchises are a commercial process, they cannot lawfully be offered on land protected by the Constitution and therefore may only be offered to persons domiciled on federal territory.

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

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

15. Nearly every type of government franchise we have examined eventually links you back to the following circumstances:

15.1. Holding a “public office” in the District of Columbia corporation/government.

15.2. Domiciled on federal territory and therefore a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or statutory “U.S. resident” (alien) pursuant to 8 U.S.C. §1101(a)(3).

15.3. In possession, receipt, or control of some form of government property, including:

15.3.1. Government numbers.

15.3.2. Government information.

15.3.3. Government contracts.

15.3.4. Government franchises.

15.3.5. Government “benefits” or payments.

15.3.6. Private property associated with government numbers and a “public use” in order to procure the benefits of a government franchise.

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

16. All legal actions against the “straw man” are “in rem”. An “in rem” proceeding is one against property:

16.1. The property at issue in the controversy is the “res”. The “res” is the “account” that attaches to the “straw man”.

16.2. The license number or identifying number associated with the “res” is a synonym for the “res” itself. For instance, Taxpayer Identification Numbers are the “res” in tax proceedings in federal court.



- 1 16.3. Federal courts which hear matters relating to disputes over franchises and the “straw man” that attaches to the  
2 franchise derive all their authority under Article 4, Section 3, Clause 2 of the United States Constitution.  
3 16.4. Judges officiating over franchises are acting in an administrative capacity under Article 4, Section 3, Clause 2 of  
4 the Constitution rather than in an Article III constitutional capacity. For instance, the United States Tax Court is a  
5 legislative franchise court in the Executive rather than judicial branch of the government. It is established  
6 pursuant to Article I of the United States Constitution as described in 26 U.S.C. §7441.  
7 16.5. All federal district and circuit courts are Article 4, Section 3, Clause 2 “property courts”, which are also called  
8 “franchise courts”. See:

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

- 9 16.6. All rights are property. Anything that conveys rights is property. Contracts convey rights and are therefore  
10 “property”. All franchises are contracts and therefore “property” within the meaning of Article 4, Section 3,  
11 Clause 2 of the United States Constitution.  
12 17. No one may lawfully compel you to accept the duties of the straw man or to participate in the franchises which create  
13 it. Neither Congress nor any judge may lawfully compel you to accept the duties of a franchisee and use a franchise  
14 court without your consent. If they do, they are violating the Thirteenth Amendment prohibition against involuntary  
15 servitude.  
16 18. There is nothing inherently wrong with the governments use of franchises, so long as:  
17 18.1. They are required to produce written evidence of consent to participate IN WRITING, not unlike how they  
18 require you to prove a waiver of sovereign immunity using a statute if you want to sue them.  
19 18.2. They are implemented using voluntary licenses.  
20 18.3. They protect your right NOT to volunteer by warning you that they can’t force you to participate and prosecuting  
21 all those who force you to participate.  
22 18.4. They are not enforced outside of federal territory.  
23 18.5. They are not used to undermine the constitutional rights of those not domiciled on federal territory and who are  
24 therefore protected by the Constitution.  
25 18.6. The government enforces your equal right to engage them in franchises of your own creation using the same  
26 mechanisms by which they trap you in their franchises. For instance, if third parties are allowed to volunteer you  
27 into the “trade or business” franchise simply by filing an unsigned information return, then you have an equal  
28 right to obligate the government to become obligated by similar third party reports under the terms of your own  
29 franchise. If they won’t enforce the same rights on your part that they have in this regard, they are violating the  
30 requirement for equal protection that is the foundation of the Constitution. This, in fact, is how the following  
31 form works: It implements an anti-franchise franchise:

*Tax Form Attachment*, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

- 32 19. If anyone compels you to accept the duties of the franchise or compels you to accept the obligations of the public office  
33 or the straw man that attaches to it without compensation that you and not they deem sufficient, then they are:  
34 19.1. Engaging in Involuntary servitude in violation of the Thirteenth Amendment, 18 U.S.C. §1581, and 42 U.S.C.  
35 §1994 (peonage).  
36 19.2. If they are compelling you in court to accept the duties of a franchise that they can’t prove consent on the record  
37 to participate, they are also abusing legal process to enslave you in criminal violation of 18 U.S.C. §1589(3) and  
38 owe mandatory restitution pursuant to 18 U.S.C. §1593.  
39 19.3. Exercising eminent domain over your labor and property without compensation.  
40 19.4. Engaging in criminal conversion of your private property to a public use without your consent pursuant to 18  
41 U.S.C. §654.  
42 19.5. If the franchise being enforced is “domicile”, they are engaging in a criminal “protection racket”.  
43 All of the above prohibitions apply not only within states of the union, but also on federal territory!

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

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

- 11 20. We have found no evidence from any credible source that the use of the all caps name signifies anything.  
12 20.1. Only by associating one’s personal property with government property, such as the de facto license number called  
13 the Taxpayer Identification Number or Social Security Number, can a person then be required to satisfy the duties  
14 of the straw man and the public office that it attaches to.  
15 20.2. If you argue that the ALL CAPS name means anything in front of a judge or a jury, THEY ARE GOING TO  
16 HANG YOU! Instead, please focus on more substantive issues contained in this memorandum. If you want to  
17 know HOW they will hang you if you use the all caps name argument, see section 7.1 of the following:

Flawed Tax Arguments to Avoid, Form #08.004

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

- 18 21. The usual method of attaching property to the franchise under the I.R.C., for instance, is to avail yourself of any of the  
19 following commercial “benefits” found within the I.R.C. in the context of specific property that is in your name:  
20 21.1. A reduced, graduated rate of tax under 26 U.S.C. §1. Those who don’t take the graduated rate pay the higher flat  
21 30% rate of tax paid by nonresident aliens in 26 U.S.C. §871(a).  
22 21.2. Earned income credits under 26 U.S.C. §32.  
23 21.3. “Trade or business” deductions under 26 U.S.C. §162.  
24 21.4. Accepting tax treaty benefits that reduce your tax liability under [26 U.S.C. §894](#), [26 U.S.C. §6114](#), [26 U.S.C.](#)  
25 [§6712](#), [26 U.S.C. §1\(h\)\(11\)\(C\)\(i\)\(II\)](#), and 26 CFR §1.1441-6.  
26 All of the above instances of availing oneself of the commercial “benefits” of the franchise agreement are described  
27 within the regulation at 26 CFR §301.6109-1, in which the conditions are prescribed where disclosure of a Taxpayer  
28 Identification Number are prescribed. For further details, see:

About SSNs and TINs on Government Forms and Correspondence, Form #04.104

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

- 29 22. If you want to avoid participation in a franchise or attack the enforceability of it against you, you must:  
30 22.1. Learn EXACTLY how franchise work and all their weak points. You must understand your enemy if you want to  
31 win at war. See:

Government Instituted Slavery Using Franchises, Form #05.030

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

- 32 22.2. Identify yourself as a “nonresident”, “transient foreigner”, and “stateless person” in relation to the government  
33 granting the franchise. All franchises are implemented as civil law that attaches to the jurisdiction that you claim  
34 domicile within. If you don’t have a domicile within their jurisdiction because you are a “nonresi9dent”, then  
35 they can’t enforce the franchise against you, including penalties.  
36 22.3. Insist under penalty of perjury that you received no “benefits” that are enforceable as “rights” in court by virtue of  
37 participation. Any contract that does not create mutually enforceable rights in a constitutional and not franchise  
38 court is unenforceable. Place the burden of proof on the government to prove that you received a “benefit” and  
39 that you were eligible to receive it.  
40 22.4. Insist that the government is not allowed to give you any “benefits” under the franchise agreement and that if they  
41 do, they are “gifts” that create no obligation. This is exactly the same thing the government does with the tax  
42 system: Claim that any contributions voluntarily given are gifts that are non-refundable and create no obligation  
43 on their part. See Treasury Decision 3445 below:  
44 <http://fanguardian.org/TaxFreedom/CitesByTopic/voluntary.htm>  
45 22.5. Not use government identifying numbers in connection with your personal property.  
46 22.6. Fight their franchise using an anti-franchise. Remember: The foundation of the Constitution is equal protection  
47 and equal rights, which means that you can use the same devious tactics and franchises that they do. For instance,  
48 on the form that regulates the franchise, write “not valid without the attached form.” Then attach your own form  
49 that establishes a franchise that invalidates theirs and makes the recipient into surety for any obligations imposed  
50 upon you for your participation. Our Tax Form Attachment, Form #04.201, does that, for instance.  
51 22.7. Identify yourself as not being the “person”, “individual”, “taxpayer”, “beneficiary”, “employer”, etc. named  
52 within the franchise agreement.

22.8. In the case of the Internal Revenue Code, attach the following form to all tax forms you fill out to avoid a waiver of rights or conveying consent to participate in the “trade or business” franchise:

Tax Form Attachment, Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

22.9. Include on all government forms that could link you to a franchise the following language:

*“All rights reserved, U.C.C. 1-308 and its predecessor, U.C.C. 1-207.”*

23. There are no easy ways out of the franchise matrix that created the “straw man” other than to learn the law. The enemy is ignorance, not the government, the IRS, or the income tax:

*“My [God's] people are destroyed [and enslaved] for lack of knowledge [and the lack of education that produces it].”*  
*[Hosea 4:6, Bible, NKJV]*

23.1. Anyone who promises you a silver bullet ultimately is going to get you in trouble.

23.2. UCC redemption is an example of an easy way out that we strongly discourage people from getting involved in commercially. For the reasons why, see:

Policy Document: UCC Redemption, Form #08.002  
<http://sedm.org/Forms/FormIndex.htm>

One way or another, whether it is through the false information returns that ignorant third parties including banks file against you, or whether it is your own ignorance in filling out government forms so as to improperly describe yourself, the message from the government is loud and clear about their firm desire to exercise eminent domain over everything and everyone and make them into indentured servants working under a franchise of one kind or another and without compensation or even respect, and here is the message:

***“We are the Matrix. You will be assimilated. Resistance is futile.** One way or another we will make you into one of our officers and employees without compensation or we will destroy you through selective enforcement if you refuse to cooperate. We don’t care that the First Amendment prohibits compelled association or that we can’t compel you to contract with us without violating the Constitution. We will just PRESUME that you consented to our franchise agreement, and that agreement places you squarely on federal territory in a place not protected by the Constitution so just kiss your rights goodbye and bend over.*

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

*You will BEG us to be part of our system or you will be destroyed by corrupted courts and selective enforcement. See:*

The Government “Benefits” Scam, Form #05.040  
<http://sedm.org/Forms/FormIndex.htm>

*If we can’t assimilate you directly because you know too much and refuse to consent, then we will lie to others about what the law requires using “words of art” and publications that have disclaimers, be protected in that irresponsible and unlawful effort by corrupted courts full of “taxpayer” judges, and thereby cause others to file*

1 false reports signed under penalty of perjury such as information returns and CTRs that will connect you to  
2 federal franchises and thereby assimilate you and elect you involuntarily into a "public office" in criminal  
3 violation of 18 U.S.C. §912.

4 "You shall not circulate a false report [information return]. Do not put your hand with  
5 the wicked to be an unrighteous witness."  
6 [Exodus, 23:1, Bible, NKJV]

7 "**You shall not bear false witness** [or file a FALSE REPORT or information return]  
8 against your neighbor."  
9 [Exodus 10:16, Bible, NKJV]

10 "A false witness will not go unpunished, And he who speaks lies shall perish."  
11 [Prov. 19:9, Bible, NKJV]

12 "**If a false witness rises against any man to testify against him of wrongdoing,** then  
13 both men in the controversy shall stand before the LORD, before the priests and the  
14 judges who serve in those days. **And the judges shall make careful inquiry, and indeed,**  
15 **if the witness is a false witness, who has testified falsely against his brother, then you**  
16 **shall do to him as he thought to have done to his brother;** [enticement into slavery  
17 (pursuant to 42 U.S.C. §1994)] to the demands of others without compensation] so you  
18 shall put away the evil from among you. And those who remain shall hear and fear, and  
19 hereafter they shall not again commit such evil among you. Your eye shall not pity: life  
20 shall be for life, eye for eye, tooth for tooth, hand for hand, foot for foot."  
21 [Deut. 19:16-21, Bible, NKJV]

22 This is what it means when we, the Beast of Revelations and Satan's whore, described our communist plan in 50  
23 U.S.C. §841:

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

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

If you try to correct these false reports, we will ignore your corrections and rebuttals or call them “frivolous” so we can keep you under our thumb as our indentured servant and slave in violation of the Thirteenth Amendment, 42 U.S.C. §1994, and 18 U.S.C. §1581.

“That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another [under the terms of a COMPELLED franchise agreement], and the absence of a legal right to the disposal of his own person, property, and services [in their entirety]. This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name.”

[Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

The above situation has been prophesied for thousands of years and that prophesy has now come to pass:

“And the smoke of their torment ascends forever and ever; and they have no rest day or night, who worship [serve and subsidize] the beast and his image [the image on the money. Remember what Jesus said about “whose image is this?”], and whoever receives the mark [Social Security Number or Taxpayer Identification Number] of his name.”  
[Rev. 14:11, Bible, NKJV]

When you use the number, you are recruited to join the Matrix, because the regulations say it may only be used by those engaged in a “trade or business” and a “public office” inside the belly of the Beast:

TITLE 26--INTERNAL REVENUE  
CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY  
PART 301\_PROCEDURE AND ADMINISTRATION--Table of Contents Information and Returns  
Sec. 301.6109-1 Identifying numbers.

(b) Requirement to furnish one's own number—

(1) U.S. [government, not geographical United States] persons [GOVERNMENT officers and agents domiciled on federal territory within the Beast].

Every U.S. person who makes under this title a return, statement, or other document must furnish its own taxpayer identifying number as required by the forms and the accompanying instructions. A U.S. person whose number must be included on a document filed by another person must give the taxpayer identifying number so required to the other person on request.

For penalties for failure to supply taxpayer identifying numbers, see sections 6721 through 6724. For provisions dealing specifically with the duty of employees with respect to their social security numbers, see Sec. 31.6011(b)-2 (a) and (b) of this chapter (Employment Tax Regulations). For provisions dealing specifically with the duty of employers with respect to employer identification numbers, see Sec. 31.6011(b)-1 of this chapter (Employment Tax Regulations).

(2) Foreign persons.

The provisions of paragraph (b)(1) of this section regarding the furnishing of one's own number shall apply to the following foreign persons--

(i) A foreign person that has income effectively connected with the conduct of a U.S. trade or business [public office] at any time during the taxable year:

The “U.S. person” described above in 26 CFR §301.6109-1(b)(1) is also presumed to be engaged in a public office within the government, meaning within the belly of the BEAST, as revealed by the following:

[TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART I > § 864](#)  
[§ 864. Definitions and special rules](#)

(c) Effectively connected income, etc.



1 (3) *Other income from sources within United States*

2 All income, gain, or loss from sources within the United States (other than income, gain, or loss to which  
3 paragraph (2) applies) shall be treated as effectively connected with the conduct of a trade or business  
4 ["public office"] within the United States.

5 The ONLY place where “all income” is connected to a franchise is the government, not the geographical “United States”  
6 mentioned in the Constitution. The Bible confirms that the “Beast” is in fact the government, not a specific person or  
7 geographical region:

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

11 The “United States” they are referring to above is the government which happens to be in the District of Columbia per 4  
12 U.S.C. §72, not any geographic entity and certainly not anyone in a state of the Union. Mark Twain called the District of  
13 Columbia the “District of Criminals”, and now you know why. 26 U.S.C. §7701(a)(9) and (a)(10) describes the geographic  
14 “United States” for the purposes of taxes, but that is not the main sense in which the term is used in the I.R.C., nor is the  
15 sense intended ever specifically identified in nearly all cases:

16 TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]  
17 Sec. 7701. - Definitions

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

20 (9) *United States*

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

23 (10) State

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

26  
27 TITLE 4 > CHAPTER 3 > § 72  
28 § 72. Public offices; at seat of Government

29 All [public] offices attached [e.g. “effectively connected”] to the seat of government shall be exercised in the  
30 District of Columbia, and not elsewhere, except as otherwise expressly provided by law.  
31 [SOURCE: [http://www4.law.cornell.edu/uscode/html/uscode04/usc\\_sec\\_04\\_00000072----000-.html](http://www4.law.cornell.edu/uscode/html/uscode04/usc_sec_04_00000072----000-.html)]

32  
33 Uniform Commercial Code (U.C.C.)  
34 § 9-307. LOCATION OF DEBTOR.

35 (h) [Location of United States.]

36 The United States is located in the District of Columbia.  
37 [SOURCE:  
38 <http://www.law.cornell.edu/ucc/search/display.html?terms=district%20of%20columbia&url=/ucc/9/article9.htm>  
39 [#s9-307](#)]

40 The office you serve in as the “straw man” is domiciled in the District of Columbia pursuant to Fed.R.Civ.P. 17(b). Under  
41 that rule, it doesn’t matter where your domicile is as a human being because the civil law that MUST be enforced against all  
42 public officers of the “United States” federal corporation does not come from your choice of domicile as a human being,  
43 but from the place of incorporation of the corporation that you work for as an officer of that corporation under the terms of  
44 the franchise agreement. Bend over!

## 18 Resources for Further Study and Rebuttal

If you would like to study the subjects covered in this short pamphlet in further detail, may we recommend the following authoritative sources, and also welcome you to rebut any part of this pamphlet after your have read it and studied the subject carefully yourself just as we have:

1. Officers of the United States Within the Meaning of the Appointments Clause, U.S. Attorney Memorandum Opinion <http://famguardian.org/TaxFreedom/CitesByTopic/PublicOffice-appointmentsclausev10.pdf>
2. Government Instituted Slavery Using Franchises, Form #05.030-explains how franchises are used to create public offices and agency. <http://sedm.org/Forms/FormIndex.htm>
3. Corporatization and Privatization of the Government, Form #05.024-describes how our de jure government has been surreptitiously transformed into a private, for profit corporation that concerns itself only with maximizing its revenues, power, and control. All "citizens" have been transformed into "public officers" within this corporation. <http://sedm.org/Forms/FormIndex.htm>
4. About IRS Form 56, Form #04.204-how to formally disconnect from the public officer straw man <http://sedm.org/Forms/FormIndex.htm>
5. Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008-proves that all "taxpayers" are "public officers" within the government. <http://sedm.org/Forms/FormIndex.htm>
6. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037-proves that if the government is enforcing statutory law against you, it has to presume that you are one of its own officers, employees, or contractors and NOT a private person. Your job in litigation is to force them to PROVE that you are. <http://sedm.org/Forms/FormIndex.htm>
7. Policy Document: UCC Redemption, Form #08.002-describes the official policy of this website towards those who believe in UCC redemption. <http://sedm.org/Forms/FormIndex.htm>
8. About SSNs and TINs on Government Forms and Correspondence, Form #05.012-proves that the government cannot use a Taxpayer Identification Number unless you are an alien engaged in a public office in the U.S. government. Shows how to disconnect from using these numbers and thereby disconnect from the straw man. <http://sedm.org/Forms/FormIndex.htm>
9. The Wizard of Oz-true significance of the famous Wizard of Oz story. Allegorically shows the changes in our government in the 1930's. <http://famguardian.org/Subjects/MoneyBanking/UCC/WizardOfOz.pdf>
10. State Created Office of "Person" <http://famguardian.org/Subjects/Freedom/Sovereignty/OfficeOfPerson.htm>
11. Highlights of American Legal and Political History CD. Shows how our republic was corrupted so that the government could steal your money <http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm>
12. Cracking the Code, Third Edition, Better Book and Coin (BBC). This book is out of print
13. Mastering the Uniform Commercial Code <http://famguardian.org/Subjects/MoneyBanking/UCC/MasteringTheUCC.pdf>
14. Redemption Manual <http://famguardian.org/Publications/RedemptionManual/Redemption-20061120.pdf>
15. UCC Filing. Family Guardian <http://famguardian.org/TaxFreedom/Forms/Emancipation/UCCFiling.htm>
16. U.C.C. Security Agreement, Form #14.002 <http://sedm.org/Forms/FormIndex.htm>
17. Family Guardian Website: Money and Banking Page <http://famguardian.org/Subjects/MoneyBanking/MoneyBanking.htm>
18. How the IRS traps into liability by making you a fiduciary for a dead "straw man" <http://famguardian.org/TaxFreedom/Instructions/0.6HowIRSTrapsYouStrawman.htm>
19. Memorandum of Law on the Name-detailed research on the use of the upper case name. <http://famguardian.org/Subjects/LawAndGovt/Articles/MemLawOnTheName.htm>

## 19 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government

These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 10 days constitutes an admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

Reasonable Belief About Income Tax Liability, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>

Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person against whom you are attempting to unlawfully enforce federal law.

1. Admit that the government can only tax, regulate, and destroy that which it creates.

*"What is a Constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the Legislature, and can be revoked or altered only by the authority that made it. The life-giving principle and the death-doing stroke [power to destroy] must proceed from the same hand."*  
*[VanHorne's Lessee v. Dorrance, 2 U.S. 304 (1795) ]*

*"The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law [including a tax law] involving the power to destroy."*  
*[Providence Bank v. Billings, 29 U.S. 514 (1830) ]*

*"The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power to create; and there is a plain repugnance in conferring on one government [THE FEDERAL GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other, with respect to those very measures, is declared to be supreme over that which exerts the control."*  
*[Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886) ]*

YOUR ANSWER: \_\_\_\_ Admit \_\_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

2. Admit that the government did not create human beings, and therefore it cannot tax, regulate or destroy them until they VOLUNTARILY engage in franchises created by the government.

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

YOUR ANSWER: \_\_\_\_ Admit \_\_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

3. Admit that the Thirteenth Amendment to the United States Constitution prohibits involuntary servitude and slavery of human beings both in states of the Union and on federal territory, except as a punishment for a crime:

*Thirteenth Amendment  
Slavery And Involuntary Servitude*

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

*"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. **This legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends.** We entertain no doubt of the validity of this legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding. **It operates directly on every citizen of the Republic, wherever his residence may be.**"*

[Clyatt v. U.S., 197 U.S. 207 (1905)]

*"That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, **or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services [in their entirety].** This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name."*

[Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

4. Admit that the only affirmative duty that any just government can impose against a human being without violating the Thirteenth Amendment is the duty to refrain from injuring the equal rights of other fellow human beings:

*"With all [our] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens--**a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.**"*

[President Thomas Jefferson, concluding his first inaugural address, March 4, 1801]

**Love does no harm to a neighbor; therefore love is the fulfillment of the law.**

[Romans 13:9-10, Bible, NKJV]

*"Do not strive with [or try to regulate or control or enslave] a man without cause, **if he has done you no harm.**"*

[Prov. 3:30, Bible, NKJV]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

5. Admit that the duty to refrain from injuring others is implemented by the criminal or penal law and that everyone has an equal duty to obey the criminal laws but must consent to every other type of civil law in order for it to be enforceable against them:

*"The rights of the individual are not derived from governmental agencies, either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by*

1 *the citizenship to the agencies of government. The people's rights are not derived from the government, but the*  
2 *government's authority comes from the people.\*946 The Constitution but states again these rights already*  
3 *existing, and when legislative encroachment by the nation, state, or municipality invade these original and*  
4 *permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer*  
5 *restrictions that surround the individual liberties of the citizen, except those for the preservation of the public*  
6 *health, safety, and morals, the more contented the people and the more successful the democracy."*  
7 *[City of Dallas v. Mitchell, 245 S.W. 944 (1922)]*

8  
9 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

10  
11 CLARIFICATION:\_\_\_\_\_

- 12 6. Admit that the only way you can become subject to any civil law that imposes any kind of duty or obligation is through  
13 the exercise of your right to contract.

14 *CONTRACT. A promissory agreement between two or more persons that creates, modifies, or destroys a legal*  
15 *relation. Buffalo Pressed Steel Co. v. Kirwan, 138 Md. 60, 113 A. 628, 630; Mexican Petroleum Corporation of*  
16 *Louisiana v. North German Lloyd, D.C.La., 17 F.2d. 113,114.*

17 *An agreement, upon sufficient consideration, to do or not to do a particular thing. 2 Bl.Comm. 442; 2 Kent,*  
18 *Comm. 449. Justice v. Lang, 42 N.Y. 496, 1 Am.Rep. 576; Rabon v. State Finance Corporation, 203 S.C. 183,*  
19 *26 S.E.2d. 501, 502.*

20 *An agreement between two or more parties, preliminary Step in making of which is offer by one and*  
21 *acceptance by other, in which minds of parties meet and concur in understanding of terms. Lee v. Travelers'*  
22 *Ins. Co. of Hartford, Conn., 173 S.C. 185, 175 S.E. 429.*

23 *A deliberate [e.g. voluntary] engagement between competent parties, upon a legal consideration, to do, or*  
24 *abstain from doing, some act. Wharton; Smith v. Thornhill, Tex.Com.App. 25 S.W.2d. 597, 599. It is agreement*  
25 *creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality*  
26 *of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are*  
27 *not ascertainable. H. Liebes & Co. v. Klengenberg, C. C.A.Ca1.. 23 F.2d. 611, 612. A contract or agreement is*  
28 *either where a promise is made on one side and assented to on the other; or where two or more persons enter*  
29 *into engagement with each other by a promise on either side, 2 Steph.Comm1. 54. The writing which contains*  
30 *the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation.*  
31 *[Black's Law Dictionary, Fourth Edition, p. 395]*

32 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

33  
34 CLARIFICATION:\_\_\_\_\_

- 35 7. Admit that the exercise of your right to contract creates the "person" or "persons" who is/are the lawful subject of the  
36 contract.

37  
38 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

39  
40 CLARIFICATION:\_\_\_\_\_

- 41 8. Admit that in law, rights are property, anything that conveys rights is property, contracts convey rights and are  
42 therefore property, and that all franchises are contracts between the grantor and the grantee.

43 *It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and*  
44 *that it does in fact constitute a contract when the requisite element of a consideration is present.*<sup>83</sup>

<sup>83</sup> Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S Ct 196; Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; Arkansas-Missouri Power Co. v. Brown, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534; Chicago General R. Co. v. Chicago, 176 Ill. 253, 52 N.E. 880; Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13; State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955; Baker v. Montana Petroleum Co. 99 Mont 465, 44P.2d. 735; Re Board of Fire Comrs. 27 N.J. 192, 142 A.2d. 85; Chrysler Light & P. Co. v. Belfield, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337; Franklin County v. Public Utilities Com. 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429; State ex rel. Daniel v. Broad River Power Co. 157 S.C. 1, 153 S.E. 537; Rutland Electric Light Co. v. Marble City Electric Light Co., 65 Vt. 377, 26 A. 635; Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S Ct 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co. 141 Va. 69, 126 S.E. 353.



Conversely, a franchise granted without consideration is not a contract binding upon the state.<sup>84</sup> It is generally considered that the obligation resting upon the grantee to comply with the terms and conditions of the grant constitutes a sufficient consideration.<sup>85</sup> As expressed by some authorities, the benefit to the community may constitute the sole consideration for the grant of a franchise by a state.<sup>86</sup>

A contract thus created has the same status as any other contract recognized by the law;<sup>87</sup> it is binding mutually upon the grantor and the grantee and is enforceable according to its terms and tenor,<sup>88</sup> and is entitled to be protected from impairment by legislative action under the provision of the state and federal constitutions prohibiting the passage of any law by which the obligation of existing contracts shall be impaired or lessened.<sup>89</sup> The well-established rule as to franchises is that where a municipal corporation, acting within its powers, enacts an ordinance conferring rights and privileges on a person or corporation, and the grantee accepts the ordinance and expends money in availing itself of the rights and privileges so conferred, a contract is thereby created which, in the absence of a reserved power to amend or repeal the ordinance, cannot be impaired by a subsequent municipal enactment.<sup>90</sup> Certain limitations upon this general rule, and particular applications thereof, are discussed in the following section.

The equivalent of a municipal grant or franchise may result from the acceptance of an offer contained in a state statute<sup>91</sup> or in the constitution of the state.<sup>92</sup>  
[Am.Jur.2d., Franchises, §2: As a Contract]

YOUR ANSWER: \_\_\_\_ Admit \_\_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

9. Admit that the “person” defined below at some point exercised his right to contract and consented to the duties described.

<sup>84</sup> Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A. 836.

<sup>85</sup> Central Transp. Co. v. Pullman's Palace Car Co. 139 U.S. 24, 35 L.Ed. 55, 11 S.Ct. 478; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Dufour v. Stacey, 90 Ky 288, 14 SW 48; State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433.

<sup>86</sup> Dartmouth College v. Woodward, supra; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433.

<sup>87</sup> Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13.

<sup>88</sup> Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Louisville v. Cumberland Tel. & Tel. Co., 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433; East Ohio Gas Co. v. Akron, 81 Ohio.St. 33, 90 N.E. 40.

<sup>89</sup> Ohio Pub. Serv. Co. v. Ohio, 274 U.S. 12, 71 L.Ed. 898, 47 S.Ct. 480; Northern Ohio Traction & Light Co. v. Ohio, 245 U.S. 574, 62 L.Ed. 481, 38 S.Ct. 196; Cincinnati v. Cincinnati & H. Traction Co., 245 U.S. 446, 62 L.Ed. 389, 38 S.Ct. 153; Kansas Gas & E. Co. v. Independence (CA10) 79 F.2d 32, 638, 100 A.L.R. 1479; State ex rel. Weatherly v. Birmingham Waterworks Co. 185 Ala 388, 64 So 23; Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Chicago v. Chicago Union Traction Co., 199 Ill. 259, 65 N.E. 243; Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; State ex rel. Shaver v. Iowa Tel. Co. 175 Iowa 607, 154 N.W. 678; Dayton v. South Thurber, 2 RI 15; Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 SW 104; Salt Lake City v. Utah Light & Traction Co., 52 Utah. 210, 173 P. 556, 3 A.L.R. 715; State v. Gibbs, 82 Vt. 526, 74 A 229; Virginia-Western Power Co. v. Commonwealth, 125 Va. 469, 99 S.E. 723, 9 A.L.R. 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S.Ct 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va. 134, 114 S.E. 92, 28 A.L.R. 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co. 141 Va. 69, 126 S.E. 353; Allen v. Forrest, 8 Wash. 700, 36 P. 971; Clarksburg Electric Light Co. v. Clarksburg, 47 W.Va. 739, 35 S.E. 994, error dismd (US) 46 L.Ed. 1267, 22 S.Ct 942; Wright v. Milwaukee Electric R. & Light Co., 95 Wis. 29, 69 N.W. 791.

<sup>90</sup> New York Electric Lines Co. v. Empire City Subway Co., 235 U.S. 179, 59 L.Ed. 184, 35 S.Ct. 72; Boise Artesian Hot & Cold Water Co. v. Boise City, 230 U.S. 84, 57 L.Ed. 1400, 33 S.Ct 997; Owensboro v. Cumberland Tel. & Tel. Co. 230 U.S. 58, 57 L.Ed. 1389, 33 S.Ct 988; Omaha Water Co. v. Omaha (CA8) 147 F.1, app dismd 207 U.S. 584, 52 L.Ed. 352, 28 S.Ct. 262; Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747; Washington v. Atlantic Coast Line R. Co., 136 Ga 638, 71 S.E. 1066; Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; Michigan Tel. Co. v. St. Joseph, 121 Mich 502, 80 N.W. 383; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn 140, 83 N.W. 527, 86 N.W. 69; Westport v. Mulholland, 159 Mo 86, 60 SW 77; Backus v. Lebanon, 11 N.H. 19; Northwestern Tel. Exch. Co. v. Anderson, 12 N.D. 585, 98 N.W. 706; Elliott v. Eugene, 135 Or 108, 294 P 358; Milwaukee Electric R. & Light Co. v. Railroad Com., 153 Wis. 592, 142 N.W. 491, affd 238 U.S. 174, 59 L.Ed. 1254, 35 S.Ct 820.

<sup>91</sup> The grant resulting from the acceptance, by the establishment of a plant devoted to the prescribed public use, of the state's offer to permit persons or corporations duly incorporated for the purpose "in any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light," to lay pipes in the city streets for the purpose specified, constitutes a contract and vests in the accepting individual or corporation a property right protected by the Federal Constitution against impairment. Russell v. Sebastian, 233 U.S. 195, 58 L.Ed. 912, 34 S.Ct 517.

<sup>92</sup> Madera Waterworks v. Madera, 228 U.S. 454, 57 L.Ed. 915, 33 S.Ct 571.

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

(b) Person defined

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

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

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

10. Admit that the “person” described in the previous question, by virtue of being the subject of the civil provisions indicated, is an officer, agent, or employee of the United States government under contract or agreement with the U.S. government.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

11. Admit that the “person” indicated in 26 U.S.C. §6671(b) and 26 U.S.C. §7343 is consensually engaged in franchises with the United States government.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

12. Admit that the issuance of a license or some form of consent is required in order to become subject to a government franchise agreement.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

13. Admit that the U.S. Supreme Court has held that Congress may not authorize, meaning “license” any activity within a state in order to tax it.

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

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

reaches only existing subjects. **Congress cannot authorize a trade or business within a State in order to tax it.**  
[License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

14. Admit that because of the U.S. Supreme Court holding in the License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866), the only place the U.S. government can lawfully license anything is on its own territory and not within any state of the Union.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

15. Admit that Social Security Numbers and Taxpayer Identification Numbers function as de facto “licenses” to act as a “public officer” within states of the Union and to participate in government franchises.

*Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)*

**You must obtain a U.S. taxpayer identification number (TIN) for:**

- Any recipient whose income is effectively connected with the conduct of a trade or business in the United States.  
*Note.* For these recipients, exemption code 01 should be entered in box 6.
- Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a foreign country and the United States, unless the income is an unexpected payment (as described in Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations that are actively traded; dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and are registered with the Securities and Exchange Commission under the Securities Act of 1933; and amounts paid with respect to loans of any of the above securities.
- Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities received under qualified plans.
- A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt organization under section 501(c ) or as a private foundation.
- Any *QI*.
- Any *WP* or *WT*.
- Any nonresident alien individual claiming exemption from withholding on compensation for independent personal services [services connected with a “trade or business”].
- Any foreign grantor trust with five or fewer grantors.
- Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

*If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.*

*[IRS Form 1042s Instructions, Year 2006, p. 14]*

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

16. Admit that a “trade or business” is defined as “the functions of a public office”.

[26 U.S.C. § 7701\(a\)\(26\)](#)

*“The term ‘trade or business’ [includes](#) [is limited to] the performance of the functions of a [public office](#).”*

*Public Office, pursuant to Black’s Law Dictionary, Abridged Sixth Edition, means:  
“Essential characteristics of a ‘public office’ are:*

- (1) Authority conferred by law,  
(2) Fixed tenure of office, and  
(3) Power to exercise some of the sovereign functions of government.  
(4) Key element of such test is that "officer is carrying out a sovereign function".  
(5) Essential elements to establish public position as 'public office' are:  
(a) Position must be created by Constitution, legislature, or through authority conferred by legislature.  
(b) Portion of sovereign power of government must be delegated to position,  
(c) Duties and powers must be defined, directly or implied, by legislature or through legislative authority.  
(d) Duties must be performed independently without control of superior power other than law, and  
(e) Position must have some permanency."

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

17. Admit that all public offices must be exercised ONLY in the District of Columbia and not elsewhere, except as expressly and statutorily authorized by Congress.

[TITLE 4 > CHAPTER 3 > Sec. 72.](#)  
[Sec. 72. - Public offices; at seat of Government](#)

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

18. Admit that Congress has never expressly authorized the "public offices" that are the subject of the tax upon a "trade or business" within any state of the Union.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

19. Admit that all "taxpayers" under Internal Revenue Code Subtitle A are aliens engaged in a "trade or business".

*NORMAL TAXES AND SURTAXES  
DETERMINATION OF TAX LIABILITY  
Tax on Individuals  
Sec. 1.1-1 Income tax on individuals.*

*(a)(2)(ii) For taxable years beginning after December 31, 1970, the tax imposed by section 1(d) [Married individuals filing separate returns], as amended by the Tax Reform Act of 1969, shall apply to the income effectively connected with the conduct of a trade or business in the United States by a married alien individual who is a nonresident of the United States for all or part of the taxable year or by a foreign estate or trust. For such years the tax imposed by section 1(c) [unmarried individuals], as amended by such Act, shall apply to the income effectively connected with the conduct of a trade or business in the United States by an unmarried alien individual (other than a surviving spouse) who is a nonresident of the United States for all or part of the taxable year. See paragraph (b)(2) of section 1.871-8." [26 CFR §1.1-1(a)(2)(ii)]*

*TITLE 26--INTERNAL REVENUE  
CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY  
PART 1 INCOME TAXES--Table of Contents  
Sec. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.*

*(c) Definitions—*

*[ . . . ]*

*(3) Individual—*

(i) Alien individual.

The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).

(ii) Nonresident alien individual.

The term nonresident alien individual means a person described in section 7701(b)(1)(B), an alien individual who is a resident of a foreign country under the residence article of an income tax treaty and Sec. 301.7701(b)-7(a)(1) of this chapter, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under Sec. 301.7701(b)-1(d) of this chapter. An alien individual who has made an election under section 6013 (g) or (h) to be treated as a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of withholding under chapter 3 of the Code and the regulations thereunder.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

20. Admit that it is unlawful for aliens to occupy a “public office” and that only “citizens” may lawfully do so..

4. Lack of Citizenship  
§74. Aliens can not hold Office. - -

**It is a general principle that an alien can not hold a public office.** In all independent popular governments, as is said by Chief Justice Dixon of Wisconsin, “it is an acknowledged principle, which lies at the very foundation, and the enforcement of which needs neither the aid of statutory nor constitutional enactments or restrictions, that the government is instituted by the citizens for their liberty and protection, and that it is to be administered, and its powers and functions exercised only by them and through their agency.”

In accordance with this principle it is held that an alien can not hold the office of sheriff.<sup>93</sup>  
[A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, p. 27, §74;  
SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

21. Admit that a subset of those holding “public office” are described as “employees” within 26 U.S.C. §3401(c ) and [26 CFR §31.3401\(c \)-1](#).

[26 U.S.C. §3401\(c \) Employee](#)

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

[26 CFR §31.3401\(c \)-1 Employee:](#)

“...the term [employee] includes officers and employees, whether elected or appointed, of the United States, a [federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term ‘employee’ also includes an officer of a corporation.”

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

22. Admit that the “employee” defined above is the SAME “employee” described in IRS Form W-4.

<sup>93</sup> State v. Smith, 14 Siw. 497; State v. Murray, 28 Wis. 96, 9 Am.Rep. 489.



YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

23. Admit that the use or abuse of IRS Form W-4 to CREATE public offices in the U.S. government would constitute a criminal violation of 18 U.S.C. §912 and a civil violation of 4 U.S.C. §72.

[TITLE 18 > PART I > CHAPTER 43 > § 912](#)  
[§ 912. Officer or employee of the United States](#)

*Whoever **falsely assumes or pretends to be an officer or employee acting under the authority of the United States** or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.*

[TITLE 4 > CHAPTER 3 > § 72](#)  
[§ 72. Public offices; at seat of Government](#)

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

24. Admit that IRS Forms W-2, 1042-S, 1098, and 1099 cannot lawfully be used to CREATE public offices, but merely document the exercise of those already lawfully occupying said office pursuant to Article VI of the United States Constitution.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

25. Admit that if IRS Forms W-2, 1042-S, 1098, and 1099 are used to “elect” an otherwise private person involuntarily into public office that he or she does not consent to occupy, the filer of the information return is criminally liable for:
- 25.1. Filing false returns and statements pursuant to 26 U.S.C. §§7206, 7207.
  - 25.2. Impersonating a public officer pursuant to 18 U.S.C. §912.
  - 25.3. Involuntary servitude in violation of 18 U.S.C. §§1581, 1593 and the Thirteenth Amendment.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

26. Admit that one cannot be an “employee” as defined above or within the meaning of 5 U.S.C. §2105 without also being engaged in a “trade or business” activity.

[TITLE 5 > PART III > Subpart A > CHAPTER 21 > § 2105](#)  
[§ 2105. Employee](#)

*(a) For the purpose of this title, “employee”, except as otherwise provided by this section or when specifically modified, means an officer and an individual who is—*

*(1) appointed in the civil service by one of the following acting in an official capacity—*

- (A) the President;*
- (B) a Member or Members of Congress, or the Congress;*
- (C) a member of a uniformed service;*
- (D) an individual who is an employee under this section;*

(E) the head of a Government controlled corporation; or  
(F) an adjutant general designated by the Secretary concerned under section 709 (c) of title 32;

(2) engaged in the performance of a Federal function under authority of law or an Executive act; and  
(3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the performance of the duties of his position.

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

27. Admit that there is no definition of “employee” within Subtitle C of the Internal Revenue Code or the Treasury Regulations which would expand upon the meaning of “employee” in 26 U.S.C. §3401(c ) to include private workers or those who work for “private employers”.

Internal Revenue Manual [5.14.10.2 \(09-30-2004\)](#)  
Payroll Deduction Agreements

**2. Private employers, states, and political subdivisions are not required to enter into payroll deduction [withholding] agreements.** Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.  
[\[http://www.irs.gov/irm/part5/ch13s10.html\]](http://www.irs.gov/irm/part5/ch13s10.html)

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

28. Admit that the rules of statutory construction prohibit expanding definitions or “terms” used within the I.R.C. to include anything or class of things not specifically spelled out and that doing so constitutes a prejudicial presumption that is a violation of due process of law.

**“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term.”** *Colautti v. Franklin*, 439 U.S. 379, 392, and n. 10 (1979). Congress’ use of the term “propaganda” in this statute, as indeed in other legislation, has no pejorative connotation. **As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it.”**  
[*Meese v. Keene*, 481 U.S. 465, 484 (1987)]

**“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning.”** *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”); *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). **That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition.** That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”  
[*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

**“Expressio unius est exclusio alterius.** A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.** *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”  
[*Black’s Law Dictionary*, Sixth Edition, p. 581]

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

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

29. Admit that the decision to either hold public office or sign a W-4 agreement is a voluntary personal decision that cannot be coerced, and if it is, it becomes invalid and unenforceable at the option of the person so coerced.

*"An agreement [consent] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced."<sup>94</sup> Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,<sup>95</sup> and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>96</sup> However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void."<sup>97</sup>*  
[American Jurisprudence 2d, Duress, Section 21]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

30. Admit that a legal proceeding against a "taxpayer" is a proceeding "in rem" against the public office occupied by the "taxpayer".

*In rem. A technical term used to designate proceedings or actions instituted against the thing, in contradistinction to personal actions, which are said to be in personam.*

*"In rem" proceedings encompass any action brought against person in which essential purpose of suit is to determine title to or to affect interest in specific property located within territory over which court has jurisdiction. ReMine ex rel. Liley v. District Court for City and County of Denver, Colo., 709 P.2d. 1379, 1382. It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object the disposition of property, without reference to title of individual claimants; but, in a larger and more general sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of property owned by them, or of some interest therein. Such are cases commenced by attachment against the property of debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565. In the strict sense of the term, a proceeding "in rem" is one which is taken directly against property or one which is brought to enforce a right in the thing itself.*

*Actions in which the court is required to have control of the thing or object and which an adjudication is made as to the object which binds the whole world and not simply the interests of the parties to the proceeding. Flesch v. Circle City Excavating & Rental Corp., 137 Ind.App. 695, 210 N.E.2d. 865.*

*See also in personam; In rem jurisdiction; Quasi in rem jurisdiction.*  
[Black's Law Dictionary, Sixth Edition, p. 793]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

31. Admit that completing a government license application or an application for "benefits" creates a "res" that is the subject of the laws that regulate the benefit.

*Res. Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res," according to the modern civilians, is meant everything that may form an object of rights, in opposition to*

<sup>94</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

<sup>95</sup> Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va. 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

<sup>96</sup> Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or 416, 20P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

<sup>97</sup> Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

"persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

*Res is everything that may form an object of rights and includes an object, subject-matter or status. In re Riggle's Will, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or status, considered as the defendant in an action, or as an object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character are said to be in rem. (See In personam; In Rem.) "Res" may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled "In re \_\_\_\_\_".*  
[Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

*"It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the 'marriage status' is the res. Both parties to the marriage, and the state of the residence of each party to the marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action for divorce that court must in some way get jurisdiction over the res (the marriage status). The early cases assumed that such jurisdiction was obtained when the petitioning party was properly domiciled in the jurisdiction. Ditson v. Ditson, 4 R. I. 87, is the leading case so holding; see, also, Andrews v. Andrews, 188 U.S. 14, 23 S.Ct. 237, 47 L.Ed. 366. Until 1905 the overwhelming weight of authority was to the effect that, if the petitioning party was domiciled in good faith in any state, that state could render a divorce decree on constructive service valid not only in the state of its rendition, but which would be recognized everywhere. In Atherton v. Atherton, 181 U.S. 155, 21 S.Ct. 544, 45 L.Ed. 794, the United States Supreme Court apparently recognized that doctrine. In that case the parties were living together and domiciled in Kentucky. That state was the last state where the parties lived together as husband and wife."*  
[Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d. 719 (CA. 1932)]

YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

CLARIFICATION:\_\_\_\_\_

### **Affirmation:**

I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these answers are completely consistent with each other and with my understanding of both the Constitution of the United States, Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not necessarily lower federal courts.

Name (print):\_\_\_\_\_

Signature:\_\_\_\_\_

Date:\_\_\_\_\_

Witness name (print):\_\_\_\_\_

Witness Signature:\_\_\_\_\_

Witness Date:\_\_\_\_\_