

**WHO ARE “TAXPAYERS” AND WHO NEEDS
A “TAXPAYER IDENTIFICATION NUMBER”?**



TABLE OF CONTENTS:

TABLE OF CONTENTS:.....	2
LIST OF TABLES	2
TABLE OF AUTHORITIES.....	2
1 “Taxpayer” v. “Nontaxpayer”: Which One Are You?.....	12
2 Why the Internal Revenue Code does not describe a lawful “tax” in the case of private parties other than public officers	22
3 Why Subtitle A of the Internal Revenue Code only applies to “aliens/residents” engaged in a “trade or business” who are domiciled on federal territory	26
4 Two Taxing Jurisdictions under the I.R.C.: “National” v. “Federal”	28
5 Legal Authorities Proving that Most Americans are Not the Proper Subject of Federal Income Taxes	34
6 Who needs “Taxpayer Identification Numbers”?	41
7 Private Companies can’t act as a “withholding agent”	44
8 Why states of the Union are “Foreign Countries” and “foreign states” with respect to most federal jurisdiction	46
9 Citizenship summary	47
9.1 The Four “United States”	48
9.2 Statutory v. constitutional contexts	50
9.3 Citizenship Status v. Tax Status.....	51
9.4 Effect of Domicile on Citizenship Status.....	54
9.5 Meaning of Geographical “Words of Art”	55
9.6 Citizenship and Domicile Options and Relationships.....	56
9.7 Statutory Rules for Converting Between Various Domicile and Citizenship Options.....	57
9.8 Effect of Federal Franchises and Offices Upon Your Citizenship and Standing in Court	58
9.9 Federal Statutory Citizenship Statuses Diagram.....	62
9.10 Citizenship Status on Government Forms.....	64
9.10.1 Table of options and corresponding form values	64
9.10.2 How to describe your citizenship on government forms	66
10 How “nontaxpayers” are deceived into declaring themselves to be “taxpayers” on government forms: Removing “Not subject” and offering only “Exempt”	69
11 Legal remedies for “nontaxpayers” who are the subject of unlawful collection activity	75
12 Conclusions.....	76
13 Resources for further Study.....	80
14 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government	81

LIST OF TABLES

Table 1: Two jurisdictions within the I.R.C.	31
Table 2: Statutes authorizing "withholding agents"	44
Table 3: Geographical terms used throughout this page	48
Table 4: “Citizenship status” v. “Income tax status”	52
Table 5: Effect of domicile on citizenship status.....	54
Table 6: Meaning of geographical “words of art”	55
Table 7: Tabular Summary of Citizenship Status on Government Forms	65

TABLE OF AUTHORITIES

Constitutional Provisions

Who are “taxpayers” and who needs a “Taxpayer Identification Number”?

2 of 85

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EXHIBIT: _____

14th Amend., Sect. 1	65
14th Amendment Section 3	41
art. 1 , 2.....	33
Art. 1, § 2, cl. 3, § 9, cl. 4.....	61
art. 1, 8.....	33
art. 1, 9, 4.....	33
art. 4, 4.....	33
Article 1, Section 10.....	25, 75
Article 1, Section 2, Clause 3	25
Article 1, Section 8, Clause 1	31
Article 1, Section 8, Clause 17	28, 31, 32, 81, 85
Article 1, Section 8, Clause 3	31
Article 1, Section 9, Clause 4	25
Article 1:8:17.....	39
Article IV	77
Bill of Rights	28
Constitution 1:9:5	31
Declaration of Independence.....	23, 25
Federalist No. 45, pp. 292-293 (C. Rossiter ed. 1961)	47
Federalist Paper No. 39	30
First Amendment.....	24, 25
Sixteenth Amendment	61
Thirteenth Amendment.....	75
USA Constitution	67

Statutes

1 U.S.C. §204	23
12 Stat. 432.....	62
17 Stat. 401.....	62
18 U.S.C. §1001	79
18 U.S.C. §1201	32
18 U.S.C. §1542	79
18 U.S.C. §1621	79
18 U.S.C. §201	79
18 U.S.C. §654	37, 79
18 U.S.C. §911	37
18 U.S.C. §912	37, 70, 72, 79
19 Stat. 419.....	62
26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), and 7408(d)	54
26 U.S.C. §1313	12
26 U.S.C. §1402(b)	38
26 U.S.C. §1441	44
26 U.S.C. §1442	44
26 U.S.C. §1443	44
26 U.S.C. §1446	44
26 U.S.C. §1461	16
26 U.S.C. §162	17, 38
26 U.S.C. §3121(e).....	31, 67, 69
26 U.S.C. §3401(a)(6)	38
26 U.S.C. §3401(d)	84
26 U.S.C. §3402(p)(3)(A)	36
26 U.S.C. §3406	38, 45, 85
26 U.S.C. §4612	31
26 U.S.C. §6012	16
26 U.S.C. §6013(g) and (h)	28, 53, 57
26 U.S.C. §6014	21

26 U.S.C. §6041(a).....	16
26 U.S.C. §6065	15
26 U.S.C. §6109(d)	43
26 U.S.C. §63	77
26 U.S.C. §63(a).....	18
26 U.S.C. §6331	84
26 U.S.C. §6364	36
26 U.S.C. §6671	59
26 U.S.C. §6671(b)	59
26 U.S.C. §6901	77
26 U.S.C. §6903	77
26 U.S.C. §7001	31
26 U.S.C. §7206 and 7207	37, 79
26 U.S.C. §7343	17, 59
26 U.S.C. §7408(d)	54, 57
26 U.S.C. §7426	17, 75
26 U.S.C. §7426(c)	75
26 U.S.C. §7426(h)(2).....	75
26 U.S.C. §7433	21
26 U.S.C. §7434	37
26 U.S.C. §7701(a)(14)	12, 73
26 U.S.C. §7701(a)(26)	26, 31, 37, 60, 70, 73, 78, 83
26 U.S.C. §7701(a)(30)	12, 41, 43, 54, 57, 82
26 U.S.C. §7701(a)(31)	38, 70
26 U.S.C. §7701(a)(39)	54, 57
26 U.S.C. §7701(a)(9)	26, 31, 45, 81
26 U.S.C. §7701(a)(9) and (a)(10)	72, 82
26 U.S.C. §7701(b)(4).....	28
26 U.S.C. §7701(b)(4)(B).....	57
26 U.S.C. §7805	36
26 U.S.C. §861(a)(3)(C)(i).....	38
26 U.S.C. §864(b)(1).....	27
26 U.S.C. §864(c)(3)	77
26 U.S.C. §871	38
26 U.S.C. §871(a).....	32
26 U.S.C. §871(a)(3).....	18
26 U.S.C. §871(b)(1).....	38
28 U.S.C. §1605(a).....	77
28 U.S.C. §2201	15
28 U.S.C. §297	46
28 U.S.C. §3002(15)(A).....	59, 76
3 Stat. at L. 216, chap. 60.....	33
31 U.S.C. §5331	16
4 U.S.C. §§110-113.....	33
4 U.S.C. §106	33
4 U.S.C. §110(d)	54, 55
4 U.S.C. §72	26, 73, 79
40 U.S.C. §3111	81
42 U.S.C. §408	43
42 U.S.C. §418	40
5 U.S.C. §2105	77
5 U.S.C. §2105(a).....	77
5 U.S.C. §5517	33
5 U.S.C. §552	34
5 U.S.C. §552a(a)(2)	54, 68
5 U.S.C. §553(a)(1).....	34
5 U.S.C. §553(a)(2).....	34

53 Stat. 1, Section 4, Part 1, Chapter 2, p. 1.....	24
68A Stat. 917.....	36
8 U.S.C. §1101(a)(2).....	19
8 U.S.C. §1101(a)(36).....	27
8 U.S.C. §1101(a)(38).....	69
8 U.S.C. §1421.....	57
8 U.S.C. 1401.....	67
86 Stat. 944.....	36
Corporation Excise Tax Act of 1909.....	61
I.R.C.....	25
I.R.C. §7608(b).....	40
I.R.C. in Subtitles A.....	30
I.R.C. Subtitle A.....	37, 77, 79, 81
Internal Revenue Code of 1954.....	39
Internal Revenue Code Subtitle A.....	34, 77
Internal Revenue Code, 26 U.S.C.....	67
Internal Revenue Code, Subtitle A.....	32, 70, 71
IRC §§1441, 1442, 1443.....	40
IRC §6201.....	40
IRC §6301.....	39
IRC §7214(a)(2).....	41
IRC §7433.....	41
IRC §7701(a)16.....	40
IRC Section 7608.....	40
Statutes at Large, 53 Stat 1, Section 4.....	23
Statutes at Large, Volume 53, Part 1, Chapter 2, Page 1.....	23
Subtitle C of the Internal Revenue Code.....	14
Subtitles A and C of the Internal Revenue Code.....	81
Title 28.....	46
Title 28, U.S.C., §§754 and 959(a).....	59
Title 8 of the U.S. Code.....	43, 66, 67

Regulations

20 CFR §422.103(d).....	19
20 CFR §422.104.....	67
26 CFR §1.1-1.....	12, 26, 67
26 CFR §1.1-1(a)(2)(ii).....	26, 38, 52, 54, 82
26 CFR §1.1441-1.....	42
26 CFR §1.1441-1(c).....	38
26 CFR §1.1441-1(c)(3).....	42, 52, 53, 54, 69
26 CFR §1.1441-1(c)(3)(ii).....	53, 54
26 CFR §1.1441-1(c)-3.....	27
26 CFR §1.1441-6(c)(1).....	82
26 CFR §1.1441-7.....	40
26 CFR §1.6151-1.....	20
26 CFR §1.864-2(b).....	27
26 CFR §1.871-1(b)(i).....	38
26 CFR §1.871-2.....	57
26 CFR §1.871-4(b).....	57
26 CFR §1.871-4(c)(ii).....	57
26 CFR §1.872-2(f).....	38
26 CFR §301.6109-1(b).....	41, 67
26 CFR §301.6361-4.....	39
26 CFR §301.7513-1(b)(1) and (b)(2).....	40
26 CFR §301.7701(b)-1(d).....	53
26 CFR §301.7701-16.....	40

26 CFR §301.7701-5	16, 28, 77
26 CFR §31.3401(a)(6)-1(b)	38
26 CFR §31.3401(a)-3.....	37
26 CFR §31.3401(c)	45, 84
26 CFR §31.3401(c)-1.....	85
26 CFR §31.3402(p)-1	37
26 CFR §31.3402(p)-1(a).....	16
26 CFR §31.3402(p)-1(b)(2).....	36
26 CFR §601.702	34
31 CFR §103.30(d)(2).....	16
31 CFR §103.34	83
31 CFR §215.2(h)(1)(i)	38
31 CFR §215.2(n)(1).....	36
31 CFR §306.10	83
31 CFR Subpart B-Standard Agreement 215.6	40
Federal Register.....	45
Part 215 of 31 CFR.....	40

Rules

Federal Rule of Civil Procedure 17(b)	59
Federal Rule of Evidence 611(c).....	75

Cases

American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358.....	73
Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936).....	19, 46
Atchison, T. & S. F. R. Co. v. Railroad Commission, 283 U.S. 380, 392 –393 (1931)	42
Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519, 10 L.Ed. 274 (1839).....	47
Bente v. Bugbee, 137 A. 552, 103 N.J. Law. 608 (1927).....	14
Blair v. Commissioner, 300 U.S. 5, 9 , 10 S., 57 S.Ct. 330, 331.....	32
Board of County Com'rs of Lemhi County v. Swensen, Idaho, 80 Idaho 198, 327 P.2d. 361, 362	24
Botta v. Scanlon, 288 F.2d. 504, 508 (1961).....	14
Boutilier v. Immigration and Naturalization Service, 387 U.S. 118, 123 (1967).....	58
Bowers v. Kerbaugh-Empire Co., 271 U.S. 170, 174, (1926).....	61
Brown v. Babbitt Ford, Inc., 117 Ariz. 192, 571 P.2d. 689, 695.....	33
Budd v. People of State of New York, 143 U.S. 517 (1892).....	37, 77
Bullock v. Latham, 306 F.2d. 45 (1962)	17
Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325	83
Burk-Waggoner Oil Association v. Hopkins, 269 U.S. 110, 111 , 114 S., 46 S.Ct. 48, 49.....	32
Burnet v. Harmel, 287 U.S. 103, 110 , 53 S.Ct. 74, 77	32
C.I.R. v. Trustees of L. Inv. Ass'n, 100 F.2d.18 (1939)	16
Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)	19, 30, 42, 44, 45, 46
Chae Chan Ping v. U.S., 130 U.S. 581 (1889)	58
Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821).....	28, 50
Cook v. Tait, 265 U.S. 44 (1924)	52
Corporation Tax Law of 1909.....	61
Cotton v. United States, 11 How. 229, 231 (1851).....	76
Crooks v. Harrelson, 282 U.S. 55, 59 , 51 S.Ct. 49, 50.....	32
Davis v. Davis. TexCiv-App., 495 S.W.2d. 607. 611	78
Downes v. Bidwell, 182 U.S. 244 (1901).....	34
Doyle v. Mitchell Brothers Co., 247 U.S. 179, 185	61
Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)	79
Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972).....	72, 73
Economy Plumbing & Heating v. United States, 470 F.2d. 585 (1972).....	17
Edwards v. Cuba Railroad, 268 U.S. 628, 633	61

EEOC v. Information Systems Consulting CA3-92-0169-T	39
Eisner v. Macomber, 252 U.S. 189, 207	61
Federal Crop Insurance vs. Merrill, 33 U.S. 380 at 384 (1947)	40
Flesch v. Circle City Excavating & Rental Corp., 137 Ind.App. 695, 210 N.E.2d. 865.....	79
Flint v. Stone Tracy Co., 220 U.S. 107 (1911).....	61
Flora v. U.S., 362 U.S. 145 (1960).....	20, 43
Fong Yue Ting v. United States, 149 U.S. 698 (1893).....	57
Fulton Light, Heat & Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536.....	78
Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263.....	78
Goodrich v. Edwards, 255 U.S. 527, 535	61
Gould v. Gould, 245 U.S. 151, at 153 (1917).....	84
Gregory v. Ashcroft, 501 U.S. 452, 458 (1991)	47
Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724.....	19, 30, 42, 44, 45, 46
Higley v. Commissioner of Internal Revenue, 69 F.2d. 160 (1934).....	14
Hoffmann v. Kinealy, Mo., 389 S.W.2d. 745, 752.....	78
Holmstrom v. PPG Industries, 512 F.Supp 552, 554 DC WD Pa. 1981.....	39
Hooven and Allison v. Evatt, 324 U.S. 652 (1945).....	51
Irwin v. Gavit, 268 U.S. 161, 167	61
Kleindienst v. Mandel, 408 U.S. 753 (1972).....	57, 58
Labberton v. General Cas. Co. of America, 53 Wash.2d. 180, 332 P.2d. 250, 252, 254.....	78
License Tax Cases, 72 U.S. 462 (1866)	62
License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866).....	20, 80
Lippencott v. Allander, 27 Iowa 460.....	78
Loan Association v. Topeka, 20 Wall. 655 (1874).....	22
Long v. Rasmussen, 281 F. 236, 238 (1922).....	17, 22
Loughborough v. Blake, 18 U.S. 317 (1820)	46
Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98.....	33
Marbury v. Madison, 5 U.S. 137, 163 (1803)	48
Merchants' L. & T. Co. v. Smietanka, 255 U.S. 509, 219	61
Miles v. Safe Deposit Co., 259 U.S. 247, 252-253.....	61
Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954).....	12
Miranda v. Arizona, 384 U.S. 436, 491.....	40
Morrissey v. Commissioner, 296 U.S. 344, 356 , 56 S.Ct. 289, 294.....	32
Murray v. City of Charleston, 96 U.S. 432 (1877).....	39
Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100.....	83
Ngiraingas v. Sanchez, 495 U.S. 182 (1990).....	76
Nowell v. Nowell, Tex.Civ.App., 408 S.W.2d. 550, 553	33
O'Malley v. Woodrough	25
Oceanic Navigation Co. v. Stranahan, 214 U.S. 320, 339 (1909)	58
Paul v. Virginia, 8 Wall (U.S.) 168, 19 L.Ed 357 (1868).....	58
Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565.....	79
People ex re. Atty. Gen. V. Naglee, 1 Cal. 234 (1850)	47
Perry v. U.S., 294 U.S. 330 (1935).....	23
Poe v. Seaborn, 282 U.S. 101, 109 , 110 S., 51 S.Ct. 58.....	32
Pollock v. Farmer's Loan & T. Co., 157 U.S. 429, 29 L.Ed. 759, 15 Sup.St. Rep. 673, 158 U.S. 601, 39 L.Ed. 1108, 15 Sup. Ct. Rep. 912.....	61
Pollock v. Farmers' Loan & Trust Co., 158 U.S. 601.....	61
Pollock v. Farmers' Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895).....	23
Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837)	59
Raffaele v. Granger. 196 F.2d. 620 (1952).....	17
Reid v. Colorado, 187 U.S. 137, 148 (1902).....	42
ReMine ex rel. Liley v. District Court for City and County of Denver, Colo., 709 P.2d. 1379, 1382	79
Rothensis v. Ullman, 110 F.2d. 590(1940).....	17
Savage v. Jones, 225 U.S. 501, 533.....	42
Schmitt v. U.S., 140 B.R. 571 (Bank W.D. Okl. 1992).....	17
Schwartz v. Texas, 344 U.S. 199, 202-203 (1952).....	42
Sinking Fund Cases, 99 U.S. 700 (1878)	23, 25

Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)	51
Sloan v. Comm’r, 53 F.3d 799 (7th Cir. 1995), cert. denied, 516 U.S. 897 (1995).....	17
Smith v. Smith, 206 Pa.Super. 310m 213 A.2d 94.....	12
South Carolina v. Regan, 465 U.S. 367 (1984)	17
Southern Pacific Co. v. Lowe, 247 U.S. 330, 335.....	61
State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665.....	78
Stratton's Independence v. Howbert, 231 U.S. 399, 415	61
Terry v. Bothke, 713 F.2d. 1405, at 1414 (1983).....	14
The Chinese Exclusion Case, 130 U.S. 581, 609 (1889).....	57
Tower v. Tower & S. Street R. Co. 68 Minn. 500, 71 N.W. 691	78
Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819).....	76
U.S. v. Butler, 297 U.S. 1 (1936)	22
U.S. v. Whiteridge, 231 U.S. 144, 34 S.Sup.Ct. 24 (1913)	61
United States v. Malinowski, 347 F. Supp. 352 (1992).....	39
United States v. Maurice, 26 F.Cas. 1211, 1216 (No. 15,747) (CC Va. 1823)	76
United States v. Phellis, 257 U.S. 156, 169.....	61
United States v. Supplee-Biddle Co., 265 U.S. 189, 194	61
Utah Farm Bureau Ins. Co. v. Utah Ins. Guaranty Ass'n, Utah, 564 P.2d. 751, 754	24
Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886)	76
Weiss v. Wiener, 279 U.S. 333 , 49 S.Ct. 337.....	32
Yick Wo v. Hopkins, 118 U.S. 356, 369 , 6 S.Sup.Ct. 1064, 1071	49

Other Authorities

"Lock-In Letter"	37
1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866).....	76
19 Corpus Juris Secundum (C.J.S.), Corporations, §883	59
19 Corpus Juris Secundum (C.J.S.), Corporations, §886	42, 58, 77
2 Inst. 46-7	58
3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am. ed. 1845)	76
37 Cyc. 724, 725	14
81A Corpus Juris Secundum (C.J.S.), United States, §29	46
A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, p. 27, §74.....	37
A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, pp. 3-4, §2	61
About E-Verify, Form #04.107	69
Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001	51, 67, 68, 84
Am.Jur.2d, Franchises, §4: Generally	78
Babylon the Great is Falling.....	14
Black’s Law Dictionary, Fifth Edition, p. 1095	78
Black’s Law Dictionary, Sixth Edition, p. 1162.....	23
Black’s Law Dictionary, Sixth Edition, p. 1196.....	24
Black’s Law Dictionary, Sixth Edition, p. 267.....	33
Black’s Law Dictionary, Sixth Edition, p. 485.....	12
Black’s Law Dictionary, Sixth Edition, p. 498.....	46
Black’s Law Dictionary, Sixth Edition, p. 581.....	83
Black’s Law Dictionary, Sixth Edition, p. 647.....	46
Black’s Law Dictionary, Sixth Edition, p. 648.....	46
Black’s Law Dictionary, Sixth Edition, p. 793.....	79
Black’s Law Dictionary, Sixth Edition, pp. 1397-1398	24
Citizenship, Domicile, and Tax Status Options, Form #10.003	47
Civil Court Remedies for Sovereigns: Taxation, Litigation Tool #10.002.....	76
Cooley, Const. Lim., 479	22
Correcting Erroneous Information Returns, Form #04.001.....	16
Correcting Erroneous IRS Form 1042’s, Form #04.003	16
Correcting Erroneous IRS Form 1098’s, Form #04.004	16
Correcting Erroneous IRS Form 1099’s, Form #04.005	16

Correcting Erroneous IRS Form W-2's, Form #04.006	16
Cynthia Mills Letter , IRS Disclosure Officer Hoverale Letter, SEDM Exhibit #09.023	25
Department of State Form I-9	67
Eugene Pringle	13
Family Guardian Website, Taxation Page	81
Federal and State Tax Withholding Options for Private Employers, Form #04.101	81
Federal Jurisdiction, Form #05.018	48
Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002	68
Flawed Tax Arguments to Avoid, Form #08.004, Section 6.7	66
Form 1040	15
Form 1040: Substitute For Return (SFR)	15
Form 12616: Correspondence Examination History Sheet	15
Form 13496: IRC Section 6020(b) Certification	15
Form 2678	40
Form 3198: Special Handling Notice	15
Form 4549: Income Tax Examination Changes	15
Form 4700: Examination Work Papers	15
Form 5344: Examination Closing Record	15
Form 5546: Examination Return Charge-Out	15
Form 5564: Notice of Deficiency Waiver	15
Form 5600: Statutory Notice Worksheet.....	15
Form 8655: Reporting Agent Authorizing Certificate.....	40
Form 886-A: Explanation of Terms	15
Form W-4	36
Form W-4 or W-9.....	38
Forms 1040X, 1040EZ, 1040NR	20
Government Conspiracy to Destroy the Separation of Powers Doctrine, Form #05.023	48
Government Instituted Slavery Using Franchises, Form #05.030.....	62
Great IRS Hoax, Form #11.302.....	81
Great IRS Hoax, Form #11.302, Chapter 6	61
Great IRS Hoax, Form #11.302, Section 4.11.2	54
Great IRS Hoax, Form #11.302, Section 5.6.1	14
Great IRS Hoax, Form #11.302, Section 5.6.13	25
Great IRS Hoax, Form #11.302, Section 5.6.16	14
Great IRS Hoax, Form #11.302, Section 5.6.8.....	14
Great IRS Hoax, Form #11.302, Section 6.5.20	62
Great IRS Hoax, Form #11.302, Sections 3.9.1 through 3.9.1.28	55
Great IRS Hoax, Form #11.302, Sections 5.4.1 through 5.4.3.6	21
Great IRS Hoax, Form #11.302, Sections 5.4.6 through 5.4.6.6	14
Guide to Freedom of Information Act, Social Security Administration.....	69
I-9 Form Amended, Form #06.028.....	66, 67
Internal Revenue Audit Manual (1975).....	20
Internal Revenue Code, Title 26.....	23
Internal Revenue Manual, Section 5.1.11.6.8.....	20
IRM 1.1.1.1 (02-26-1999).....	74
IRM 5.14.10.2	45
IRM 5.14.10.2	34
IRM Part 5, Chapter 1, Section 7 (IRM 5.1.7.)	36
IRS "Questionable W-4 Program"	37
IRS Document 6209	14
IRS Due Process Meeting Handout, Form #03.008	34
IRS Form 1040.....	15, 32, 38, 54
IRS Form 1040 plus 2555	54
IRS Form 1040NR	54
IRS Form 1078.....	57
IRS Form 12616.....	15
IRS Form 23C	15

IRS Form 8300	16
IRS Form W-2.....	15
IRS Form W-4.....	37
IRS Form W-8BEN, Block 3	66
IRS Forms 1040 or 1040NR.....	16
IRS Forms 4549 and 5564.....	15
IRS Forms W-2, 1042, 1098, 1099, and K-1.....	37
IRS Forms W-2, 1042-s, 1098, 1099, or 8300	79
IRS Forms W-2, 1042-S, 1098, and 1099	16
IRS Humbug: IRS Weapons of Enslavement, ISBN 0-9626552-0-1, 1991, by Universalistic Publishers.....	25
IRS Internal Memo on Zero Returns, July 29, 1998; Rochelle Hodes	17
IRS Publication 1 is entitled Your Rights as a Taxpayer	22
IRS Published Products Catalog for 2003, Document 7130.....	32
IRS Published Products Catalog, Year 2003, p. F-15.....	32
Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001	67
Meaning of the Words "includes" and "including", Form #05.014	49
Meaning of the Words “Includes” and “Including”, Form #05.014.....	28
President Ronald W. Reagan.....	12
Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017	74
Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.007	48
Proof That There is a “Straw Man”, Form #05.042	60, 77
RACS 006 report.....	15
Reasonable Belief About Income Tax Liability, Form #05.007.....	49, 51, 66
Reliability of Information on Taxpayers Claiming Many Withholding Allowances or Exemption from Federal Income Tax Withholding, GAO-03-913R.....	39
Resignation of Compelled Social Security Trustee, Form #06.002.....	19, 67
SEDM Exhibit #07.004	44
SEDM Forms Page.....	68
Social Security Program Operations Manual (POMS), Section RM 00299.005 Form SSA-L669 Request for Evidence in Support of an SSN Application — U.S.-Born Applicant	69
Socialism: The New American Civil Religion, Form #05.016.....	24, 74
Sovereignty and Freedom Page, Section 4.4: Litigating to Defend your Rights- Bivens Actions	76
Sovereignty and Freedom Page, Section 8.4: Common Law	76
Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic	55
SS-5 form	69
SS-5 form, block 5	69
Statutes At Large, 53 Stat. 1, Section 4, Part 1, Chapter 2, p. 1, Exhibit #05.027.....	24
T.D. 7096, 36 FR 5216, Mar. 18, 1971, as amended by T.D. 7577, 43 FR 59359, Dec. 20, 1978; T.D. 8619, 60 FR 49215, Sept. 22, 1995.....	36
T.D. 7577, 43 FR 59365, Dec. 20, 1978	39
T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975.....	28, 77
Tax Deposition Questions, Form #03.016.....	47, 81
Tax Deposition Questions, Form #03.016, Section 14 on Citizenship.....	43
Tax Form Attachment, Form #04.201	51, 68
The “Trade or Business” Scam, Form #05.001	16, 17, 37, 60, 70, 81
Thomas Jefferson to Charles Hammond, 1821. ME 15:331.....	49
Thomas Jefferson to Charles Hammond, 1821. ME 15:332.....	50
Thomas Jefferson to Gideon Granger, 1800. ME 10:168.....	50
Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297	49
Thomas Jefferson: Autobiography, 1821. ME 1:121	49
Treasury Order 150-02	73
Treatise on Government, Form #11.207, Joel Tiffany, p. 49, Section 78.....	30
USA Passport Application Attachment, Form #06.007.....	68
Voter Registration Attachment, Form #06.003	68
W. Anderson, A Dictionary of Law 261 (1893).....	76
Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?, Form #05.013	60, 67
Why Domicile and Becoming a "taxpayer" Require Your Consent, Form #05.002	49

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002.....	13, 19, 67
Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037.....	75
Why the Government Can’t Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011	15
Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006.....	43, 49, 51, 57, 81
Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006, Section 13.1	66
Why You Aren’t Eligible for Social Security, Form #06.001	66
Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008 ..	32, 60, 81
Wrong Party Notice, Form #07.105	21
You’re Not a “Citizen” Under the Internal Revenue Code	42
Your Rights as a Nontaxpayer, Form #08.008	22

Scriptures

Exodus 18:20.....	74
Hos. 12:7, 8	73
Hosea 4:6.....	74
Isaiah 42:21-25	74
James 4:3-4.....	13
James 4:4.....	13
Joshua 1:8-9	74
Matthew Henry’s Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1	73
Prov. 21:6	73
Psalms 50:18.....	13
Rev. 17:5	13, 14
Revelation, Chapter 17	13

1 “Taxpayer” v. “Nontaxpayer”: Which One Are You?

2 *"The taxpayer-- that's someone who works for the federal government but doesn't have to take the civil service*
3 *examination."*
4 *[President Ronald W. Reagan]*

5 The word “taxpayer” is defined in 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313 as someone who is “liable for” and
6 “subject to” the income tax in Internal Revenue Code Subtitle A.

7 [TITLE 26 > Subtitle F > CHAPTER 79 > § 7701](#)
8 [§ 7701. Definitions](#)

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

11 *(14) Taxpayer*

12 *The term "taxpayer" means any person subject to any internal revenue tax.*

13 The “person” they are referring to above is further characterized as a “citizen of the United States” or “resident of the
14 United States” (alien). The tax is not on nonresident aliens, but on their INCOME, therefore they cannot lawfully be
15 “taxpayers”:

16 *TITLE 26--INTERNAL REVENUE*
17 *CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY*
18 *PART 1_INCOME TAXES--Table of Contents*
19 [Sec. 1.1-1 Income tax on individuals.](#)

20 *(a) General rule.*

21 *(1) Section 1 of the Code imposes an income tax on the income of every individual who is a citizen or resident of*
22 *the United States and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien*
23 *individual.*

24 What “U.S. citizens” and “U.S. residents” share in common is a domicile on federal territory that is no part of the exclusive
25 jurisdiction of any state of the Union. Collectively, they are called “U.S. persons” as defined in 26 U.S.C. §7701(a)(30).
26 Remember:

27 *“U.S. person=domicile or residence on federal territory and not any state of the Union”*

28 The “United States” they mean in the term “U.S. citizen” is defined as the “District of Columbia” in 26 U.S.C. §7701(a)(9)
29 and (a)(10) and nowhere includes any state of the Union because they are sovereign and foreign in respect to the federal
30 government. In that sense, income taxes are a franchise tax associated with the domicile/protection franchise.

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

39 ***“domicile.*** *A person's legal home. That place where a man has his true, fixed, and **permanent home***
40 *and principal establishment, and to which whenever he is absent he has **the intention of** returning. *Smith v. Smith,*
41 *206 Pa.Super. 310m 213 A.2d 94. Generally, physical presence within a state and **the intention** to make it*
42 *one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the*
43 *place to which he **intends to** return even though he may actually reside elsewhere. A person may have more*
44 *than one residence but only one domicile. **The legal domicile of a person is important since it, rather than the***
45 ***actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may***
46 ***exercise the privilege of voting and other legal rights and privileges.***
47 *[Black's Law Dictionary, Sixth Edition, p. 485]**

1 Those who don't want to pay the tax or be "taxpayers" simply don't partake of the government protection franchise and
2 instead declare themselves as "nonresidents" with no "residence" or "permanent address" within the jurisdiction of the
3 taxing authority on every government form they fill out. That is why "nonresident aliens" cannot be "taxpayers". For
4 further details, see:

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

5 The IRS refers to everyone as "taxpayers" because making this usually false presumption against innocent "nontaxpayers"
6 is how they recruit new "taxpayers". Here is the way one of our readers describes how he reacts to being habitually and
7 falsely called "taxpayer" by the IRS:

8 *I refuse to allow any IRS or State revenue officer to call me or any client a "taxpayer". Just because I may look*
9 *like one or have the attributes of one does not necessarily make me one. To one IRS lady, and I have no reason*
10 *to doubt that she fits this category, I use the following example. "Miss you have all of the equipment to be a*
11 *whore, but that does not make you one by presumption." Until it is proven by a preponderance of evidence I*
12 *must assume you are a lady and you will be treated as such. Please have the same respect for me, and don't*
13 *slander my reputation and defame my character by calling me a whore for the government, which is what a*
14 *"taxpayer" is.*
15 *[Eugene Pringle]*

16 Funny! But guess what? This is not a new idea. We refer you to the Bible book of Revelation, Chapter 17, which
17 describes precisely who this whore or harlot is: Babylon the Great! Check out that chapter, keeping in mind that "Babylon
18 the Great" is symbolic of the city full of all the ignorant and idolatrous people who have unwittingly made themselves into
19 government whores by becoming surety for government debts in the pursuit of taxable government privileges and benefits
20 they didn't need to begin with. The Bible describes these harlots and adulterers below:

21 *"Adulterers and adulteresses! Do you not know that friendship [and citizenship] with the world [and the*
22 *governments/states of the world] is enmity with God? Whoever therefore wants to be a friend of the world*
23 *makes himself an enemy of God."*
24 *[James 4:4, Bible, NKJV]*

25 *"When thou sawest a thief [the IRS] then thou consentedst with him, and hast been partaker with adulterers."*
26 *[Psalm 50:18, Bible, NKJV]*

27 *"Where do wars and fights [and tyranny and oppression] come from among you? Do they not come from your*
28 *desires for pleasure [pursuit of government "privileges"] that war in your members?...You ask [from your*
29 *government and its THIEF the IRS] and do not receive, because you ask amiss, that you may spend it on your*
30 *own pleasures. Adulterers and adulteresses [and HARLOTS]! Do you not know that friendship with the*
31 *world is enmity with God? Whoever therefore wants to be a friend of the world makes himself an enemy of*
32 *God."*
33 *[James 4:3-4, Bible, NKJV]*

34 These "taxpayer" and citizen government idolaters have made government their new pagan god (neo-god), their friend, and
35 their source of false man-made security. That is what the "Security" means in "Social Security". The bible mentions that
36 there is something "mysterious" about "Babylon the Great Harlot":

37 *"And on her forehead a name was written: MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS*
38 *AND OF THE ABOMINATIONS OF THE EARTH."*
39 *[Rev. 17:5, Bible, NKJV]*

40
41 GOVERNMENT ANNOUNCEMENT April 15, 20__

42 [Washington, D.C.]

43 *The federal government announced today that it is changing its emblem from an eagle to a condom,*
44 *because that more clearly reflects its political stance. A condom stands up to inflation, halts production,*
45 *destroys the next generation, protects a bunch of pricks, and gives you a sense of security while it's actually*
46 *screwing you.*

1 The mystery about this harlot/adulterous woman described in Rev. 17:5 is symbolic of the ignorance and apathy that these
2 people have about the law and their government. For a fascinating read into this subject, we refer you to the free book on
3 the internet below referred to us by one of our readers:

4 *Babylon the Great is Falling*
5 <http://www.babylonthegreatisfalling.net/>

6 The IRS ***DOES NOT*** have the authority conferred by law under Subtitle A of the Internal Revenue Code to bestow the
7 status of “taxpayer” on any natural person who doesn’t first *volunteer* for that “distinctive” title. Below are some facts
8 confirming this:

9 1. There is no statute making anyone liable for the income tax. Therefore, the only way you can become subject is by
10 volunteering. Subtitle A of the Internal Revenue Code is therefore “private law” and “special law” that only applies to
11 those who individually consent by connecting their earnings to a “trade or business”, which is a “public office” in the
12 United States government. These people are referred to in the Treasury Regulations as “effectively connected with a
13 trade or business”. BEFORE they consent, they are called "nontaxpayers". AFTER they consent, they are called
14 "taxpayers".

15 *"To the extent that regulations implement the statute, they have the force and effect of law...The regulation*
16 *implements the statute and cannot vitiate or change the statute..."*
17 *[Spreckles v. C.I.R., 119 F.2d, 667]*

18 *"...liability for taxation must clearly appear [from statute imposing tax]."*
19 *[Higley v. Commissioner of Internal Revenue, 69 F.2d. 160 (1934)]*

20 *"While Congress might have the power to place such a personal liability upon trust beneficiaries who did not*
21 *renounce the trust, yet it would require clear expression of such intent, and it cannot be spelled out from*
22 *language (as that here) which can be given an entirely natural and useful meaning and application excluding*
23 *such intent."*
24 *[Higley v. Commissioner of Internal Revenue, 69 F.2d. 160 (1934)]*

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

28 *"...the taxpayer must be liable for the tax. Tax liability is a condition precedent to the demand. Merely*
29 *demanding payment, even repeatedly, does not cause liability."*
30 *[Terry v. Bothke, 713 F.2d. 1405, at 1414 (1983)]*

31 If you want to know more about this subject see:

32 1.1. *Great IRS Hoax*, Form #11.302, Section 5.6.1, which covers the subject of no liability in excruciating detail
33 <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

34 1.2. The following link:
35 <http://famguardian.org/Subjects/Taxes/Articles/NoStatuteLiable.htm>

36 1.3. *Great IRS Hoax*, Form #11.302, Sections 5.4.6 through 5.4.6.6 prove that the Internal Revenue Code is “private
37 law” and a private contract/agreement. Those who have consented are called “taxpayers” and those who haven’t
38 are called “nontaxpayers”.

39 2. The federal courts agree that the IRS cannot involuntarily make you into a “taxpayer” when they said the following:

40 *"A reasonable construction of the taxing statutes does not include vesting any tax official with absolute power*
41 *of assessment against individuals not specified in the statutes as a person liable for the tax without an*
42 *opportunity for judicial review of this status before the appellation of 'taxpayer' is bestowed upon them and*
43 *their property is seized..."*
44 *[Botta v. Scanlon, 288 F.2d. 504, 508 (1961)]*

45 3. IRS has no statutory authority to convert employment withholding taxes under I.R.C. Subtitle C into “income taxes”
46 under I.R.C. Subtitle A. It is proven in *Great IRS Hoax*, Form #11.302, Section 5.6.8 that employment withholding
47 taxes deducted under the authority of Subtitle C of the Internal Revenue Code using a W-4 voluntary withholding
48 agreement and that the IRS classifies them in IRS Document 6209 as “Tax Class 5”, which is “Estate and gift taxes”.
49 Therefore, they are gifts to the U.S. government, not taxes that may not be enforced. It is also proven in *Great IRS*
50 *Hoax*, Form #11.302, Section 5.6.8 that taxes paid under the authority of Subtitle A of the Internal Revenue Code are
51 classified as Tax Class 2, “Individual Income Tax”. It is also proven with evidence in *Great IRS Hoax*, Form #11.302,
52 Section 5.6.16 that IRS has no statutory or regulatory authority to convert what essentially amounts to a voluntary

1 “gift” paid through withholding to a “tax”. Only you can do that by assessing yourself. That is why the Form 1040
2 requires that you attach the information returns to it, such as the W-2: So that the gift and the tax are reconciled and so
3 that the accuracy of the W-2, which is unsigned hearsay evidence, is guaranteed by the penalty of perjury signature on
4 the Form 1040 itself.

5 The consequence of the IRS not having any lawful authority to make anyone into a “taxpayer” is that they cannot do a
6 lawful Substitute For Return (SFR) or penalty assessment under I.R.C. Subtitle A, as you will learn later. This is also
7 confirmed by the following document:

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>

8 If you have been the victim of an involuntary IRS assessment and do a Freedom of Information Act (FOIA) request for
9 assessment documents as we have, and you examine all of the documents returned, you will not see even one document
10 signed by any IRS employee that purports to be an assessment and which has your name on it as the only subject of the
11 assessment. The reason they won't sign the assessment document, such as the IRS Form 23C or the RACS 006 report,
12 under penalty of perjury is that no one is STUPID enough to accept legal liability for violating the Constitution and the
13 rights of those they have done wrongful assessments against. The IRS knows these people are involved in wrongdoing,
14 which is why they assign “pseudo names” (false names) to their employees: To protect them from lawsuits against them for
15 their habitual violation of the law. The documents you will get back from the IRS in response to your FOIA include the
16 following forms, none of which are signed by the IRS employee:

- 17 1. [Form 886-A: Explanation of Terms](#)
- 18 2. [Form 1040: Substitute For Return \(SFR\)](#)
- 19 3. [Form 3198: Special Handling Notice](#)
- 20 4. [Form 4549: Income Tax Examination Changes](#)
- 21 5. [Form 4700: Examination Work Papers](#)
- 22 6. [Form 5344: Examination Closing Record](#)
- 23 7. [Form 5546: Examination Return Charge-Out](#)
- 24 8. [Form 5564: Notice of Deficiency Waiver](#)
- 25 9. [Form 5600: Statutory Notice Worksheet](#)
- 26 10. [Form 12616: Correspondence Examination History Sheet](#)
- 27 11. [Form 13496: IRC Section 6020\(b\) Certification](#)

28 If you want to look at samples of the above forms, see section 6 of the link below, under the column "Examples":

29 <http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm>

30 We have looked at hundreds of these assessment documents and every one of them is required by [26 U.S.C. §6065](#) to be
31 signed under penalty of perjury by the IRS employee who prepared them but none are. As a matter of fact, the examination
32 documents prepared by the IRS Examination Branch to do the illegal Substitute for Returns (involuntary assessments)
33 purport to be a “proposal” rather than an involuntary assessment, have no signature of an IRS employee, and the only
34 signature is from the “taxpayer”, who must consent to the assessment in order to make it lawful. See, for instance, IRS
35 Forms 4549 and 5564. What they do is procure the consent invisibly using a commercial default process by ignoring your
36 responsive correspondence, and therefore “assume” that you consented. This, ladies and gentlemen, is constructive
37 FRAUD, not justice. It is THEFT! The IRS Form 12616 above is the vehicle by which they show that the “taxpayer”
38 consented to the involuntary assessment, because they can't do ANYTHING without his consent.
39 Furthermore, [28 U.S.C. §2201](#) also removes the authority of federal courts to declare the status of “taxpayer” on a
40 sovereign American also!:

41 *United States Code*
42 *TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE*
43 *PART VI - PARTICULAR PROCEEDINGS*
44 *CHAPTER 151 - DECLARATORY JUDGMENTS*
45 [Sec. 2201. Creation of remedy](#)

46 (a) *In a case of actual controversy within its jurisdiction, EXCEPT with respect to Federal taxes other than*
47 *actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or*
48 *1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a*

1 class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of
2 1930), as determined by the administering authority, any court of the United States, upon the filing of an
3 appropriate pleading, may declare the rights and other legal relations of any interested party seeking such
4 declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and
5 effect of a final judgment or decree and shall be reviewable as such.

6 (b) For limitations on actions brought with respect to drug patents see section 505 or 512 of the Federal Food,
7 Drug, and Cosmetic Act.

8 The federal courts themselves agree that they do not have the jurisdiction to bestow the status of “taxpayer” upon someone
9 who is a “nontaxpayer”:

10 "And by statutory definition the term "taxpayer" includes any person, trust or estate subject to a tax imposed by
11 the revenue act. ...Since the statutory definition of taxpayer is exclusive, the federal [and state] courts do not
12 have the power to create nonstatutory taxpayers for the purpose of applying the provisions of the Revenue
13 Acts..."
14 [C.I.R. v. Trustees of L. Inv. Ass'n, 100 F.2d.18 (1939)]

15 [26 U.S.C. §1461](#) is the only statute within the Internal Revenue Code Subtitle A which creates an explicit liability or “legal
16 duty”. That duty is enforceable only against those subject to the I.R.C., who are “taxpayers” with “gross income” above the
17 exemption amount identified in 26 U.S.C. §6012. All amounts reported by third parties on Information Returns, such as the
18 IRS Forms W-2, 1042-S, 1098, and 1099, document receipt of “trade or business” earnings. All “trade or business”
19 earnings, as defined in [26 U.S.C. §7701\(a\)\(26\)](#), are classified as “gross income”. A nonresident alien who has these
20 information returns filed against him or her becomes his or her own “withholding agent”, and must reconcile their account
21 with the federal government annually by filing a tax return. This is a requirement of all those who are engaged in a “public
22 office”, which is a type of business partnership with the federal government. That business relationship is created through
23 the operation of private contract and private law between you, the natural person, and the federal government. The method
24 of consenting to that contract is any one of the following means:

- 25 1. Assessing ourselves with a liability shown on a tax return.
- 26 2. Voluntarily signing a W-4, which is identified in the regulations as an “agreement” to include all earnings in the
27 context of that agreement as “gross income” on a 1040 tax return. See 26 CFR §31.3402(p)-1(a) . For a person who is
28 not a “public official” or engaged in a “public office”, the signing of the W-4 essentially amounts to an agreement to
29 procure “social services” and “social insurance”. You must bribe the Beast with over half of your earnings in order to
30 convince it to take care of you in your old age.
- 31 3. Completing, signing, and submitting a IRS Forms 1040 or 1040NR and indicating a nonzero amount of “gross
32 income”. Nearly all “gross income” and all information returns is connected with an excise taxable activity called a
33 “trade or business” pursuant to [26 U.S.C. §871\(b\)](#) and [26 U.S.C. §6041](#), which activity then makes you into a
34 “resident”. See older versions of 26 CFR §301.7701-5:
35 <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>
- 36 4. Filing information returns on ourself or not rebutting information returns improperly filed against us, such as the IRS
37 Forms W-2, 1042-S, 1098, and 1099. Pursuant to [26 U.S.C. §6041\(a\)](#), all of these federal forms associate all funds
38 documented on them with the taxable activity called a “trade or business”. If you are not a federal “employee” or a
39 “public officer”, then you can’t lawfully earn “trade or business” income. See the following for details:
 - 40 4.1. [26 U.S.C. §6041](#).
 - 41 4.2. The “Trade or Business” Scam, Form #05.001
42 <http://sedm.org/Forms/MemLaw/TradeOrBusScam.pdf>
 - 43 4.3. Correcting Erroneous Information Returns, Form #04.001
44 <http://sedm.org/Forms/FormIndex.htm>
 - 45 4.4. Correcting Erroneous IRS Form W-2’s, Form #04.006:
46 <http://sedm.org/Forms/FormIndex.htm>
 - 47 4.5. Correcting Erroneous IRS Form 1042’s, Form #04.003:
48 <http://sedm.org/Forms/FormIndex.htm>
 - 49 4.6. Correcting Erroneous IRS Form 1098’s, Form #04.004:
50 <http://sedm.org/Forms/FormIndex.htm>
 - 51 4.7. Correcting Erroneous IRS Form 1099’s, Form #04.005:
52 <http://sedm.org/Forms/FormIndex.htm>
- 53 5. Allowing Currency Transaction Reports (CTR’s), IRS Form 8300, to be filed against us when we withdraw 10,000 or
54 more in cash from a financial institution. The statutes at [31 U.S.C. §5331](#) and the regulation at 31 CFR §103.30(d)(2)
55 only require these reports to be filed in connection with a “trade or business”, and this “trade or business” is the same

Who are “taxpayers” and who needs a “Taxpayer Identification Number”?

16 of 85

1 “trade or business” referenced in the Internal Revenue Code at [26 U.S.C. §7701\(a\)\(26\)](#) and [26 U.S.C. §162](#). If you are
2 not a “public official” or if you do not consent to be treated as one in order to procure “social insurance”, then banks
3 and financial institutions are violating the law to file these forms against you. See:

[The “Trade or Business” Scam, Form #05.001](#)
<http://sedm.org/Forms/FormIndex.htm>

- 4 6. Completing and submitting the Social Security Trust document, which is the SS-5 form. This is an agreement that
5 imposes the “duty” or “fiduciary duty” upon the natural person and makes him into a “trustee” and an officer of a the
6 federal corporation called the “United States”. The definition of “person” for the purposes of the criminal provisions
7 of the Internal Revenue Code, codified in [26 U.S.C. §7343](#), incidentally is EXACTLY the same as the above.
8 Therefore, all tax crimes require that the violator must be acting in a fiduciary capacity as a Trustee of some kind or
9 another, whether it be as an Executor over the estate of a deceased “taxpayer”, or over the Social Security Trust
10 maintained for the benefit of a living trustee/employee of the federal corporation called the “United States
11 Government”. See the following for details:
12 <http://sedm.org/Forms/Emancipation/SSTrustIndenture.pdf>

13 Unless and until we do any of the above, our proper title is “nontaxpayer”. The foundation of American Jurisprudence is
14 the presumption that we are “innocent until proven guilty”, which means that we are a “nontaxpayer” until the government
15 proves with court-admissible evidence signed under penalty of perjury that we are a “taxpayer” who is participating in
16 government franchises that are subject to the excise tax upon a “trade or business” which is described in I.R.C. Subtitle A.
17 For cases dealing with the term "nontaxpayer" see: *Long v. Rasmussen*, 281 F. 236, 238 (1922); *Rothensis v. Ullman*, 110
18 F.2d. 590(1940); *Raffaele v. Granger*, 196 F.2d. 620 (1952); *Bullock v. Latham*, 306 F.2d. 45 (1962); *Economy Plumbing &*
19 *Heating v. United States*, 470 F.2d. 585 (1972); and *South Carolina v. Regan*, 465 U.S. 367 (1984).

20 *"The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers,*
21 *and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and*
22 *no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not*
23 *assume to deal, and they are neither of the subject nor of the object of the revenue laws..."*

24 *"The distinction between persons and things within the scope of the revenue laws and those without is vital."*
25 *[Long v. Rasmussen, 281 F. 236, 238 (1922)]*

26 Since the above ruling, Congress has added new provisions to the I.R.C. which obtusely mention “nontaxpayers”, but not
27 by name, because they don’t want people to have a name to describe their proper status. The new provision is found in [26](#)
28 [U.S.C. §7426](#), and in that provision of the I.R.C., “nontaxpayers” are referred to as “Persons other than taxpayers”. So far
29 as we know, this is the ONLY provision within the I.R.C. that provides any remedy or standing to a “nontaxpayer”.
30 The behavior of the IRS confirms the above conclusions. See the following IRS internal memo proving that a return that is
31 signed under penalty of perjury and saying “not liable” or words to that effect is treated as a non-return:

32 [IRS Internal Memo on Zero Returns, July 29, 1998; Rochelle Hodes](#)
33 <http://famguardian.org/TaxFreedom/Evidence/Refunds/1998-053IRSMemoZeroRet.pdf>

34 Look what the above internal top secret IRS memo says (are they trying to hide something?.. cover-up and obstruction of
35 justice!). Pay particular attention to the use of the word “taxpayer” in this excerpt, by the way, which doesn’t include most
36 people:

37 *"A taxpayer can also negate the penalties of perjury statement with an addition. In Schmitt v. U.S., 140 B.R.*
38 *571 (Bank W.D. Okl. 1992), the taxpayers filed a return with the following statement at the end of the penalties*
39 *of perjury statement, "SIGNED UNDER DURESS, SEE STATEMENT ATTACHED." In the addition, the*
40 *taxpayers denied liability for tax on wages. The Service argued that the statement, added to the "return",*
41 *qualified the penalties of perjury statement, thus making the penalties of perjury statement ineffective and the*
42 *return a nullity. Id. at 572.*

43 *In agreeing with the Service, the court pointed out that the voluntary nature of our tax system requires the*
44 *Service to rely on a taxpayer's self-assessment and on a taxpayer's assurance that the figures supplied are true*
45 *to the best of his or her knowledge. Id. Accordingly, the penalties of perjury statement has important*
46 *significance in our tax system. The statement connects the taxpayer's attestation of tax liability (by the signing of*
47 *the statement) with the Service's statutory ability to summarily assess the tax.*

48 *Similarly, in Sloan v. Comm'r, 53 F.3d 799 (7th Cir. 1995), cert. denied, 516 U.S. 897 (1995), the taxpayers*
49 *submitted a return containing the words "Denial & Disclaimer attached as part of this form" above their*
50 *signatures. In the addition, the taxpayers denied liability for any individual income tax. In determining the*
51 *effect of the addition on the penalties of perjury statement, the court reasoned that it is a close question whether*
52 *the addition negates the penalties of perjury statement or not. The addition, according to the court, could be*

1 read just to mean that the taxpayers reserve their right to renew their constitutional challenge to the federal
2 income tax law. However, the court concluded that the addition negated the penalties of perjury statement. *Id.*
3 at 800.

4 In both *Schmitt* and *Sloan* the court questioned the purpose of the addition. Both courts found that the addition
5 of qualifying language was intended to deny tax liability. Accordingly, this effect rendered the purported
6 returns invalid.”

7 The reason is clear: If you are a “nontaxpayer” who is “not liable”, then you essentially are outside their jurisdiction and
8 can’t even ask for a refund of the money you paid in. All of your property is consequently classified as a “foreign estate”,
9 as defined in 26 U.S.C. §7701(a)(31):

10 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > [Sec. 7701](#).
11 [Sec. 7701. - Definitions](#)

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

14 (31) Foreign estate or trust

15 (A) Foreign estate

16 The term “foreign estate” means an estate the income of which, from sources without the United States which is
17 not effectively connected with the conduct of a trade or business within the United States, is not includible in
18 gross income under subtitle A.

19 If you indeed are a “nontaxpayer” and act like one, the IRS will pretend like you don’t even exist, that is, until in their
20 ignorance and greed they try years later to go after you wrongfully and unlawfully for willful failure to file, notice of
21 deficiency, or some other contrived nonsense to terrorize you into paying and filing again. That’s how they make
22 “nontaxpayers” “volunteer” into becoming “taxpayers”: with terrorism and treason against the rights of sovereign
23 Americans, starting with “mailing threatening, false, and harassing communications” in violation of 18 U.S.C. §876.
24 Lawyer hypocrites! Jesus was right!

25 “Woe to you, scribes and Pharisees, hypocrites! For you pay tithe of mint and anise and cummin, and *have*
26 *neglected the weightier matters of the law: justice and mercy and faith. These you ought to have done,*
27 *without leaving the others undone.*”
28 [Matt. 23:23, Bible]

29 Now that we understand the difference between “taxpayer” and a “nontaxpayer”, allow us to make a very critical
30 distinction that is the Achilles Heel of the IRS fraud. Ponder for a moment in your mind the following very insightful
31 question:

32 “Is a person in law always either a ‘taxpayer’ or a ‘nontaxpayer’ as a whole? Can a person simultaneously be
33 BOTH?”

34 Once you understand the answer to this crucial question, you will understand how to get your money back in an IRS refund
35 claim without litigating! The answer, by the way, is YES! Let us now explain why this is the case.

36 We said above that if you are a “nontaxpayer”, the IRS will basically try to completely ignore your refund claim and you
37 are lucky if they even respond. At worst, they will illegally try to penalize you and at best, they will ignore you. We must
38 remember, however, that it is “taxable income” that makes you a “taxpayer”. “Taxable income” is “gross income” minus
39 “deductions”, as described in [26 U.S.C. §63](#)(a). Therefore, we must earn “gross income” as legally defined in order to have
40 “taxable income”. One cannot earn “gross income” unless they fit into one of the following categories:

- 41 1. **Domestic taxable activities:** Activities within the “United States”, which is defined in [26 U.S.C. §7701](#)(a)(9) and
42 (a)(10) as the District of Columbia.
 - 43 1.1. **Federal “Employees”, Agencies, and “Public Officials”** – meaning those who are federal “public officers”, federal
44 “employees”, and elected officials of the national government. This is one reason why [26 U.S.C. §6331](#)(a) lists
45 only federal officers, federal employees, federal instrumentalities, and elected officials as ones who can be served
46 with a levy upon their compensation, which is actually a payment from the federal government.
 - 47 1.2. **Federal benefit recipients.** These people are receiving “social insurance” payments such as Medicare, Social
48 Security, or Unemployment. These benefits are described as “gross income” in [26 U.S.C. §871](#)(a)(3). When they

signed up for these programs, they became “trustees”, “employees”, and instrumentalities of the U.S. government. They are described as “federal personnel” in the Privacy Act, 5 U.S.C. §552a(a)(13). Neither the Constitution nor the Social Security Act authorize these benefits to be offered to anyone domiciled outside of federal territories and possessions. For details on this scam, see:

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

- 1.3. Those who operate in a representative capacity in behalf of the federal government via contract. This includes those who have a valid Taxpayer Identification Number, which constitutes a constructive trust contract with the federal government and use that federal property [number] as per 20 CFR §422.103(d). They are identified as federal trustees and/or federal employees as referenced in 20 CFR “Employee Benefits”. For details on this scam, see:

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

2. **Foreign taxable activities:** Activities in the states of the Union or abroad.

- 2.1. Domiciliaries of the federal zone abroad and in a foreign country pursuant to 26 U.S.C. §911 who are engaged in a “trade or business”:

2.1.1. Statutory “U.S. citizens” - those are federal statutory creations of Congress and defined specifically at 8 U.S.C. §1401 to be those who were born in a U.S. territory or possession AND who have a legal domicile there.

2.1.2. Statutory “Residents” (aliens). These are foreign nationals who have a legal domicile within the District of Columbia or a federal territory or possession. They are defined in 26 U.S.C. §7701(b)(1)(A) and 8 U.S.C. §1101(a)(2).

If you would like to know more about why the above are the only foreign subjects of taxation, see:

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

- 2.2. States of the Union. Neither the IRS nor the Social Security Administration may lawfully operate outside of the federal zone. See:

2.2.1. 4 U.S.C. §72 limits all “public offices” to the District of Columbia. It says that the “public offices” that are the subject of the tax upon a “trade or business” must be exercised ONLY in the District of Columbia and not elsewhere, except as expressly provided by law.

2.2.2. 26 U.S.C. §7601 limits IRS enforcement to internal revenue districts. The President is authorized to establish internal revenue districts pursuant to 26 U.S.C. §7621, but he delegated that authority to the Secretary of the Treasury pursuant to Executive Order 10289. Treasury Order 150-02, signed by the Secretary of the Treasury, says that the only remaining internal revenue district is in the District of Columbia. It eliminated all the other internal revenue districts.

2.2.3. 26 U.S.C. §7701(a)(9) and (a)(10) define the term “United States” as the District of Columbia. Nowhere anyplace else is the tax described in Subtitle A expanded to include anyplace BUT the “United States”.

2.2.4. The U.S. Supreme Court said Congress enjoys NO LEGISLATIVE JURISDICTION within states of the Union and the Internal Revenue Code is “legislation”.

*“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)]*

- 2.2.5. The U.S. Supreme Court said Congress Cannot establish a “trade or business” in a state and tax it. A “trade or business” is the main subject of Subtitle A of the Internal Revenue Code. See the following court cite:

“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.

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

12 [*License Tax Cases*, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)]

13 Based on options above, most people do not have “gross income” as legally defined, and they are actually deceiving the
14 government if they put anything but zero on their income tax return. Because none of the earnings of the typical person
15 who is employed in the private sector can legally be classified as either “income” or “gross income”, what you put down for
16 “gross income” on your tax return boils down to the question of:

17 “How much of my receipts do I want to ‘volunteer’ or ‘elect’ or ‘choose’ to call ‘income’ or ‘gross income’ for
18 the purposes of federal taxes?”

19 How you choose to answer that question then determines the net “donation” (not “tax”, but “donation”) you are making to
20 the federal government based on the tax rate schedule that your fictitious and fabricated “gross income” falls into. As the
21 Great IRS Hoax, Form #11.302 said at the beginning of chapter 5 section 5.1.5, the income tax is “voluntary” and it really
22 meant it! Not only that, but the U.S. Supreme Court agrees with us!

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

25 Returning to our original question, then, “Can a person be simultaneously BOTH a ‘taxpayer’ and a ‘nontaxpayer’?”, the
26 answer is **YES**. Why? Because so long as we as biological people aren’t “employees” (synonymous with elected or
27 appointed officers of the U.S. government) any amount we put down for “gross income” on our tax return is a *voluntary*
28 *choice* and not REAL “gross income” as legally defined. That amount, and ONLY that amount, which we volunteer to
29 define as “gross income” on our tax return makes us a into a “taxpayer”, but only for the specific *sources* of revenue we
30 voluntarily identified as “gross income”! All other monies that we earned are, by definition and implication, *not taxable*
31 and *not “gross income”*, which means that for those “sources” of revenue that are not “gross income”, we are a
32 “nontaxpayer” and NOT a “taxpayer”.

33 So when someone asks you if you are a “taxpayer”, both the question and your answer must be put in the context of a
34 *specific* source of income. You should respond by first asking: “for which revenue *source*?” The answer can seldom be a
35 general “yes” or “no” for ALL RECEIPTS. Consequently, if we put down one cent for “gross income” on our tax return,
36 then ONLY for that source of revenue do we become “taxpayers”. All other sources of revenue for us are, by implication,
37 NOT either “gross income” or “taxable income”, which means that for those revenues and receipts, we are a
38 “nontaxpayer”. Furthermore, once we make the determination of “gross income” and self-assessment on the tax return that
39 only we can do on ourselves, the IRS has NO AUTHORITY to make us into a “taxpayer” or assess us an involuntary
40 liability associated with any receipts other than those that we specifically identify as “gross income”:

41 “Our tax system is based on individual self-assessment and voluntary compliance.”
42 [*Mortimer Caplin, Internal Revenue Audit Manual* (1975)]

43 Remember, the only amount we are responsible for paying is the amount we assess ourselves that appears on a tax return
44 that ONLY WE FILL OUT. The Internal Revenue Manual, Section 5.1.11.6.8 confirms that the IRS is NOT LEGALLY
45 AUTHORIZED to do a Substitute For Return (SFR) on our behalf for the IRS Form 1040 or any of its derivatives (e.g.
46 Forms 1040X, 1040EZ, 1040NR, etc). Furthermore, [26 CFR §1.6151-1](#) confirms that you are only responsible for paying
47 the amount shown on a return (because it says “shall pay”).

48 [*Code of Federal Regulations*]
49 [*Title 26, Volume 12*]
50 [*Revised as of April 1, 2002*]
51 [*From the U.S. Government Printing Office via GPO Access*]
52 [*CITE: 26CFR1.6151-1*]
53 [*Page 980*]

1
2 TITLE 26--INTERNAL REVENUE
3 CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY
4 Procedure and Administration--Table of Contents
5 [Sec. 1.6151-1 Time and place for paying tax shown on returns.](#)

6
7 (a) In general.

8
9 Except as provided in section 6152 and paragraph (b) of this section, **the tax shown on any income tax return shall, without assessment or notice and demand, be paid to the internal revenue officer with whom the return is filed at the time fixed for filing the return** (determined without regard to any extension of time for filing the return). For provisions relating to the time for filing income tax returns, see section 6072 and Secs. 1.6072-1 to 1.6072-4, inclusive. For provisions relating to the place for filing income tax returns, see section 6091 and Secs. 1.6091-1 to 1.6091-4, inclusive.

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16 (b)(1) Returns on which tax is not shown. If a taxpayer files a return and in accordance with section 6014 and the regulations thereunder, elects not to show the tax on the return, the amount of tax determined to be due shall be paid within 30 days after the date of mailing to the taxpayer a notice stating the amount payable and making demand upon the taxpayer therefor. However, if the notice is mailed to the taxpayer more than 30 days before the due date of the return, payment of the tax shall not be required prior to such due date.

21 [26 U.S.C. §6020](#)(b) does *not authorize* the IRS to do an assessment on you because *only you* (as the “sovereign”) can do an assessment on *yourself* for a voluntary donation program called the Internal Revenue Code Subtitle A. The only exception to this rule is under [26 U.S.C. §6014](#), where you can delegate to the IRS the authority to do a return on your behalf, which we don’t recommend. Are you beginning to see through the fog? It took us four years of diligent study to figure this scam out and we are trying to save you some time.

22
23
24
25 We wish to conclude this section by revealing some *very* important implications of being a "nontaxpayer" that we need to be *very* aware of in order to avoid jeopardizing our status and creating a false presumption that we are a "taxpayer", which are summarized below:

- 26
27
28
29 1. You cannot quote any section of the Internal Revenue Code that requires you to be a "taxpayer" in order to claim its benefit. For instance, 26 U.S.C. §7433, which purports to allow anyone to file a suit against an IRS agent for wrongful collection actions, says the following:

30
31
32 [TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter B > § 7433](#)
33 [§ 7433. Civil damages for certain unauthorized collection actions](#)

34 (a) In general

35
36 **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.**

37
38
39
40 Note the phrase above “with respect to a taxpayer”, which are no accident. If you are a “nontaxpayer”, then you have no recourse under the above statute. HOWEVER, you still have recourse under the constitution for deprivation of property without due process of law under the Fifth Amendment. If you filed a lawsuit against an IRS agent, your remedy would then have come from citing the Constitution and possibly also cite the criminal code, which is also positive law, but NOT any part of the I.R.C.

- 41
42
43
44
45 2. You cannot call the Internal Revenue Code "law" or a "statute", but only a "code" or a "title". It can only be "law" if you are a "taxpayer". What makes anything "law" is your consent, according to the Declaration of Independence, and calling the IRC "law" is an admission that you consent to its provisions and are subject to them. See [Great IRS Hoax](#), Form #11.302, Sections 5.4.1 through 5.4.3.6_ for details on this scam.
- 46
47
48
49 3. You cannot fill out and submit any form that can only be used by “taxpayers” nor can you sign any form that uses the word “taxpayer” to identify you. Family Guardian has gone through and created substitute versions of most major IRS Forms to remove such false presumptions from the forms at:
<http://famguardian.org/TaxFreedom/Forms/IRS/IRSFormsPubs.htm>
- 50
51
52
53 4. When you get an IRS notice that either calls you a “taxpayer” or uses a “[Taxpayer Identification Number](#)” (TIN), then the notice is in error and you have a duty to bring this to the attention of the IRS. Only “[taxpayers](#)” can have a TIN. Below is an example form which satisfies this purpose:

54
55

Wrong Party Notice, Form #07.105 http://sedm.org/Forms/ResponseLetters/General/WrongParty.pdf

1 5. You must include the following language in all your correspondence with the tax authorities in order to emphasize your
2 status as a "nontaxpayer":

3 *I look forward to being corrected promptly in anything you believe is inconsistent with reality found in this
4 correspondence or any of its attachments. If you do not respond, I shall conclude that you believe I am a
5 "nontaxpayer" who is neither subject to nor liable for any internal revenue tax.*

6 *"The revenue laws are a code or system in regulation of tax assessment and collection.
7 They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No
8 procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their
9 rights and remedies in due course of law. With them Congress does not assume to deal,
10 and they are neither of the subject nor of the object of the revenue laws..."*

11 *"The distinction between persons and things within the scope of the revenue laws and
12 those without is vital."
13 [[Long v. Rasmussen, 281 F. 236, 238 \(1922\)](#)]*

14 *I remind you that your own IRS mission statement says that you can only help "taxpayers" to understand their
15 tax responsibilities and therefore, if you won't talk with me, the only thing I can logically conclude is that I must
16 not be a "taxpayer" and instead am a "nontaxpayer" not subject to any provision within the I.R.C. In that
17 case, thank you for confirming that I am person outside your jurisdiction and not "liable" for any internal
18 revenue tax:*

19 *IRM [1.1.1.1 \(02-26-1999\)](#) TA \l "IRM 1.1.1.1 (02-26-1999)" \s "IRM 1.1.1.1 (02-26-
20 1999)" \c 3
21 IRS Mission and Basic Organization*

22 *The IRS Mission: **Provide America's taxpayers top quality service** by helping them
23 understand and meet their tax responsibilities and by applying the tax law with integrity
24 and fairness to all.*

25 6. Any IRS publication addressed to "taxpayers" isn't meant for you and you cannot rely upon it. For instance, [IRS](#)
26 [Publication 1 is entitled Your Rights as a Taxpayer](#). The title of this publication is an oxymoron: Taxpayers don't have
27 rights! A "nontaxpayer" cannot cite this pamphlet as authority for defending his rights. We called the IRS and asked
28 them if they have an equivalent pamphlet for "nontaxpayers" and they said no. Then we asked whether the rights
29 mentioned in the pamphlet also apply to "nontaxpayers" and they reluctantly said "yes". Someone wrote an
30 "improved" version of this pamphlet below:

[Your Rights as a Nontaxpayer](#), Form #08.008
<http://sedm.org/Forms/FormIndex.htm>

31 **2 Why the Internal Revenue Code does not describe a lawful "tax" in the case of private parties other than**
32 **public officers**

33 According to the Supreme Court, it is an abuse of the government's taxing power to involve itself in "wealth transfer".
34 Wealth transfer is the essence of socialism. Its purpose is to take from the "haves" and give it to the "have nots", which is
35 institutionalized "theft" if the "haves" do not explicitly consent to the taking.

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

40 ***Nor is it taxation. 'A tax,' says Webster's Dictionary, 'is a rate or sum of money assessed on the person or**
41 **property of a citizen by government for the use of the nation or State.'** 'Taxes are burdens or charges
42 **imposed by the Legislature upon persons or property to raise money for public purposes.'** *Cooley, Const.*
43 **Lim., 479."**
44 **[[Loan Association v. Topeka, 20 Wall. 655 \(1874\)](#)]***

45
46 *"A tax, in the general understanding of the term and as used in the Constitution, signifies an exaction for the
47 support of the government. The word has never thought to connote the expropriation of money from one group
48 for the benefit of another."
49 [[U.S. v. Butler, 297 U.S. 1 \(1936\)](#)]*

1 "In Calder v. Bull, which was here in 1798, Mr. Justice Chase said, that there were acts which the Federal
2 and State legislatures could not do without exceeding their authority, and among them he mentioned a law
3 which punished a citizen for an innocent act; a law that destroyed or impaired the lawful private [labor]
4 contracts [and labor compensation, e.g. earnings from employment through compelled W-4 withholding] of
5 citizens; a law that made a man judge in his own case; and a law that took the property from A [the worker],
6 and gave it to B [the government or another citizen, such as through social welfare programs]. 'It is against
7 all reason and justice,' he added, 'for a people to intrust a legislature with such powers, and therefore it
8 cannot be presumed that they have done it. They may command what is right and prohibit what is wrong; but
9 they cannot change innocence into guilt, or punish innocence as a crime, or violate the right of an
10 antecedent lawful private [employment] contract [by compelling W-4 withholding, for instance], or the right
11 of private property. To maintain that a Federal or State legislature possesses such powers [of THEFT!] if
12 they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in
13 all free republican governments.' 3 Dall. 388."
14 [*Sinking Fund Cases*, 99 U.S. 700 (1878)]

15 Consequently, what "taxpayers" pay to the IRS is not a lawful "tax" as legally defined, but a "donation". If it were a "tax",
16 then it would amount to theft and would be unconstitutional because it's main goal is to abuse the government's taxing
17 power to transfer wealth. The government has no lawful authority to act as a thief on behalf of the less privileged members
18 of society.

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

22 The present assault upon capital [THEFT!] is but the beginning. It will be but the stepping stone to others
23 larger and more sweeping, until our political contest will become war of the poor against the rich; a war of
24 growing intensity and bitterness."
25 [*Supreme Court in Pollock v. Farmers' Loan & Trust Co.*, 157 U.S. 429, 158 U.S. 601 (1895), hearing the case
26 against the first income tax passed by Congress that included people in states of the Union. They declared that
27 first income tax UNCONSTITUTIONAL, by the way]

28 At present, over 56% of federal revenues are used for wealth transfer, according to the Treasury Financial Management
29 Service Website. For a detailed analysis proving this conclusion using the government's own figures, see:

30 <http://famguardian.org/Subjects/Taxes/Research/Analysis-011020.pdf>

31 According to the legislative notes under 1 U.S.C. §204, the Internal Revenue Code, Title 26, is NOT enacted into "positive
32 law". That means the Internal Revenue Code cannot be described as "law" but instead is simply a "Code", or a "Statute",
33 or "Title", but not "law".

34 "Positive law. Law actually and specifically enacted or adopted [approved and consented to] by proper
35 authority for the government [We the People] of an organized jural society. See also Legislation."
36 [*Black's Law Dictionary, Sixth Edition, p. 1162*]

37 "Proper authority" above is the people's elected representatives, because all power in this country derives from We The
38 People.

39 "In the United States, sovereignty resides in the people...the Congress cannot invoke sovereign power of the
40 People to override their will as thus declared."
41 [*Perry v. U.S.*, 294 U.S. 330 (1935)]

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

45 Since the people living in the states never enacted the Internal Revenue Code into "positive law", they as the "sovereigns"
46 in our system of government never consented to enforce it upon themselves. "Positive law" is the only evidence that the
47 people ever explicitly consented to enforcement actions by their government, because legislation can only become positive
48 law by a majority of the representatives of the sovereign people voting to enact the law. Since the people never consented,
49 then the "code" cannot be enforced against the general public and is not "public law" that applies equally to everyone. The
50 Declaration of Independence says that all just powers of government derive from the "consent" of the governed. Anything
51 not consensual is, ipso facto, unjust by implication. In fact, the sovereign People REPEALED, not ENACTED the Internal
52 Revenue Code. It has been nothing but a repealed law since 1939, in fact. An examination of the Statutes at Large, 53 Stat
53 1, Section 4, reveals that the Internal Revenue Code and all prior revenue laws were REPEALED. Below is an excerpt
54 from that section where it was repealed in the Statutes at Large, Volume 53, Part 1, Chapter 2, Page 1:

1 "Sec. 4 REPEAL and SAVINGS PROVISIONS.-

2 (a) The Internal Revenue Title, as hereinafter set forth, is intended to include all general laws of the United
3 States and parts of such laws, relating exclusively to internal revenue, in force on the 2d day of January 1939
4 (1) of a permanent nature and (2) of a temporary nature if embraced in said Internal Revenue Title. In
5 furtherance of that purpose, all such laws and parts of laws codified herein, to the extent they relate exclusively
6 to internal revenue, are repealed, except as provided in section 5, on the day following the date of enactment of
7 this act."
8 [53 Stat. 1, Section 4, Part 1, Chapter 2, p. 1]

9 See below for the original version of the above:

10 Statutes At Large, 53 Stat. 1, Section 4, Part 1, Chapter 2, p. 1, Exhibit #05.027
11 <http://sedm.org/Exhibits/ExhibitIndex.htm>

12 If the Internal Revenue Code is not "positive law", then every regulation that implements it does not have the force of
13 "law" either except against those who privately and individually consented to it. Consequently, the "code" and the
14 regulations that implement it are nothing but a state-sponsored official religion not unlike the early Anglican Church was.
15 The I.R.C. Subtitle A is a government franchise agreement that is private law which has been craftily disguised by covetous
16 lawyers to "look" like "public law" and in which your consent to the agreement was procured stealthily and invisibly.

17 "*Private law.* That portion of the law which defines, regulates, enforces, and administers relationships among
18 individuals, associations, and corporations. As used in contradistinction to public law, the term means all that
19 part of the law which is administered between citizen and citizen, or which is concerned with the definition,
20 regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person
21 upon whom the obligation is incident are private individuals. See also Private bill; Special law. Compare
22 Public Law."
23 [Black's Law Dictionary, Sixth Edition, p. 1196]

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

35 The only reasons anyone follows a repealed "code" or volunteers for a government franchise that conveys NO BENEFITS
36 is one of the following:

- 37 1. They are dangerously stupid.
- 38 2. They want to be part of the official state sponsored religion and be "politically correct".
- 39 3. They are addicted to some government benefit or "privilege" that they are afraid they will lose if they stop paying
40 income taxes.
- 41 4. They are more afraid of what a corrupted tyrant judge with a conflict of interest will do to them than what God will do
42 to them for disobeying His laws. God's laws say we cannot be slaves to any man and that we cannot worship false gods
43 or "priests" of false gods such as tyrant judges who are perpetuating the worship and obedience to socialism and
44 humanism.
- 45 5. They have never been taught what the truth is about the nature of the I.R.C. as a franchise and a state sponsored
46 religion.

47 We call this state-sponsored religion the "Civil Religion of Socialism and Humanism" and we have written an entire book
48 about it:

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

51 One of the reasons why the I.R.C. isn't "public law" and can never be anything other than private law that only applies to
those who individually consent is that the First Amendment prohibits establishing religion by law and prohibits involuntary
servitude, such as in connection with one's earnings from labor. Therefore, Congress wrote a "proposal" or franchise

1 agreement called the Internal Revenue Code, lied about and omitted to talk about in the courts its true nature, and then
2 duped everyone into accepting the contract by sending in the wrong tax form to the IRS which is the Form 1040.
3 Compliance with this constructive franchise contract is then maintained by “judge made law”, because Congress put the
4 federal judiciary under the control of the IRS for the first time starting in 1932. The judges rebelled, but Congress was so
5 sneaky how they did it that the Supreme Court essentially admitted in 1938 in *O’Malley v. Woodrough* that they couldn’t
6 stop them. From that point on, the judges would be afraid of being destroyed or terrorized by the IRS if they didn’t rule in
7 the IRS’ favor¹. The First Amendment doesn’t prohibit the judiciary from establishing a religion, and that is exactly what
8 these corrupted judges have done under the influence of IRS extortion. Remember what the Declaration of Independence
9 says on this subject and the complaint we had about the British King that caused us to rebel during the American
10 Revolution? Well the very same problem is again back in our midst, and what, pray tell, are you, a concerned and patriotic
11 American, going to do to eliminate this corruption?:

12 *“He has made Judges dependent on his [the Executive Branch/President and the IRS he controls] Will alone,*
13 *for the tenure of their offices, and the amount and payment of their salaries.*

14 *“He has erected a multitude of New [IRS] Offices, and sent hither swarms of Officers to harass our people,*
15 *and eat out their substance.”*

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

17 Instead, the IRC can only be enforced against legal “persons” whose consent is not required. The only persons that fit that
18 description are federal instrumentalities, “public officers”, and “employees”. The Internal Revenue Code amounts to an
19 implied employment agreement or contract between the United States government and the federal “public officers”,
20 “employees”, and “benefit recipients” who work for it. Those who don’t want to consent to the employment contract
21 simply will do so by not seeking federal office or employment. Those who work for or contract with the federal
22 government, by virtue of being granted the privilege, must refund a portion of their paycheck back to the government. The
23 amount “returned” is the “tax” and the “gross income” upon which it is based is all the earnings from the “public office”,
24 which is called “income effectively connected with a trade or business in the United States” under the I.R.C. That is why
25 what “taxpayers” file at the end of every year is called a “return”. There is a very good reason it is called a “return”, folks!
26 Those who receive this government “overpayment”, while it is temporarily in their possession, are treated as “transferees”
27 and fiduciaries of the federal government until the money is returned to its rightful owner. What this scheme amounts to
28 essentially is a “federal employee kickback program” disguised to look like a lawful income tax. The nature of this
29 kickback program is exhaustively explained in the fascinating book *IRS Humbug: IRS Weapons of Enslavement*, ISBN 0-
30 9626552-0-1, 1991, by Universalistic Publishers.

31 Why was this elaborate kickback deception necessary rather than just enacting a *real* positive law income tax? The reason
32 is because the Constitution forbids direct taxes in Article 1, Section 9, Clause 4 and Article 1, Section 2, Clause 3. The
33 slick weasel lawyers in Congress knew that the Constitution forbade them from interfering with the private right to contract
34 between people living in the states and the employers and businesses they worked for.² Therefore, our dishonest public
35 servants took the back door by essentially modifying the only employment agreement they had direct control over, which
36 was that of their own federal employees and officers. Then they tried to deceive the people living in the states into falsely
37 believing that they were also the subject of this federal employee kickback program so that they could literally STEAL their
38 money under the pretext of lawful authority. This deception was accomplished by obfuscating the Internal Revenue Code
39 and by using several key “words of art” with special definitions that people would overlook. Now do you know why they
40 call it “the code”? It’s encrypted. What this “scheme” amounts to essentially is constructive fraud and “extortion under the
41 color of law” and it is highly illegal if anyone else BUT the IRS does it. The scam started in 1862 and was instituted as an
42 “emergency measure” to pay for the Civil War, but it survives to this day to plague us. Since that time, the scoundrels have
43 taken great pains to obfuscate IRS Forms, publications, and the Internal Revenue Code to fool the average person into
44 believing that they are “employees” under the I.R.C and thereby expand the operation of the “scheme”. See Great IRS
45 Hoax, Form #11.302, Section 5.6.13 for more complete details on this monumental scam.

Great IRS Hoax, Form #11.302

<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

46 Don’t believe us? We’ve got a signed admission by one of the government’s own employees that this is the case. See:

47 Cynthia Mills Letter , IRS Disclosure Officer Hoverale Letter, SEDM Exhibit #09.023

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

¹ See *O’Malley v. Woodrough*, 307 U.S. 277 (1938) and Great IRS Hoax, section 6.9.9.

² See U.S. Constitution, Article 1, Section 10, as well as the U.S. Supreme Court’s ruling in the *Sinking Fund Cases*, 99 U.S. 700 (1878).

1 **3 Why Subtitle A of the Internal Revenue Code only applies to “aliens/residents” engaged in a “trade or**
2 **business” who are domiciled on federal territory**

3 The tax is imposed only on “aliens” and “nonresident aliens”, both of whom MUST have income “effectively connected
4 with a trade or business in the United States”:

5 NORMAL TAXES AND SURTAXES
6 DETERMINATION OF TAX LIABILITY
7 Tax on Individuals
8 Sec. 1.1-1 Income tax on individuals.

9 (a)(2)(ii) For taxable years beginning after December 31, 1970, the tax imposed by section 1(d) [Married
10 individuals filing separate returns], as amended by the Tax Reform Act of 1969, shall apply to the income
11 effectively connected with the conduct of a ***trade or business in the United States*** by
12 a ***married alien individual who is a nonresident of the United States for all or part of the taxable year or by a***
13 ***foreign estate or trust***. For such years the tax imposed by section 1(c) [unmarried individuals], as amended by
14 such Act, shall apply to the income effectively connected with the conduct of a trade or business in the United
15 States by an ***unmarried alien individual (other than a surviving spouse) who is a nonresident of the United***
16 ***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)]

17 Therefore, the only “taxpayers” are aliens engaging in a privileged “trade or business”, which the code then defines as a
18 “public office” in the United States government.

19 [26 U.S.C. § 7701\(a\)\(26\)](#)

20 “The term ‘trade or business’ [includes](#) [is limited to] the performance of the functions of a [public office](#).”

22 Public Office, pursuant to Black’s Law Dictionary, Abridged Sixth Edition, means:
23 “Essential characteristics of a ‘public office’ are:

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

34 The only place that public offices may exist is in the seat of government, as required by 4 U.S.C. §72:

35 [TITLE 4 > CHAPTER 3 > Sec. 72.](#)
36 [Sec. 72. - Public offices; at seat of Government](#)

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

39 The above explains why the “United States” is defined ONLY as the “District of Columbia” in the Internal Revenue Code:

40 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701 \[Internal Revenue Code\]](#)
41 [§ 7701. Definitions](#)

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

44 (9) “United States

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

47 (10) “State

1 The term "State" shall be construed to include the District of Columbia, where such construction is necessary to
2 carry out provisions of this title."
3

4 [8 U.S.C. §1101\(a\)\(36\)](#): State [Aliens and Nationality]

5 The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United
6 States.

7 Those who do not hold "public office" do not earn "gross income", as confirmed by the code:

8 [TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter N > PART 1 > Sec. 864.](#)
9 [Sec. 864.](#) - Definitions and special rules

10 (b) [Trade or business within the United States](#)

11 For purposes of [this part \[part I\], part II, and chapter 3](#), the term "trade or business within the United States"
12 includes the performance of [personal services](#) within the United States at any time within the taxable year, but
13 **does not include** -

14 **(1) Performance of personal services for foreign employer**

15 The performance of [personal services](#) -

16 (A) for a [nonresident alien](#) individual, foreign partnership, or foreign corporation, not engaged in trade
17 or business within the United States, or

18 (B) for an office or place of business maintained in a foreign country or in a possession of the [United](#)
19 [States](#) by an individual who is a citizen or resident of the United States or by a domestic partnership or a
20 domestic corporation, by a nonresident alien individual temporarily present in the United States for a
21 period or periods not exceeding a total of 90 days during the taxable year and whose compensation for
22 such services does not exceed in the aggregate \$3,000.

23
24 26 CFR
25 Sec. 1.864-2 Trade or business within the United States.

26 (b) Performance of personal services for foreign employer--(1) **Excepted services.** For purposes of paragraph
27 (a) of this section, **the term "engaged in trade or business within the United States" does not include the**
28 **performance of personal services--**

29 (i) **For a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in**
30 **trade or business within the United States at any time during the taxable year, or**

31 Incidentally, the states of the Union qualify as "foreign countries" mentioned above, as you will also learn later in Section
32 7. Hence, most "taxpayers" under Subtitle A of the I.R.C. are in fact employees, agencies, or instrumentalities of the U.S.
33 government who in fact are "resident aliens". This is further clarified in 26 CFR §1.1441-1(c)-3:

34 WITHHOLDING OF TAX ON NONRESIDENT ALIENS AND FOREIGN CORPORATIONS AND TAX-FREE
35 COVENANT BONDS
36 Nonresident Aliens And Foreign Corporations
37 Sec. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

38 (c) Definitions

39 (3) Individual.

40 (i) Alien individual.

41 The term alien individual means an individual who is not a citizen or a national of the United States. See
42 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.

The “nonresident alien” above they are talking about became a “resident alien” by making what is called an “election”, as authorized in [26 U.S.C. §6013\(g\)](#) and (h) or [26 U.S.C. §7701\(b\)\(4\)](#). The decision to engaged in a privileged “trade or business” and “public office” also constitutes the equivalent of an “election” by a “nonresident alien” to be treated as a “resident alien” under the I.R.C., which is confirmed by older versions of Treasury Regulation 26 CFR §301.7701-5:

[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]*

Finally, for those who like to try to “stretch” the jurisdiction of the United States beyond its clear Constitutional Limits, the use of the term “includes” in any of the definitions cited in this section does *not* expand the definitions one iota beyond the clear language used. See our article on this subject below, and please send us your rebuttal if you disagree:

[Meaning of the Words “Includes” and “Including”, Form #05.014](#)
<http://sedm.org/Forms/FormIndex.htm>

4 Two Taxing Jurisdictions under the I.R.C.: “National” v. “Federal”

Now that we have established the fine line between lawful, public use taxation and unlawful private use taxation, next we concern ourselves with the authority of the federal government to enforce the payment of either. The government deception gets worst, folks. Congress legislates for two separate legal and political and territorial jurisdictions:

1. The states of the Union under the requirements of the Constitution of the United States. In this capacity, it is called the “federal/general government”.
2. The District of Columbia, U.S. possessions and territories, and enclaves within the states. In this capacity, it is called the “national government”. The authority for this jurisdiction derives from Article 1, Section 8, Clause 17 of the United States Constitution. All laws passed essentially amount to municipal laws for federal property, and in that capacity, Congress is not restrained by either the Constitution or the Bill of Rights. We call the collection of all federal territories, possessions, and enclaves within the states “the federal zone” throughout this document.

The U.S. Supreme Court confirmed the above when it said:

“It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities was the law in question passed?”
[\[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265; 5 L.Ed. 257 \(1821\)\]](#)

1 James Madison, one of our founding fathers, described these two separate jurisdictions in Federalist Paper No. 39, when he
2 said:

3 *First. In order to ascertain the real character of the government, it may be considered in relation to the*
4 *foundation on which it is to be established; to the sources from which its ordinary powers are to be drawn; to*
5 *the operation of those powers; to the extent of them; and to the authority by which future changes in the*
6 *government are to be introduced.*

7 *On examining the first relation, it appears, on one hand, that the Constitution is to be founded on the assent and*
8 *ratification of the people of America, given by deputies elected for the special purpose; but, on the other, that*
9 *this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as*
10 *composing the distinct and independent States to which they respectively belong. It is to be the assent and*
11 *ratification of the several States, derived from the supreme authority in each State, the authority of the people*
12 *themselves. The act, therefore, establishing the Constitution, will not be a NATIONAL, but a FEDERAL act.*

13 **That it will be a federal and not a national act, as these terms are understood by the objectors; the act of the**
14 **people, as forming so many independent States, not as forming one aggregate nation, is obvious from this**
15 **single consideration, that it is to result neither from the decision of a MAJORITY of the people of the Union,**
16 **nor from that of a MAJORITY of the States.** *It must result from the UNANIMOUS assent of the several States*
17 *that are parties to it, differing no otherwise from their ordinary assent than in its being expressed, not by the*
18 *legislative authority, but by that of the people themselves. Were the people regarded in this transaction as*
19 *forming one nation, the will of the majority of the whole people of the United States would bind the minority, in*
20 *the same manner as the majority in each State must bind the minority; and the will of the majority must be*
21 *determined either by a comparison of the individual votes, or by considering the will of the majority of the*
22 *States as evidence of the will of a majority of the people of the United States. Neither of these rules have been*
23 *adopted. Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others,*
24 *and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be*
25 *a FEDERAL, and not a NATIONAL constitution.*

26 *The next relation is, to the sources from which the ordinary powers of government are to be derived. **The***
27 **House of Representatives will derive its powers from the people of America; and the people will be**
28 **represented in the same proportion, and on the same principle, as they are in the legislature of a particular**
29 **State. So far the government is NATIONAL, not FEDERAL.** *The Senate, on the other hand, will derive its*
30 *powers from the States, as political and coequal societies; and these will be represented on the principle of*
31 *equality in the Senate, as they now are in the existing Congress. So far the government is FEDERAL, not*
32 *NATIONAL. The executive power will be derived from a very compound source. The immediate election of the*
33 *President is to be made by the States in their political characters. The votes allotted to them are in a compound*
34 *ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same*
35 *society. The eventual election, again, is to be made by that branch of the legislature which consists of the*
36 *national representatives; but in this particular act they are to be thrown into the form of individual delegations,*
37 *from so many distinct and coequal bodies politic. From this aspect of the government it appears to be of a*
38 *mixed character, presenting at least as many FEDERAL as NATIONAL features.*

39 **The difference between a federal and national government, as it relates to the OPERATION OF THE**
40 **GOVERNMENT, is supposed to consist in this, that in the former the powers operate on the political bodies**
41 **composing the Confederacy, in their political capacities; in the latter, on the individual citizens composing**
42 **the nation, in their individual capacities.** *On trying the Constitution by this criterion, it falls under the*
43 *NATIONAL, not the FEDERAL character; though perhaps not so completely as has been understood. In several*
44 *cases, and particularly in the trial of controversies to which States may be parties, they must be viewed and*
45 *proceeded against in their collective and political capacities only. So far the national countenance of the*
46 *government on this side seems to be disfigured by a few federal features. But this blemish is perhaps*
47 *unavoidable in any plan; and the operation of the government on the people, in their individual capacities, in its*
48 *ordinary and most essential proceedings, may, on the whole, designate it, in this relation, a NATIONAL*
49 *government.*

50 **But if the government be national with regard to the OPERATION of its powers, it changes its aspect again**
51 **when we contemplate it in relation to the EXTENT of its powers.** *The idea of a national government involves in*
52 *it, not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so*
53 *far as they are objects of lawful government. Among a people consolidated into one nation, this supremacy is*
54 *completely vested in the national legislature. Among communities united for particular purposes, it is vested*
55 *partly in the general and partly in the municipal legislatures. In the former case, all local authorities are*
56 *subordinate to the supreme; and may be controlled, directed, or abolished by it at pleasure. In the latter, the*
57 *local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within*
58 *their respective spheres, to the general authority, than the general authority is subject to them, within its own*
59 *sphere. **In this relation, then, the proposed government cannot be deemed a NATIONAL one; since its***
60 **jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and**
61 **inviolable sovereignty over all other objects.** *It is true that in controversies relating to the boundary between*
62 *the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the general*
63 *government. But this does not change the principle of the case. The decision is to be impartially made,*

1 according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure
2 this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of
3 the compact; and that it ought to be established under the general rather than under the local governments, or,
4 to speak more properly, that it could be safely established under the first alone, is a position not likely to be
5 combated.

6 If we try the Constitution by its last relation to the authority by which amendments are to be made, we find it
7 neither wholly NATIONAL nor wholly FEDERAL. Were it wholly national, the supreme and ultimate authority
8 would reside in the MAJORITY of the people of the Union; and this authority would be competent at all times,
9 like that of a majority of every national society, to alter or abolish its established government. Were it wholly
10 federal, on the other hand, the concurrence of each State in the Union would be essential to every alteration
11 that would be binding on all. The mode provided by the plan of the convention is not founded on either of these
12 principles. In requiring more than a majority, and principles. In requiring more than a majority, and
13 particularly in computing the proportion by STATES, not by CITIZENS, it departs from the NATIONAL and
14 advances towards the FEDERAL character; in rendering the concurrence of less than the whole number of
15 States sufficient, it loses again the FEDERAL and partakes of the NATIONAL character.

16 The proposed Constitution, therefore, is, in strictness, neither a national nor a federal Constitution, but a
17 composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers
18 of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is
19 national, not federal; in the extent of them, again, it is federal, not national; and, finally, in the authoritative
20 mode of introducing amendments, it is neither wholly federal nor wholly national.

21 PUBLIUS.
22 [[Federalist Paper No. 39](#), James Madison]

23 Based on Madison's comments, a "national government" operates upon and derives its authority from individual citizens
24 whereas a "federal government" operates upon and derives its authority from states. The only place where the central
25 government may operate directly upon the individual through the authority of law is within federal territory. Hence, when
26 courts use the word "national government", they are referring to federal territory only and to no part of any state of the
27 Union. The federal government has no jurisdiction within a state of the Union and therefore cannot operate directly upon
28 the individual there.

29 "It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, [247](#)
30 [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**
31 **internal affairs of the states; and emphatically not with regard to legislation.**"
32 [[Carter v. Carter Coal Co.](#), [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

33 These two political/legal jurisdictions, federal territory v. states of the Union, are separate sovereignties, and the
34 Constitution dictates that these two distinct sovereignties MUST remain separate because of the Separation of Powers
35 Doctrine:

36 "§79. This sovereignty pertains to the people of the United States as national citizens only, and not as citizens
37 of any other government. **There cannot be two separate and independent sovereignties within the same limits or**
38 **jurisdiction; nor can there be two distinct and separate sources of sovereign authority within the same**
39 **jurisdiction. The right of commanding in the last resort can be possessed only by one body of people inhabiting**
40 **the same territory, and can be executed only by those intrusted with the execution of such authority.**"
41 [[Treatise on Government, Form #11.207, Joel Tiffany, p. 49, Section 78;](#)
42 SOURCE: <http://famguardian.org/Publications/TreatiseOnGovernment/TreatOnGovt.pdf>]

43 The vast majority of all laws passed by Congress apply to the latter jurisdiction above: the federal zone. The Internal
44 Revenue Code actually describes the revenue collection "scheme" for these two completely separate political and legal
45 jurisdictions and the table below compares the two. In the capacity as the "national government", the I.R.C. in Subtitles A
46 (income tax), B (inheritance tax), and C (employment tax) acts as the equivalent of a state income tax for the municipal
47 government of the District of Columbia only. In the capacity of the "federal government", the I.R.C. in subtitle D acts as
48 an excise tax on imports only. The difference between the "national government" and the "federal/general government" is
49 discussed in section 4.7 of the [Great IRS Hoax](#), Form #11.302, if you would like to review:

1 **Table 1: Two jurisdictions within the I.R.C.**

#	Description	Legislative jurisdiction	
		“National government” of the District of Columbia	“Federal government” of the states of the Union
1	Constitutional authority for revenue collection	Article 1, Section 8 , Clause 1 Article 1, Section 8, Clause 17	Article 1, Section 8, Clause 3
2	Type of jurisdiction exercised	Plenary Exclusive	Subject matter
3	Nature of tax	Indirect excise tax upon privileges of federal employment (“public office”)	Indirect excise tax on <u>imports only</u> Excludes <u>exports</u> from states (Constitution 1:9:5) Excludes commerce exclusively <u>within</u> states
4	Taxable objects	<i>Internal</i> to the Federal zone	<i>External</i> to the states of the Union
5	Region to which collections apply	Federal zone ONLY: District of Columbia, territories and possessions of the United States	The 50 states, harbors, ports of entry for imports
6	Revenue Collection Agency	Internal Revenue Service (IRS)	U.S. Customs (Dept. of the Treasury)
7	Authority for collection within the Internal Revenue Code	Subtitle A: Income Taxes Subtitle B: Estate and Gift taxes Subtitle C: Employment taxes Subtitle E: Alcohol, Tobacco, and Certain Other Excise Taxes	Subtitle D: Miscellaneous Excise Taxes
8	Revenue collection applies to	1. Federal “employees”, or those engaged in a “public office”. 2. “U.S. citizens” under 8 U.S.C. §1401 living abroad in receipt of federal payments.	Federal corporations involved in foreign commerce
9	Taxable “activities”	1. “trade or business”, which is defined as “the functions of a public office” in 26 U.S.C. §7701(a)(26) , conducted within the “District of Columbia” which is defined as the “United States” in 26 U.S.C. §7701(a)(9) and (a)(10). 2. Transfer of property from people who died in the federal zone to their heirs (I.R.C. Subtitle B).	Foreign Commerce under 26 U.S.C. §7001 .
10	Revenues pay for	Socialism/communism	Protection of states of the Union, including military, courts, and jails.
11	Revenue collection functions like	Municipal/state government income tax	Federal tax on foreign commerce
12	Definition of the term “United States” found in	1. 26 U.S.C. §7701(a)(9) and (a)(10) 2. 26 U.S.C. §3121(e)	26 U.S.C. §4612
13	Example “taxes”	1. W-4 withholding on federal “employees” 2. Estate taxes 3. Social security 4. Medicare 5. Alcohol, tobacco, and firearms under U.S.C. Title 27	Taxes on imported fuels
14	Applicable tax forms	941, 1040, 1040NR, 1120, W-2, W-4	CF 6084 (customs bill)

2 The “plenary” jurisdiction described above means exclusive sovereignty which is not shared by any other sovereignty and
3 which is exercised over territorial lands owned by or ceded to the federal government under Article 1, Section 8, Clause 17
4 of the Constitution. Here is a cite that helps confirm what we are saying about the “plenary” word above:

Who are “taxpayers” and who needs a “Taxpayer Identification Number”?

1 *"In dealing with the meaning and application of an act of Congress enacted in the exercise of its plenary power*
2 *under the Constitution to tax income and to grant exemptions from that tax [in its own territories and*
3 *possessions ONLY but NOT in the states of the Union], it is the will of Congress which controls, and the*
4 *expression of its will, in the absence of language evidencing a different purpose, should be interpreted 'so as to*
5 *give a uniform application to a nation-wide scheme of taxation'. Burnet v. Harmel, 287 U.S. 103, 110, 53 S.Ct.*
6 *74, 77. Congress establishes its own criteria and the state law may control [in federal territories and*
7 *possessions] only when the federal taxing act by express language or necessary implication makes its*
8 *operation dependent upon state law. Burnet v. Harmel, supra. See Burk-Waggoner Oil Association v. Hopkins,*
9 *269 U.S. 110, 111, 114 S., 46 S.Ct. 48, 49; Weiss v. Wiener, 279 U.S. 333, 49 S.Ct. 337; Morrissey v.*
10 *Commissioner, 296 U.S. 344, 356, 56 S.Ct. 289, 294. Compare Crooks v. Harrelson, 282 U.S. 55, 59, 51 S.Ct.*
11 *49, 50; Poe v. Seaborn, 282 U.S. 101, 109, 110 S., 51 S.Ct. 58; Blair v. Commissioner, 300 U.S. 5, 9, 10 S., 57*
12 *S.Ct. 330, 331."*
13 [*Lyeth v. Hoey, 305 U.S. 188, 59 S. Ct 155 (1938)*]

14 Why is such jurisdiction "plenary" or "exclusive"? Because all those who file IRS 1040 returns implicitly consent to be
15 treated as "virtual residents" of the District of Columbia, over which Congress has exclusive legislative jurisdiction under
16 [Article 1, Section 8](#), Clause 17 of the Constitution!:

17 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#)
18 [Sec. 7701. – Definitions](#)

19 (a)(39) *Persons residing outside [the federal] United States*

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

23 (A) *jurisdiction of courts, or*
24 (B) *enforcement of summons.*

25 Because kidnapping is illegal under [18 U.S.C. §1201](#), people living in states of the Union subject to the provisions above
26 must be volunteers and must explicitly consent to participate in federal taxation by filling out the WRONG tax form, which
27 is the 1040, and signing it under penalty of perjury. The [IRS Published Products Catalog for 2003, Document 7130](#)
28 confirms that those who file IRS Form 1040 do indeed declare themselves to be "citizens or residents of the [federal]
29 United States", which is untrue for the vast majority of Americans:

30 1040A 11327A Each
31 U.S. Individual Income Tax Return

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

34 W:CAR:MP:FP:F:I Tax Form or Instructions
35 [[IRS Published Products Catalog, Year 2003, p. F-15](#)]

36 It is also worth noting that the term "individual" as used above is NOWHERE defined in the Internal Revenue Code and
37 that the ONLY definition we have found describes ONLY federal "employees", in 5 U.S.C. §552a(a)(2). This is further
38 exhaustively analyzed in the fascinating memorandum of law below to conclude that the main "taxpayers" under Internal
39 Revenue Code, Subtitle A are all "public officers" who work for or are instrumentalities of the national and not federal
40 government:

[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>

41 If American Nationals domiciled in the states of the Union would learn to file with their correct status using the form
42 1040NR as "nationals" and "nonresident aliens", then most Americans wouldn't owe anything under the provisions of [26](#)
43 [U.S.C. §871](#)! The U.S. Congress and their IRS henchmen have become "sheep poachers", where you, a person living in
44 state of the Union and outside of federal legislative jurisdiction, are the "sheep". They are "legally kidnapping" people
45 away from the Constitutional protections of their domicile within states using deceptive forms so that they volunteer into
46 exclusive federal jurisdiction.

47 Notice the use of the term "nation-wide" in the *Lyeth* case above, which we now know means the "national government" in
48 the context of its jurisdiction over federal territories, possessions, and the District of Columbia and which excludes states of

1 the Union. They are just reiterating that federal jurisdiction over the federal zone is “exclusive” and “plenary” and that
2 state law only applies where Congress consents to delegate authority, under the rules of “comity”, to the state relating to
3 taxing matters over federal areas within the exterior limits of a state.

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

12 An example of this kind of “comity” is the Buck Act, [4 U.S.C. §§110-113](#), in which [4 U.S.C. §106](#) delegates authority to
13 federal territories and possessions, but not states of the Union, to tax areas within their boundaries subject to exclusive
14 federal jurisdiction. That jurisdiction then is mentioned in the context of [5 U.S.C. §5517](#) as applying ONLY to federal
15 “employees”.

16 The above table is confirmed by the Supreme Court in the case of *Downes v. Bidwell*, which said on the subjects covered by
17 the table:

18 “*Loughborough v. Blake*, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original
19 record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose
20 a direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. **It was insisted that Congress**
21 **could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local**
22 **legislature for the District of Columbia.** In the latter character, it was admitted that the power of levying direct
23 taxes might be exercised, **but for District purposes only**, as a state legislature might tax for state purposes; but
24 that it could not legislate for the District under art. 1, 8, giving to Congress the power ‘to lay and collect taxes,
25 imposts, and excises,’ which ‘shall be uniform throughout the United States,’ **inasmuch as the District was no**
26 **part of the United States [described in the Constitution].** It was held that the grant of this power was a general
27 one without limitation as to place, and consequently extended to all places over which the government extends;
28 and that it extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2,
29 declares that ‘representatives and direct taxes shall be apportioned among the several states . . . according to
30 their respective numbers’ furnished a standard by which taxes were apportioned, but not to exempt any part of
31 the country from their operation. ‘The words used do not mean that direct taxes shall be imposed on states only
32 which are represented, or shall be apportioned to representatives; **but that direct taxation, in its application to**
33 **states, shall be apportioned to numbers.**’ That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion
34 to the census, was applicable to the District of Columbia, ‘and will enable Congress to apportion on it its just
35 and equal share of the burden, with the same accuracy as on the respective states. If the tax be laid in this
36 proportion, it is within the very words of the restriction. It is a tax in proportion to the census or enumeration
37 referred to.’ It was further held that the words of the 9th section did not ‘in terms require that the system of
38 direct taxation, when resorted to, shall be extended to the territories, as the words of the 2d section require that
39 it shall be extended to all the states. They therefore may, without violence, be understood to give a rule when
40 the territories shall be taxed, without imposing the necessity of taxing them.”

41 “**There could be no doubt as to the correctness of this conclusion, so far, at least, as it applied to the District**
42 **of Columbia.** This District had been a part of the states of Maryland and [182 U.S. 244, 261] Virginia. It had
43 been subject to the Constitution, and was a part of the United States[***]. **The Constitution had attached to it**
44 **irrevocably. There are steps which can never be taken backward. The**
45 **tie that bound the states of Maryland and Virginia to the Constitution could not be dissolved, without at least**
46 **the consent of the Federal and state governments to a formal separation. The mere cession of the District of**
47 **Columbia to the Federal government relinquished the authority of the states, but it did not take it out of the**
48 **United States or from under the aegis of the Constitution. Neither party had ever consented to that**
49 **construction of the cession. If, before the District was set off, Congress had passed an unconstitutional act**
50 **affecting its inhabitants, it would have been void.** If done after the District was created, it would have been
51 equally void; in other words, Congress could not do indirectly, by carving out the District, what it could not do
52 directly. The District still remained a part of the United States, protected by the Constitution. Indeed, it would
53 have been a fanciful construction to hold that territory which had been once a part of the United States ceased
54 to be such by being ceded directly to the Federal government.”

55 [. . .]

56 “Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and
57 uniform to the effect [182 U.S. 244, 279] that **the Constitution is applicable to territories acquired by purchase**
58 **or conquest, only when and so far as Congress shall so direct.** Notwithstanding its duty to ‘guarantee to every
59 state in this Union a republican form of government’ (art. 4, 4), by which we understand, according to the
60 definition of Webster, ‘a government in which the supreme power resides in the whole body of the people, and is
61 exercised by representatives elected by them,’ Congress did not hesitate, in the original organization of the

1 territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan,
2 Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing
3 a much greater analogy to a British Crown colony than a republican state of America, and to vest the
4 legislative power either in a governor and council, or a governor and judges, to be appointed by the President.
5 It was not until they had attained a certain population that power was given them to organize a legislature by
6 vote of the people. In all these cases, as well as in territories subsequently organized west of the Mississippi,
7 Congress thought it necessary either to extend to Constitution and laws of the United States over them, or to
8 declare that the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of
9 the writ of habeas corpus, as well as other privileges of the bill of rights.”
10 [Downes v. Bidwell, [182 U.S. 244](#) (1901)]

11 **5 Legal Authorities Proving that Most Americans are Not the Proper Subject of Federal Income Taxes**

12 This section contains a list of all the sources of evidence we can find that validate the view that participation in the
13 franchise agreement and excise tax codified in Internal Revenue Code Subtitle A is voluntary for those who choose not to
14 volunteer, which people are called “non-taxpayers” by the courts:

- 15 1. Federal statutory law may not be DIRECTLY enforced against members of the general public without publication in
16 the Federal Register of implementing regulations.

17 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552](#)
18 [§ 552. Public information; agency rules, opinions, orders, records, and proceedings§ 1508. Publication in](#)
19 [Federal Register as notice of hearing](#)

20 *Except to the extent that a person has actual and timely notice of the terms thereof, **a person may not in any***
21 ***manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal***
22 ***Register and not so published.** For the purpose of this paragraph, matter reasonably available to the class of*
23 *persons affected thereby is deemed published in the Federal Register when incorporated by reference therein*
24 *with the approval of the Director of the Federal Register.*
25

26 [26 CFR §601.702](#) Publication and public inspection

27 (a)(2)(ii) Effect of failure to publish.

28 *Except to the extent that a person has actual and timely notice of the terms of any matter referred to in*
29 *subparagraph (1) of this paragraph which is required to be published in the Federal Register, **such person is***
30 ***not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is***
31 ***not incorporated by reference therein pursuant to subdivision (i) of this subparagraph. Thus, for example,***
32 ***any such matter which imposes an obligation and which is not so published or incorporated by reference will***
33 ***not adversely change or affect a person's rights.***

34 The only exceptions to the above rule are the following

- 35 1.1. A military or foreign affairs function of the United States. [5 U.S.C. §553\(a\)\(1\)](#) .
- 36 1.2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. [5](#)
37 [U.S.C. §553\(a\)\(2\)](#) .
- 38 1.3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. [44 U.S.C. §1505\(a\)\(1\)](#).

39 There are NO regulations authorizing enforcement of the Internal Revenue Code Subtitle A income tax, and therefore,
40 it may ONLY lawfully be enforce against members of the above three specifically exempted groups. For further
41 details on this subject along with an itemized list of the MISSING regulations, see:

[IRS Due Process Meeting Handout](#), Form #03.008
<http://sedm.org/Forms/FormIndex.htm>

- 42 2. Private entities, states and political subdivisions are NOT REQUIRED to enter into federal payroll deduction
43 agreements:

44 *Internal Revenue Manual*
45 [5.14.10.2 \(09-30-2004\) Payroll Deduction Agreements](#)

46 2. *Private employers, states, and political subdivisions are not required to enter into payroll deduction*
47 *agreements. Taxpayers should determine whether their employers will accept and process executed agreements*
48 *before agreements are submitted for approval or finalized.*
49 *[SOURCE: <http://www.irs.gov/irm/part5/ch14s10.html>]*

3. The only people who earn reportable "wages" on an IRS Form W-2 are those who VOLUNTARILY sign and submit IRS Form W-4. Those who don't earn no "wages". Therefore, if IRS directs the private employer to withhold at "single-zero" because the employee won't sign a form W-4, they cannot withhold ANYTHING because the withholding must be computed on reportable "wages" earned and NOT all earnings.

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".

4. The filing of a withholding agreement (W-4 or W-9) or its equivalent is voluntary [26 CFR 31.§3402(p)-1(b)].

[Code of Federal Regulations]
[Title 26, Volume 15]
[Revised as of April 1, 2006]
From the U.S. Government Printing Office via GPO Access
[CITE: 26CFR31.3402(p)-1]
[Page 258-259]

TITLE 26--INTERNAL REVENUE
CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY (CONTINUED)
PART 31_EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE--Table of Contents
Subpart E
Collection of Income Tax at Source
Sec. 31.3402(p)-1 Voluntary withholding agreements.

(b) Form and duration of agreement.

(1)(i) Except as provided in subdivision (ii) of this subparagraph, an employee who desires to enter into an agreement under section 3402(p) shall furnish his employer with Form W-4 (withholding exemption certificate) executed in accordance with the provisions of section 3402(f) and the regulations thereunder. The furnishing of such Form W-4 shall constitute a request for withholding.

(ii) In the case of an employee who desires to enter into an agreement under section 3402(p) with his employer, if the employee performs services (in addition to those to be the subject of the agreement) the remuneration for which is subject to mandatory income tax withholding by such employer, or if the employee wishes to specify that the agreement terminate on a specific date, the employee shall furnish the employer with a request for withholding which shall be signed by the employee, and shall contain--

(a) The name, address, and social security number of the employee making the request,

(b) The name and address of the employer,

(c) A statement that the employee desires withholding of Federal income tax, and applicable, of qualified State individual income tax (see paragraph (d)(3)(i) of Sec. 301.6361-1 of this chapter (Regulations on Procedures and Administration)), and

(d) If the employee desires that the agreement terminate on a specific date, the date of termination of the agreement.

If accepted by the employer as provided in subdivision (iii) of this subparagraph, the request shall be attached to, and constitute part of, the employee's Form W-4. An employee who furnishes his employer a request for withholding under this subdivision shall also furnish such employer with Form W-4 if such employee does not already have a Form W-4 in effect with such employer.

(iii) No request for withholding under section 3402(p) shall be effective as an agreement between an employer and an employee until the employer accepts the request by commencing to withhold from the amounts with respect to which the request was made.

(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

1 end of such period by furnishing a signed written notice to the other. Unless the employer and employee agree
2 to an earlier termination date, the notice shall be effective with respect to the first payment of an amount in
3 respect of which the agreement is in effect which is made on or after the first "status determination date"
4 (January 1, May 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the
5 notice is furnished. If the employee executes a new Form W-4, the request upon which an agreement under
6 section 3402 (p) is based shall be attached to, and constitute a part of, such new Form W-4.
7 (86 Stat. 944, 26 U.S.C. 6364; 68A Stat. 917, 26 U.S.C. 7805)
8 [T.D. 7096, 36 FR 5216, Mar. 18, 1971, as amended by T.D. 7577, 43 FR 59359, Dec. 20, 1978; T.D. 8619, 60
9 FR 49215, Sept. 22, 1995]

- 10 5. The voluntary withholding agreement may be terminated at any time by the worker or the hiring entity [[26 CFR](#)
11 [§31.3402\(p\)-1\(b\)\(2\)](#)].

12 TITLE 26--INTERNAL REVENUE
13 CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY (CONTINUED)
14 PART 31_EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE--Table of Contents
15 Subpart E
16 Collection of Income Tax at Source
17 Sec. 31.3402(p)-1 Voluntary withholding agreements.

18 (b) Form and duration of agreement.

19 (2) An agreement under section 3402 (p) shall be effective for such period as the employer and employee
20 mutually agree upon. However, either the employer or the employee may terminate the agreement prior to the
21 end of such period by furnishing a signed written notice to the other. Unless the employer and employee agree
22 to an earlier termination date, the notice shall be effective with respect to the first payment of an amount in
23 respect of which the agreement is in effect which is made on or after the first "status determination date"
24 (January 1, May 1, July 1, and October 1 of each year) that occurs at least 30 days after the date on which the
25 notice is furnished. If the employee executes a new Form W-4, the request upon which an agreement under
26 section 3402 (p) is based shall be attached to, and constitute a part of, such new Form W-4.
27 (86 Stat. 944, 26 U.S.C. 6364; 68A Stat. 917, 26 U.S.C. 7805)
28 [T.D. 7096, 36 FR 5216, Mar. 18, 1971, as amended by T.D. 7577, 43 FR 59359, Dec. 20, 1978; T.D. 8619, 60
29 FR 49215, Sept. 22, 1995]

- 30 6. Payroll deduction agreements for taxes apply to CONSENTING employees of government agencies, federal employees
31 and retirees, military personnel and Department of Defense employees who participate in the VOLUNTARY deduction
32 program, IRM Part 5, Chapter 1, Section 7 (IRM 5.1.7.) <http://www.irs.gov/irm/part5/ch01s07.html> , see [26 U.S.C.](#)
33 [§3402\(p\)\(3\)\(A\)](#), [31 CFR §215.2\(n\)\(1\)](#).

34 TITLE 26 > Subtitle C > CHAPTER 24 > § 3402
35 [§ 3402. Income tax collected at source](#)

36 (p) Voluntary withholding agreements

37 (3) Authority for other voluntary withholding

38 The Secretary is authorized by regulations to provide for withholding— (A) from remuneration for services
39 performed by an employee for the employee's employer which (without regard to this paragraph) does not
40 constitute wages, and
41

42 [Code of Federal Regulations]
43 [Title 31, Volume 2]
44 [Revised as of July 1, 2006]
45 From the U.S. Government Printing Office via GPO Access
46 [CITE: 31CFR215.2]
47 [Page 61-62]

48 TITLE 31--MONEY AND FINANCE: TREASURY
49 CHAPTER II--FISCAL SERVICE, DEPARTMENT OF THE TREASURY
50 PART 215_WITHHOLDING OF DISTRICT OF COLUMBIA, STATE, CITY AND COUNTY
51 INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES--Table of Contents
52 Subpart A_General Information
53 [Sec. 215.2 Definitions](#)

54 (n) State income tax means any form of tax for which, under a State status:

(1) Collection is provided, either by imposing on employers generally the duty of withholding sums from the compensation of employees and making returns of such sums to the State or by granting to employers generally the authority to withhold sums from the compensation of employees, if any employee voluntarily elects to have such sums withheld; and

7. The IRS "Questionable W-4 Program" and their "Lock-In Letter" apply to those employees of government agencies, federal employees and retirees, active military personnel and Department of Defense employees who CONSENTED to participate with the voluntary withholding agreement, not the private sector.

7.1. Withholding and reporting on those who do not submit IRS Form W-4 can ONLY lawfully be executed on "wages" as legally defined and NOT commonly understood.

7.2. Only those who voluntarily signed and submitted IRS Form W-4 and who are not otherwise engaged in a public office within the United States government can earn "wages" as legally defined pursuant to 26 CFR §31.3402(p)-1 and 26 CFR §31.3401(a)-3.

8. Withholding and reporting only applies to earnings connected to a "trade or business", which is defined in [26 U.S.C. §7701\(a\)\(26\)](#) as "the functions of a public office" in the United States government. See:

The "Trade or Business" Scam, Form #05.001

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

9. All IRS information returns, including IRS Forms W-2, 1042, 1098, 1099, and K-1 can ONLY lawfully be used to report earnings connected with a "public office" in the United States government pursuant to [26 U.S.C. §6041](#). They may NOT be used to report PRIVATE earnings. If they are completed against PRIVATE persons who are NOT engaged in a public office or the "trade or business" franchise, the filer of these false reports then assumes the following legal liabilities:

9.1. They are civilly liable for damages under [26 U.S.C. §7434](#) for all the taxes that are illegally withheld or collected plus attorneys fees.

9.2. They are criminally liable for false or fraudulent reports under [26 U.S.C. §7206](#) and [7207](#) for up to ten years in jail.

9.3. They are criminally liable for conversion of private property to a public use in violation of [18 U.S.C. §654](#). As "withholding agents" for the U.S. government, they are prohibited from converting private property to a public use without the consent of the subject:

*"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)]

9.4. They are guilty of impersonating a "public officer" in violation of [18 U.S.C. §912](#). All "taxpayers" within I.R.C. Subtitle A are "public officers" engaged in a "trade or business".

9.5. They are guilty of impersonating a statutory "U.S. citizen" in violation of [18 U.S.C. §911](#). All "taxpayers" within I.R.C. Subtitle A are statutory "U.S. citizen" temporarily abroad and coming under a tax treaty with a foreign country pursuant to [26 U.S.C. §911](#). It is illegal to serve in a "public office" in the U.S. government as anything other than a statutory "U.S. citizen".

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.^[2]

[*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>]

- 1 10. Those who are nonresident aliens, which includes most Americans born in and domiciled within the states of the
 2 Union, cannot have a tax liability if they have no earnings from the District of Columbia or the United States
 3 government under [26 U.S.C. §871](#).
- 4 11. Withholding and reporting on statutory “U.S. citizens” or “residents” (aliens) is only permitted when they are abroad
 5 pursuant to [26 U.S.C. §911](#). There is not statute or regulation that makes the liable to pay income taxes when they are
 6 situated in any one of the 50 states or federal territory. This is confirmed by the following:
- 7 11.1. 26 CFR §1.1-1(a)(2)(ii) defines “married individual” and “unmarried individuals” as aliens with earnings
 8 connected with a “trade or business”.
- 9 11.2. 26 CFR §1.1441-1(c) defines the term “individual” appearing on IRS Form 1040 as “U.S. Individual Income Tax
 10 Return” as being an “alien” or a “nonresident alien”. “Citizens” are nowhere included.
- 11 11.3. A statutory “U.S. citizen” only becomes a “taxpayer” when he is temporarily abroad under [26 U.S.C. §911](#) and
 12 therefore comes under a tax treaty with a foreign country as an “alien” in relation to the foreign country. He is an
 13 alien in relation to the foreign country in that condition, which is how he becomes a “taxpayer”. Even then, he
 14 must have earnings from a public office in the U.S. government called a “trade or business” to have any taxable
 15 income. EVERYTHING that goes on IRS Form 1040 is “trade or business” income because everything on the
 16 form is subject to “trade or business” deductions pursuant to [26 U.S.C. §162](#). This is also confirmed by [26 U.S.C.
 17 §871\(b\)\(1\)](#), which says that all the taxes in Section 1 are “trade or business” taxes.
- 18 12. Employment withholdings under Subtitle C of the Internal Revenue Code are classified as “gifts” to the U.S.
 19 Government, and therefore are technically not “taxes”. They don’t become “taxes” until the information return is
 20 attached to a tax return and the tax return is signed under penalty of perjury. This is the origin, in fact, of the
 21 requirement to attach all information returns to your tax return when you file it: To convert a “gift” into a “tax”. The
 22 IRS has no statutory authority to make this conversion, which is why they need your help. See *Great IRS Hoax*, Form
 23 #11.302, Section 5.6.8 for the proof:
 24 <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.
- 25 13. A nonresident alien not engaged in the “trade or business” franchise and defined in 26 CFR §1.871-1(b)(i) who does
 26 not work for the U.S. government and receives no payments from the U.S. government under [26 U.S.C. §871](#) can have
 27 no tax liability and need not withhold. This is confirmed by:
- 28 13.1. 26 CFR §1.872-2(f)
- 29 13.2. 26 CFR §31.3401(a)(6)-1(b)
- 30 13.3. [26 U.S.C. §861\(a\)\(3\)\(C\)\(i\)](#)
- 31 13.4. [26 U.S.C. §3401\(a\)\(6\)](#)
- 32 13.5. [26 U.S.C. §1402\(b\)](#)
- 33 13.6. [26 U.S.C. §7701\(a\)\(31\)](#)
- 34 14. Backup withholding under [26 U.S.C. §3406](#) is only done on “resident aliens” as defined in [26 U.S.C. §7701\(b\)\(1\)\(A\)](#)
 35 and *not* “nonresident aliens” as defined in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#).
- 36 15. The term “employee” [31 CFR §215.2\(h\)\(1\)\(i\)](#) does not include retired personnel, pensioners, annuitants, or similar
 37 beneficiaries of the Federal Government, who are NOT performing active civilian service or persons receiving
 38 remuneration for services on a contract-fee basis. They are not subject to withholding and have no duty to file any
 39 Form W-4 or W-9, unless they desire to VOLUNTARILY enter into agreements.

40 *[Code of Federal Regulations]*
 41 *[Title 31, Volume 2]*
 42 *[Revised as of July 1, 2006]*
 43 *From the U.S. Government Printing Office via GPO Access*
 44 *[CITE: 31CFR215.2]*
 45 *[Page 61-62]*

46 *TITLE 31--MONEY AND FINANCE: TREASURY*
 47 *CHAPTER II--FISCAL SERVICE, DEPARTMENT OF THE TREASURY*
 48 *PART 215_WITHHOLDING OF DISTRICT OF COLUMBIA, STATE, CITY AND COUNTY*
 49 *INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES--Table of Contents*
 50 *Subpart A_General Information*
 51 [Sec. 215.2 Definitions](#)

52 *(h)(1) Employees for the purpose of State income tax withholding, means all employees of an agency, other than*
 53 *members of the armed forces. For city and county income or employment tax withholding, it means:*
 54 *(i) Employees of an agency;*

- 1 16. In most states, the withholding and deducting from pay for any federal taxes; fees and other charges (levy, lien,
2 penalties or interest); or benefits and privileges (social security, Medicare, disability, etc.) must be knowingly and
3 VOLUNTARILY agreed to in writing by BOTH parties (worker and company). It's state jurisdiction, not federal.
4 17. No law requires you to disclose a social security number. [EEOC v. Information Systems Consulting CA3-92-0169-T](#)
5 [IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION.](#)
6 18. Accordingly, the federal government can only act on the States; and only in the strictly limited, exclusive jurisdiction
7 of Article 1:8:17. There are no federal income taxes imposed upon an American working and living within the 50 states
8 party to the more perfect Union, see [26 CFR §301.6361-4](#).

9 [Code of Federal Regulations]
10 [Title 26, Volume 18]
11 [Revised as of April 1, 2006]
12 From the U.S. Government Printing Office via GPO Access
13 [CITE: 26CFR301.6361-4]
14 [Page 329]

15
16 TITLE 26--INTERNAL REVENUE
17 CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY
18 PART 301_PROCEDURE AND ADMINISTRATION--Table of Contents
19 Seizure of Property for Collection of Taxes
20 [Sec. 301.6361-4 Definitions.](#)

21 For purposes of the regulations in this part under subchapter E of chapter 64 of the Internal Revenue Code of
22 1954, relating to collection and administration of State individual income taxes--

23 (a) State agreement. The term "State agreement" means an agreement between a State and the Federal
24 Government which was entered into pursuant to section 6363 and the regulations thereunder, and which
25 provides for the Federal collection and administration of the qualified tax or taxes of that State.

26 (b) Qualified tax. The term "qualified tax" means a tax which is a "qualified State individual income tax", as
27 defined in section 6362 (including subsection (f)(1) thereof, which requires that a State agreement be in effect)
28 and the regulations thereunder.

29 (c) Chapters and subtitles. References in regulations in this part under subchapter E to chapters and subtitles
30 are to chapters and subtitles of the Internal Revenue Code of 1954, unless otherwise indicated.

31 (d) Subchapter E. The term "subchapter E" means subchapter E of chapter 64 of the Internal Revenue Code
32 of 1954, relating to collection and administration of State individual income taxes, as amended from time to
33 time.

34 [T.D. 7577, 43 FR 59365, Dec. 20, 1978]

- 35 19. According to the United States Government Accounting Office, see (USGAO) report dated 09/15/03, it states in part,

36 "Under current law, the IRS does not have statutory authority to impose a penalty to enforce employer
37 compliance with the reporting requirement. The reporting requirement was promulgated in Treasury
38 regulations."

39 [[Reliability of Information on Taxpayers Claiming Many Withholding Allowances or Exemption from Federal](#)
40 [Income Tax Withholding, GAO-03-913R](#)]

- 41 20. 12. The IRS clearly violates the law when it instructs the private sector entity to disregard the worker's W-4 (or its
42 equivalent).

43 "The Company is not authorized to alter the form [W-4 or its equivalent] or to dishonor the worker's claim. The
44 certificate goes into effect automatically"

45 [[U.S. District Court Judge Huyett, United States v. Malinowski, 347 F. Supp. 352 \(1992\)](#)]

- 46 21. 13. What the federal courts say about withholding:

47 "Unless the withholder has reason to know that the party filing form 1001 is no longer eligible for exemption,
48 the withholding party "is not responsible for misstatements made on Form 1001 by an owner of income," and
49 hence would not be liable for tax which should have been withheld.

50 Defendants manifest curiosity as to whether plaintiff would pay tax in Sweden on the benefits received under the
51 plan. But that is none of their concern."

52 [[Holmstrom v. PPG Industries, 512 F.Supp 552, 554 DC WD Pa. 1981](#)];

53 Also see: [Murray v. City of Charleston, 96 U.S. 432 \(1877\)](#)]

- 54 22. The private sector entity is not a duly authorized or delegated 'tax collector" under [IRC §6301](#), and no implementing
55 regulation exists under 26 CFR.

- 1 23. The private sector entity is not a duly authorized or delegated "assessment officer" under [IRC §6201](#), and no
2 implementing regulation exists under 26 CFR.
- 3 24. The private sector entity is not a duly authorized Withholding Agent (defined in IRC §7701(a)16, [26 CFR §301.7701-](#)
4 [16](#)) to withhold from one's pay or remuneration (IRC §§[1441](#), [1442](#), [1443](#), and specifically in [26 CFR §1.1441-7](#)).
- 5 25. The private sector entity lacks requisite [Form 2678](#) filed with the IRS, or a Form 8655: Reporting Agent Authorizing
6 Certificate from the Treasury Financial Management Service, specific to each worker.
- 7 26. No state-federal agreements for administration of qualified state income taxes are authorized by [Part 215 of 31 CFR](#)
8 specific to each private sector worker. The authority applies exclusively to federal government agencies and personnel;
9 it does not extend to general population in States of the Union.
- 10 27. No Standard Agreement with the Secretary of the Treasury and Fiscal Assistant Secretary (or his delegates) pursuant to
11 [31 CFR Subpart B-Standard Agreement 215.6](#) specific to each private sector worker exists.
- 12 28. No [Section 218](#) Voluntary Agreement exists for coverage of social security specific to each private sector worker,
13 pursuant to [42 U.S.C. §418](#).
- 14 29. Consent for federal or state withholding and deductions from pay must be explicit, voluntary and in writing.

15 *"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would*
16 *abrogate them."*

17 *[Miranda v. Arizona, 384 U.S. 436, 491]*

- 18 30. Employees of government agencies; federal employees, agents, representatives must act ONLY within the bounds of
19 lawful authority pursuant to the Supreme Court case of Federal Crop Insurance vs. Merrill, 33 U.S. 380 at 384 (1947)
20 that states:

21 *"Anyone entering into an arrangement with the government takes the risk of having accurately ascertained that*
22 *he who purports to act for the government stays within the bounds of his authority."*

23 *[Federal Crop Insurance vs. Merrill, 33 U.S. 380 at 384 (1947)]*

- 24 31. [IRC Section 7608](#) states whom the Secretary has authorized to see one's books and records. According to [I.R.C.](#)
25 [§7608\(a\)](#), Revenue Officers are NOT authorized to see one's books and records.
- 26 32. According to [I.R.C. §7608\(b\)](#) Revenue Officers are NOT authorized to enforce under subtitle E (liquor, tobacco and
27 firearms).

28 [TITLE 26 > Subtitle F > CHAPTER 78 > Subchapter A > § 7608](#)
29 [§ 7608. Authority of internal revenue enforcement officers](#)

30 *(b) Enforcement of laws relating to internal revenue other than subtitle E*

31 *(1) Any criminal investigator of the Intelligence Division of the Internal Revenue Service whom the Secretary*
32 *charges with the duty of enforcing any of the criminal provisions of the internal revenue laws, any other*
33 *criminal provisions of law relating to internal revenue for the enforcement of which the Secretary is*
34 *responsible, or any other law for which the Secretary has delegated investigatory authority to the Internal*
35 *Revenue Service, is, in the performance of his duties, authorized to perform the functions described in*
36 *paragraph (2). (2) The functions authorized under this subsection to be performed by an officer referred to in*
37 *paragraph (1) are— (A) to execute and serve search warrants and arrest warrants, and serve subpoenas and*
38 *summonses issued under authority of the United States; (B) to make arrests without warrant for any offense*
39 *against the United States relating to the internal revenue laws committed in his presence, or for any felony*
40 *cognizable under such laws if he has reasonable grounds to believe that the person to be arrested has*
41 *committed or is committing any such felony; and (C) to make seizures of property subject to forfeiture under the*
42 *internal revenue laws.*

- 43 33. Every section of the private law, IRC and 26 USC- Internal Revenue Code had its origin in the legislature as a statute.
44 Then to put the statue into law, an agency had to write a regulation which puts it into force and effect. Bureau of
45 Alcohol, Tobacco, Firearms and Explosives (BATF) is the only agency that wrote the regulation; the Internal Revenue
46 is not a federal agency. BATF is the only agency that can contract with the IRS to apply and enforce BATF
47 regulations, see [26 CFR §301.7513-1\(b\)\(1\)](#) and (b)(2).

48 *[Code of Federal Regulations]*

49 *[Title 26, Volume 18]*

50 *[Revised as of April 1, 2006]*

51 *From the U.S. Government Printing Office via GPO Access*

52 *[CITE: 26CFR301.7513-1]*

53 *[Page 575-576]*

6 (b) Safeguards—

7 (1) By private contractor.

8 Any person entering into a contract with the Internal Revenue Service for the performance of any of the services
9 described in paragraph (a) of this section shall agree to comply, and to assume responsibility for compliance by
10 his employees, with the following requirements:

11 (i) The films or photoimpressions, and reproductions made therefrom, shall be used only for the purpose of
12 carrying out the provisions of the contract, and information contained in such material shall be treated as
13 confidential and shall not be divulged or made known in any manner to any person except as may be necessary
14 in the performance of the
15 contract;

16 (ii) All the services shall be performed under the supervision of the person with whom the contract is made or
17 his responsible employees;

18 (iii) All material received for processing and all processed and reproduced material shall be kept in a locked
19 and fireproof compartment in a secure place when not being worked upon;

20 (iv) All spoilage of reproductions made from the film or photoimpressions supplied to the contractor shall be
21 destroyed, and a statement under the penalties of perjury shall be submitted to the Internal Revenue Service that
22 such destruction has been accomplished; and

23 (v) All film, photoimpressions, and reproductions made therefrom, shall be transmitted to the Internal Revenue
24 Service by personal delivery, first-class mail, parcel post, or express.

25 (2) By Federal agency. Any Federal agency entering into a contract with the Internal Revenue Service for the
26 performance of any services described in paragraph (a) of this section, shall treat as confidential all material
27 processed or reproduced pursuant to such contract.

- 28 34. Employees of government agencies; federal employees, agents, representatives know or should know that when they
29 violate the [14th Amendment Section 3](#), they shall have engaged in insurrection or rebellion, for which they may lose
30 their pay and retirement.
- 31 35. Employees of government agencies; federal employees, agents, representatives know or should know that under [IRC](#)
32 [§7433](#), they can be sued civilly for up to \$1,000,000 for their unauthorized collection actions.
- 33 36. Employees of government agencies; federal employees, agents, representatives know or should know that under [IRC](#)
34 [§7214\(a\)\(2\)](#), they can be sued criminally up to \$10,000 or imprisoned not more than 5 years, or both for their unlawful
35 acts of demanding other or greater sums than are authorized by law.

36 **6 Who needs “Taxpayer Identification Numbers”?**

37 The only people who are required to have any kind of identifying number are “U.S. persons”. Such persons do not include
38 natural persons or biological people. For instance, note the use of the word “its” to describe the “U.S. person” below,
39 instead of “he” or “she”.

40 26 CFR § 301.6109-1(b)

41 (b) Requirement to furnish one's own number—

42 (1) U.S. persons.

43 Every U.S. person who makes under this title a return, statement, or other document must furnish **its** own
44 taxpayer identifying number as required by the forms and the accompanying instructions.
45

46 [TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701.](#)
47 [Sec. 7701. - Definitions](#)

48 (a)(30) [United States](#) person

49 The term “United States person” means -

50 (A) a [citizen](#) or [resident](#) of the United States,

51 (B) a domestic partnership,

52 (C) a domestic [corporation](#),

53 (D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and
54

- (E) any trust if -
(i) a court within the United States is able to exercise primary supervision over the administration of the trust, and
(ii) one or more United States persons have the authority to control all substantial decisions of the trust.

The “citizen” described above is only a corporation, as confirmed by the legal encyclopedia:

19 C.J.S., Corporations §886 [Legal encyclopedia]

“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]

Please read and rebut the article below, which shows why people born in and living exclusively in states of the Union are not “citizens” under the Internal Revenue Code or under any federal statute, including 8 U.S.C. §1401:

You’re Not a “Citizen” Under the Internal Revenue Code
<http://famguardian.org/Subjects/Taxes/Citizenship/NotACitizenUnderIRC.htm>

The only people who can be “U.S. persons” live on federal territory. He who owns the land makes the rules. On state property, the federal government has no legislative jurisdiction, with very few minor exceptions that have nothing to do with taxation:

“It should never be held that Congress intends to supersede or by its legislation suspend the exercise of the police powers of the States, even when it may do so, unless its purpose to effect that result is clearly manifested.”
[Reid v. Colorado, [187 U.S. 137](#), 148 (1902)]

“The principle thus applicable has been frequently stated. It is that the Congress may circumscribe its regulation and occupy a limited field, and that the intention to supersede the exercise by the State of its authority as to matters not covered by the federal legislation is not to be implied unless the Act of Congress fairly interpreted is in conflict with the law of the State. See Savage v. Jones, [225 U.S. 501, 533](#).”
[Atchison, T. & S. F. R. Co. v. Railroad Commission, [283 U.S. 380, 392](#)–393 (1931)]

“If Congress is authorized to act in a field, it should manifest its intention clearly. **It will not be presumed that a federal statute was intended to supersede the exercise of the power of the state unless there is a clear manifestation of intention to do so. The exercise of federal supremacy is not lightly to be presumed.”**
[Schwartz v. Texas, [344 U.S. 199](#), 202-203 (1952)]

“While states are not sovereign in true sense of term but only quasi sovereign, yet in respect of all powers reserved to them they are supreme and independent of federal government as that government within its sphere is independent of the states.”

“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 IRS Form 1040 tax return is entitled “U.S. Individual Return”. Well friends, the definition of “individual” found in 26 CFR §1.1441-1(c)(3) confirms that these people can ONLY be “aliens” or “nonresident aliens”. “citizens” are not included:

[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).

1 (ii) Nonresident alien individual.

2 The term nonresident alien individual means a person described in section 7701(b)(1)(B), an alien individual
3 who is a resident of a foreign country under the residence article of an income tax treaty and Sec. 301.7701(b)-
4 7(a)(1) of this chapter, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of
5 Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under Sec. 301.7701(b)-
6 1(d) of this chapter. An alien individual who has made an election under section 6013 (g) or (h) to be treated as
7 a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of
8 withholding under chapter 3 of the Code and the regulations thereunder.

9 “Nonresident aliens” are NOT “aliens” as legally defined : See table 1 later and definition below.

10 [26 U.S.C. §7701\(b\)\(1\)\(B\) Nonresident alien](#)

11 An individual is a nonresident alien if such individual is neither a citizen of the United States nor a resident of
12 the United States (within the meaning of subparagraph (A)).

13 People domiciled in states of the Union are “nationals” under [8 U.S.C. §1101\(a\)\(21\)](#) and also “nonresident aliens”. They
14 are NOT statutory “U.S. citizens” as defined under federal law or under [8 U.S.C. §1401](#), because for the purposes of
15 citizenship under Title 8 of the U.S. Code, “U.S.” only includes the District of Columbia and the territories of the United
16 States and *excludes* states of the Union. See the following resources, none of which have ever been dis-proven with any
17 law or relevant court cite:

- 18 1. [Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen](#), Form #05.006
19 <http://sedm.org/Forms/FormIndex.htm>
20 2. [Tax Deposition Questions](#), Form #03.016, Section 14 on Citizenship:
21 <http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm>

22 Since “nationals” are “nonresident aliens” but NOT statutory “aliens/residents” (26 U.S.C. §7701(b)(1)(A)) or statutory
23 “citizens” (8 U.S.C. §1401) or statutory “U.S. persons” (26 U.S.C. §7701(a)(30)), then they:

- 24 1. Cannot lawfully obtain a Taxpayer Identification Number using IRS Form W-9 without committing perjury under
25 penalty of perjury. The perjury statement requires the applicant to declare they are a “U.S. person”.
26 2. Are not the proper subject of the Internal Revenue Code if they are not involved in public office (e.g. “trade or
27 business” in the United States government).
28 3. Cannot be compelled to use a Social Security Number as a substitute for a “Taxpayer Identification Number” without
29 their voluntary consent. 42 U.S.C. §408 makes it a criminal offense to compel use of Social Security Numbers and no
30 provision of the I.R.C. those not engaged in federal franchises to have or use a “Taxpayer Identification Number”.
31 This is another way of saying that our system of taxation is entirely voluntary and is actually a donation program for
32 the municipal government of the District of Columbia. No less than the U.S. Supreme Court said so:

33 “Our system of taxation is based upon voluntary assessment and payment, not distraint [force or
34 enforcement].”
35 [Flora v. U.S., 362 U.S. 145 (1960)]

36 Now when the issues in this section are brought up with the government in attendance, they will say frivolous things like
37 the following:

38 “Well, all that may be true, but you are overlooking something very important. Most Americans have Social
39 Security Numbers and do not need to have or apply for TINs. SSNs are what we use instead of TINs. As a
40 matter of fact, 26 U.S.C. §6109(d) says the following on this subject:

41 [TITLE 26 > Subtitle F > CHAPTER 61 > Subchapter B > § 6109](#)
42 [§ 6109. Identifying numbers](#)

43 (d) Use of social security account number

44 **The social security account number** issued to an individual for purposes of section 205(c)(2)(A) of the
45 Social Security Act shall, except as **shall otherwise be specified under regulations of the Secretary, be**
46 **used as the identifying number for such individual for purposes of this title.**

1 To that comment, we ask the following questions, which always draw complete silence!, and therefore acquiescence to our
2 position:

3 1. The federal government has no legislative jurisdiction over people in states of the Union, by several rulings of the
4 Supreme Court. The Internal Revenue Code qualifies as “legislation” and whether it is “law” or not, it therefore can
5 have no jurisdiction over people in the states of the Union. State and federal legislative jurisdictions are mutually
6 exclusive with respect to each other and the federal government has no “general” jurisdiction within states of the
7 Union:

8 *"It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247*
9 *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*
10 *internal affairs of the states; and emphatically not with regard to legislation."*
11 *[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]*

12 2. Social Security participation is VOLUNTARY, according to a letter in our possession from the Social Security
13 Administration below:

SEDM Exhibit #07.004
<http://sedm.org/Exhibits/ExhibitIndex.htm>

14 Now if Social Security participation is entirely VOLUNTARY and I choose NOT to volunteer, this leaves the IRS
15 without an identifying number to use. How then can they assign me a Taxpayer Identification Number (TIN) and
16 thereby make me into a “taxpayer” as a person who is a “nonresident alien” but not an “alien”? The answer is they
17 have no lawful authority to do so. Therefore, Subtitle A income taxes MUST also be voluntary by implication, and the
18 status of being a “taxpayer” is a status I must consent to assume and which cannot be forced upon me. Comprene,
19 amigo?

20 **7 Private Companies can’t act as a “withholding agent”**

21 The term “withholding agent” is defined as follows in the Internal Revenue Code:

22 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > [Sec. 7701](#).
23 [Sec. 7701](#). - Definitions

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

26 (16) Withholding agent

27 The term "withholding agent" means any person required to deduct and withhold any tax under the provisions
28 of section 1441, 1442, 1443, or 1461.

29 Now if you look up each of the above four sections mentioned in the above definition, here is what we end up with:

30 **Table 2: Statutes authorizing "withholding agents"**

26 U.S.C./ I.R.C. section	Title of section	Object of tax
1441	Withholding of tax on nonresident aliens	Nonresident aliens
1442	Withholding of tax on foreign corporations	Foreign corporations
1443	Foreign tax-exempt organizations	Tax-exempt organizations
1461	Liability for withheld tax	Nonresident aliens and foreign corporations (see title of Chapter 3 of Subtitle A).

31 So the question is: “Which one of the above are you as a person working for a private, non-federal employer?”. The answer
32 is “nonresident alien”. The trouble is, your employer fits in the same category as you and is therefore outside of federal
33 jurisdiction and not even subject to the Internal Revenue Code. Keep in mind that the I.R.C is “legislation” as described by
34 the Supreme Court below:

1 "It is no longer open to question that the general government, unlike the states, *Hammer v. Dagenhart*, 247
2 *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
3 *internal affairs of the states; and emphatically not with regard to legislation."*
4 [*Carter v. Carter Coal Co.*, 298 U.S. 238, 56 S.Ct. 855 (1936)]

5 So the question then becomes: "By what lawful authority does my *private* employer deduct and withhold "taxes" on my
6 earnings (not "wages", but "earnings") and where is he even defined as an 'employer' in the Internal Revenue Code?"
7 We'll now answer that question.

8 The IRS' own Internal Revenue Manual (IRM) confirms the above, which says:

9 *Internal Revenue Manual*
10 [5.14.10.2 \(09-30-2004\)](#)
11 *Payroll Deduction Agreements*

12 **2. Private employers, states, and political subdivisions are not required to enter into payroll deduction**
13 **agreements.** Taxpayers should determine whether their employers will accept and process executed agreements
14 before agreements are submitted for approval or finalized.
15 [SOURCE: <http://www.irs.gov/irm/part5/ch13s10.html>]

16 All withholding done by financial institutions on their accounts comes under Subtitle C of the Internal Revenue Code, and
17 is described in 26 U.S.C. §3406 entitled "Backup Withholding". Subtitle C is titled "Employment Taxes", which are taxes
18 paid by those who employ "employees" under the I.R.C. Since all "employees" are elected or appointed officers of the
19 United States, then all "employers" can only be federal agencies.

20 [26 U.S.C. Sec. 3401\(c \) Employee](#)

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

25 And below is the regulation that interprets the above section for clarification:

26 26 CFR §31.3401(c)-1 Employee:

27 *"...the term [employee] includes[is limited to] officers and employees, whether elected or appointed, of the*
28 *United States, a [federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of*
29 *Columbia, or any agency or instrumentality of any one or more of the foregoing. The term 'employee' also*
30 *includes an officer of a corporation."*

31 And the only definition of "employee" that we are aware of that has ever been published in the Federal Register also reads
32 as follows:

33 *Employee: "The term employee specifically includes officers and employees whether elected or appointed, of*
34 *the United States, a state, territory, or political subdivision thereof or the District of Columbia or any agency or*
35 *instrumentality of any one or more of the foregoing."*
36 [*8 Federal Register, Tuesday, September 7, 1943, §404.104, pg. 12267*]

37 Backup withholding described in section 3406 therefore only applies to federal agencies operating in the "United States",
38 which is defined only as the "District of Columbia" in [26 U.S.C. §7701](#)(a)(9) and (a)(10). This is a product of the fact that
39 the federal government has no police powers inside states of the Union and because the Sixteenth Amendment never
40 delegated the authority to collect direct, unapportioned taxes within states of the Union. It authorizes collection of a direct,
41 unapportioned tax inside the federal zone or *federal* United States, but not within states of the Union. The reason that
42 direct, unapportioned taxes by the federal government are authorized within the District of Columbia and not within the
43 states of the Union was explained by the Supreme Court as follows:

44 *"... [Counsel] has contended, that Congress must be considered in two distinct characters. In one character as*
45 *legislating for the states; in the other, as a local legislature for the district [of Columbia]. In the latter*
46 *character, it is admitted, the power of levying direct taxes may be exercised; but, it is contended, for district*
47 *purposes only, in like manner as the legislature of a state may tax the people of a state for state purposes.*
48 *Without inquiring at present into the soundness of this distinction, its possible influence on the application in*
49 *this district of the first article of the constitution, and of several of the amendments, may not be altogether*
50 *unworthy of consideration."*

[Loughborough v. Blake, 18 U.S. 317 (1820)]

8 Why states of the Union are “Foreign Countries” and “foreign states” with respect to most federal jurisdiction

Positive law from Title 28 agrees that states of the Union are foreign with respect to federal jurisdiction:

[TITLE 28 > PART I > CHAPTER 13 > Sec. 297.](#)

[Sec. 297. - Assignment of judges to courts of the freely associated compact states](#)

(a) *The Chief Justice or the chief judge of the United States Court of Appeals for the Ninth Circuit may assign any circuit or district judge of the Ninth Circuit, with the consent of the judge so assigned, to serve temporarily as a judge of any duly constituted court of the freely associated compact states whenever an official duly authorized by the laws of the respective compact state requests such assignment and such assignment is necessary for the proper dispatch of the business of the respective court.*

(b) *The Congress consents to the acceptance and retention by any judge so authorized of reimbursement from the countries referred to in subsection (a) of all necessary travel expenses, including transportation, and of subsistence, or of a reasonable per diem allowance in lieu of subsistence. The judge shall report to the Administrative Office of the United States Courts any amount received pursuant to this subsection*

Definitions from Black’s Law Dictionary:

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

Foreign Laws: “The laws of a foreign country or sister state.”
[Black’s Law Dictionary, Sixth Edition, p. 647]

Dual citizenship. Citizenship in two different **countries**. Status of citizens of United States who reside within a state; i.e., person who are born or naturalized in the U.S. are citizens of the U.S. and the state wherein they reside.
[Black’s Law Dictionary, Sixth Edition, p. 498]

The legal encyclopedia Corpus Juris Secundum says on this subject:

“Generally, the states of the Union sustain toward each other the relationship of independent sovereigns or independent foreign states, except in so far as the United States is paramount as the dominating government, and in so far as the states are bound to recognize the fraternity among sovereignties established by the federal Constitution, as by the provision requiring each state to give full faith and credit to the public acts, records, and judicial proceedings of the other states...”
[81A Corpus Juris Secundum (C.J.S.), United States, §29]

The U.S. Supreme Court also agrees with this interpretation:

“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)]

*“The States between each other are sovereign and independent. They are distinct and separate sovereignties, except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue to be nations,** with all their rights, and under all their national obligations, and with all the rights of nations in every particular; except in the surrender by each to the common purposes and objects of the Union, under the Constitution. The rights of each State, when not so yielded up, remain absolute.”*

1 [Bank of Augusta v. Earle, 38 U.S. (13 Pet.) 519, 10 L.Ed. 274 (1839)]
2

3 "In determining the boundaries of apparently conflicting powers between states and the general government,
4 the proper question is, not so much what has been, in terms, reserved to the states, as what has been, expressly
5 or by necessary implication, granted by the people to the national government; for **each state possess all the**
6 **powers of an independent and sovereign nation, except so far as they have been ceded away by the**
7 **constitution.** The federal government is but a creature of the people of the states, and, like an agent appointed
8 for definite and specific purposes, must show an express or necessarily implied authority in the charter of its
9 appointment, to give validity to its acts."
10 [People ex re. Atty. Gen. V. Naglee, 1 Cal. 234 (1850)]

11 The motivation behind this distinct separation of powers between the state and federal government was described by the
12 Supreme Court. Its ONLY purpose for existence is to protect our precious liberties and freedoms:

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

23 **9 Citizenship summary**

24 This section is included to provide all succinct and relevant information required in order to determine one's citizenship
25 status and their corresponding status under the Internal Revenue Code. It is consistent with discussion elsewhere in this
26 pamphlet. We encourage you to read the definitions yourself in the sections referenced in these tables.

27 The following subsections are also available in one compact handout that you can give to payroll and financial people at the
28 following location:

Citizenship, Domicile, and Tax Status Options, Form #10.003
<http://sedm.org/Forms/FormIndex.htm>

29 If you want to rebut the content of this section, then please provide to us your answers to the *Tax Deposition Questions*,
30 Form #03.016, Section 14, found at:

Tax Deposition Questions, Form #03.016
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm>

1
2 **9.1 The Four “United States”**

3 It is very important to understand that there are THREE separate and distinct CONTEXTS in which the term "United
4 States" can be used, and each has a mutually exclusive and different meaning. These three definitions of “United States”
5 were described by the U.S. Supreme Court in Hooven and Allison v. Evatt, 324 U.S. 652 (1945):

6 **Table 3: Geographical terms used throughout this page**

<i>Term</i>	<i># in diagrams</i>	<i>Meaning</i>
United States*	1	The country “United States” in the family of nations throughout the world.
United States**	2	The “federal zone”.
United States***	3	Collective states of the Union mentioned throughout the Constitution.

7 In addition to the above GEOGRAPHICAL context, there is also a legal, non-geographical context in which the term
8 "United States" can be used, which is the GOVERNMENT as a legal entity. Throughout this page and this website, we
9 identify THIS context as "United States****" or "United States⁴". The only types of "persons" within THIS context are
10 public offices within in the national and not state government. It is THIS context in which "sources within the United
11 States" is used for the purposes of "income" and "gross income" within the Internal Revenue Code, as proven by section
12 **Error! Reference source not found.** of this document

13 The reason these contexts are not expressly distinguished in the statutes by the Legislative Branch or on government forms
14 crafted by the Executive Branch is that they are the KEY mechanism by which:

- 15 1. Federal jurisdiction is unlawfully enlarged by abusing presumption, which is a violation of due process of law. See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.007

DIRECT LINK: <http://sedm.org/Forms/MemLaw/Presumption.pdf>

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

- 16 2. The separation of powers between the states and the national government is destroyed, in violation of the legislative
17 intent of the Constitution. See:

Government Conspiracy to Destroy the Separation of Powers Doctrine, Form #05.023

DIRECT LINK: <http://sedm.org/Forms/MemLaw/SeparationOfPowers.pdf>

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

- 18 3. A "society of law" is transformed into a "society of men" in violation of Marbury v. Madison, 5 U.S. 137 (1803):

19 *"The government of the United States has been emphatically termed a government of laws, and not of men. It*
20 *will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested*
21 *legal right."*

22 [Marbury v. Madison, 5 U.S. 137, 163 (1803)]

- 23 4. Exclusively PRIVATE rights are transformed into public rights in a process we call "invisible eminent domain using
24 presumption and words of art".

- 25 5. Judges are unconstitutionally delegated undue discretion and "arbitrary power" to unlawfully enlarge federal
26 jurisdiction. See:

Federal Jurisdiction, Form #05.018

DIRECT LINK: <http://sedm.org/Forms/MemLaw/FederalJurisdiction.pdf>

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

27 The way a corrupted Executive Branch or judge accomplish the above is to unconstitutionally:

- 28 1. PRESUME that ALL of the four contexts for "United States" are equivalent.
29 2. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They
30 are NOT. A CONSTITUTIONAL citizen is a "non-citizen national" under federal law and NOT a "citizen of the
31 United States".

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

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

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

1 3. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:

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

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

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

2 4. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they
3 mean in EVERY context.

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

7 6. Confuse the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that
8 you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can
9 have only one "domicile" but many "residences" and BOTH require your consent. See:

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

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

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

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

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

DIRECT LINK: <http://sedm.org/Forms/MemLaw/Includes.pdf>

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

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

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

Reasonable Belief About Income Tax Liability, Form #05.007

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

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

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

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

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

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

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

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

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

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

9 **9.2 Statutory v. constitutional contexts**

10 It is very important to understand that there are TWO separate, distinct, and mutually exclusive contexts in which
11 geographical "words of art" can be used at the federal or national level:

- 12 1. Constitutional.
- 13 2. Statutory.

14 The purpose of providing a statutory definition of a legal "term" is to supersede and not enlarge the ordinary, common law,
15 constitutional, or common meaning of a term. Geographical words of art include:

- 16 1. "State"
- 17 2. "United States"
- 18 3. "alien"
- 19 4. "citizen"
- 20 5. "resident"
- 21 6. "U.S. person"

22 The terms "State" and "United States" within the Constitution implies the constitutional states of the Union and excludes
23 federal territory, statutory "States" (federal territories), or the statutory "United States" (the collection of all federal
24 territory). This is an outcome of the separation of powers doctrine. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023
<http://sedm.org/Forms/FormIndex.htm>

25 The U.S. Constitution creates a public trust which is the delegation of authority order that the U.S. Government uses to
26 manage federal territory and property. That property includes franchises, such as the "trade or business" franchise. All
27 statutory civil law it creates can and does regulate only THAT property and not the constitutional States, which are foreign,
28 sovereign, and statutory "aliens" for the purposes of federal legislative jurisdiction.

29 It is very important to realize the consequences of this constitutional separation of powers between the states and national
30 government. Some of these consequences include the following:

- 31 1. Statutory "States" as indicated in [4 U.S.C. §110\(d\)](#) and "States" in nearly all federal statutes are in fact federal
32 territories and the definition does NOT include constitutional states of the Union.
- 33 2. The statutory "United States" defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) and 4 U.S.C. §110(d) includes federal
34 territory and excludes any land within the exclusive jurisdiction of a constitutional state of the Union.
- 35 3. Terms on government forms assume the statutory context and NOT the constitutional context.
- 36 4. [Domicile is the origin of civil legislative jurisdiction](#) over human beings. This jurisdiction is called "in personam
37 jurisdiction".
- 38 5. Since the [separation of powers doctrine](#) creates two separate jurisdictions that are legislatively "foreign" in relation to
39 each other, then there are TWO types of political communities, two types of "citizens", and two types of jurisdictions
40 exercised by the national government.

41 "It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to
42 its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District
43 of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these
44 authorities was the law in question passed?"
45 [Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821)]

- 1 6. A human being domiciled in a state and born or naturalized anywhere in the Union is a statutory "alien" in relation to
2 the national government and a non-citizen national pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) and [8 U.S.C. §1452](#).
3 7. You can be a statutory "alien" pursuant to 26 U.S.C. §7701(b)(1)(A) and a constitutional or Fourteenth Amendment
4 "Citizen" AT THE SAME TIME. Why? Because the Supreme Court ruled in *Hooven and Allison v. Evatt*, 324 U.S.
5 652 (1945), that there are THREE different and mutually exclusive "United States", and therefore THREE types of
6 "citizens of the United States". Here is an example:

7 *"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of*
8 *citizenship—not only citizenship of the United States[***], but citizenship of the states. No such definition was previously found in the*
9 *Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by*
10 *the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the [***] except as he*
11 *was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia*
12 *or in the territories [STATUTORY citizens], though within the United States[*], were not [CONSTITUTIONAL] citizens."*
13 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

14 The "citizen of the United States" mentioned in the Fourteenth Amendment is a constitutional "citizen of the
15 United States", and the term "United States" in that context includes states of the Union and excludes federal
16 territory. Hence, you would NOT be a "citizen of the United States" within any federal statute, because all such
17 statutes define "United States" to mean federal territory and EXCLUDE states of the Union. For more details, see:

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

- 18 8. Your job, if you say you are a "citizen of the United States" or "U.S. citizen" on a government form (a VERY
19 DANGEROUS undertaking!) is to understand that all government forms presume the statutory and not constitutional
20 context, and to ensure that you define precisely WHICH one of the three "United States" you are a "citizen" of, and do
21 so in a way that excludes you from the civil jurisdiction of the national government because domiciled in a "foreign
22 state". Both foreign countries and states of the Union are legislatively "foreign" and therefore "foreign states" in
23 relation to the national government of the United States. The following form does that very carefully:

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

- 24 9. Even the IRS says you CANNOT trust or rely on ANYTHING on any of their forms and publications. We cover this
25 in our [Reasonable Belief About Income Tax Liability, Form #05.007](#). Hence, if you are compelled to fill out a
26 government form, you have an OBLIGATION to ensure that you define all "words of art" used on the form in such a
27 way that there is no room for presumption, no judicial or government discretion to "interpret" the form to their benefit,
28 and no injury to your rights or status by filling out the government form. This includes attaching the following forms
29 to all tax forms you submit:

30 9.1. [Affidavit of Citizenship, Domicile, and Tax Status](#), Form #02.001

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

32 9.2. [Tax Form Attachment](#), Form #04.201

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

34 9.3 Citizenship Status v. Tax Status

35 The table beginning on the next page in landscape format summarizes all the known citizenship and domicile options
36 within American jurisprudence.

1

Table 4: “Citizenship status” v. “Income tax status”

#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						“Citizen” (defined in 26 CFR 1.1-1)	“Resident alien” (defined in 26 U.S.C. §7701(b)(1)(A), 26 CFR §1.1441-1(c)(3)(i) and 26 CFR §1.1-1(a)(2)(ii))	“Nonresident alien INDIVIDUAL” (defined in 26 CFR §1.1441-1(c)(3))	“Nonresident alien NON-individual” (defined in 26 U.S.C. §7701(b)(1)(B))
1	“U.S. citizen” or “Statutory U.S. citizen”	Anywhere in America	District of Columbia, Puerto Rico, Guam, Virgin Islands	NA	8 U.S.C. §1401	Yes (only pay income tax abroad with IRS Forms 1040/2555. See Cook v. Tait, 265 U.S. 47 (1924))	No	No	No
2	“U.S. national”	Anywhere in America	American Samoa; Swain’s Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	NA	8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1408 8 U.S.C. §1452	No (see 26 U.S.C. §7701(b)(1)(B))	No	Yes (see IRS Form 1040NR for proof)	No
3.1	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	State of the Union	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; Fourteenth Amendment, Sect. 1	No	No	No	Yes
3.2	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	Foreign country	Yes	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; Fourteenth Amendment, Sect. 1	No	No	Yes	No
3.3	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	Foreign country	No	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; Fourteenth Amendment, Sect. 1	No	No	No	Yes
4.1	“alien” or “Foreign national”	Foreign country	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	NA	8 U.S.C. §1101(a)(3)	No	Yes	No	No
4.2	“alien” or “Foreign national”	Foreign country	State of the Union	Yes	8 U.S.C. §1101(a)(3)	No	No	Yes	No
4.3	“alien” or “Foreign national”	Foreign country	State of the Union	No	8 U.S.C. §1101(a)(3)	No	No	No	Yes
4.4	“alien” or “Foreign national”	Foreign country	Foreign country	Yes	8 U.S.C. §1101(a)(3)	No	No	Yes	No
4.5	“alien” or “Foreign national”	Foreign country	Foreign country	No	8 U.S.C. §1101(a)(3)	No	No	No	Yes

2

1 NOTES:

- 2 1. A nonresident alien individual who has made an election under 26 U.S.C. §6013(g) and (h) to be treated as a resident alien is treated as a “nonresident alien” for the
3 purposes of withholding under I.R.C. Subtitle C but retains their status as a “resident alien” under I.R.C. Subtitle A. See 26 CFR §1.1441-1(c)(3)(ii).
- 4 2. What turns a “nonresident alien NON-individual” into a “nonresident alien individual” is:
- 5 2.1. Being an alien and NOT a “national” AND
- 6 2.2. Meets one or more of the following two criteria found in 26 CFR §1.1441-1(c)(3)(ii):
- 7 2.2.1. Residence/domicile in a foreign country under the residence article of an income tax treaty and 26 CFR §301.7701(b)-7(a)(1).
- 8 2.2.2. Residence/domicile as an alien in Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as
9 determined under 26 CFR §301.7701(b)-1(d).
- 10 3. If you were born in a state of the Union and maintain a domicile there, then you are described in item 3.1 of the table.
- 11 4. All “taxpayers” are aliens or “nonresident aliens”. You cannot be a “citizen” and a taxpayer at same time. The definition of “individual” found in 26 CFR §1.1441-
12 1(c)(3) does NOT include “citizens”. The only occasion where a “citizen” can also be an “individual” is when they are abroad under 26 U.S.C. §911 and interface
13 to the I.R.C. under a tax treaty with a foreign country as an alien pursuant to 26 CFR §301.7701(b)-7(a)(1)

9.4 Effect of Domicile on Citizenship Status

Table 5: Effect of domicile on citizenship status

Description	CONDITION		
	Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE	Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country	Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE
Location of domicile	“United States” per 26 U.S.C. §§7701(a)(9) and (a)(10) , 7701(a)(39) , 7408(d) , and 4 U.S.C. §110(d)	“United States” per 26 U.S.C. §§7701(a)(9) and (a)(10) , 7701(a)(39) , 7408(d) , and 4 U.S.C. §110(d)	Without the “United States” per 26 U.S.C. §§7701(a)(9) and (a)(10) , 7701(a)(39) , 7408(d) , and 4 U.S.C. §110(d)
Physical location	Federal territories, possessions, and the District of Columbia	Foreign nations ONLY (NOT states of the Union)	Foreign nations states of the Union Federal possessions
Tax Status	“U.S. Person” 26 U.S.C. §7701(a)(30)	“U.S. Person” 26 U.S.C. §7701(a)(30)	“Nonresident alien” 26 U.S.C. §7701(b)(1)(B)
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	IRS Form 1040NR: “alien individuals”, “nonresident alien individuals” <u>No filing requirement</u> : “non-citizen nationals”
Status if DOMESTIC national	Citizen 8 U.S.C. §1401	Citizen abroad 26 U.S.C. §911 (Meets presence test)	“non-citizen National” 8 U.S.C. §1101(a)(21) 8 U.S.C. §1101(a)(22)(B) 8 U.S.C. §1408 8 U.S.C. §1452
Status if FOREIGN national	“Resident alien” 26 U.S.C. §7701(b)(1)(A)	“Resident alien abroad” 26 U.S.C. §911 (Meets presence test)	“Nonresident alien individual”: 26 CFR §1.1441-1(c)(3)(ii) “Alien”: 8 U.S.C. §1101(a)(3) “Alien individual”: 26 CFR §1.1441-1(c)(3)(i)

NOTES:

1. “United States” is defined as federal territory within [26 U.S.C. §§7701\(a\)\(9\)](#) and [\(a\)\(10\)](#), [7701\(a\)\(39\)](#), and [7408\(d\)](#), and 4 U.S.C. §110(d). It does not include any portion of a Constitutional state of the Union.
2. The “District of Columbia” is defined as a federal corporation but not a physical place, a “body politic”, or a de jure “government” within the District of Columbia Act of 1871, 16 Stat. 419, 426, Sec. 34. See: *Corporatization and Privatization of the Government*, Form #05.024; <http://sedm.org/Forms/FormIndex.htm>.
3. American nationals who are domiciled outside of federal jurisdiction, either in a state of the Union or a foreign country, are “nationals” but not “citizens” under federal law. They also qualify as “nonresident aliens” under [26 U.S.C. §7701\(b\)\(1\)\(B\)](#). See sections 4.11.2 of the *Great IRS Hoax*, Form #11.302 for details.
4. Temporary domicile in the middle column on the right must meet the requirements of the “Presence test” documented in IRS publications.
5. “FEDERAL ZONE”=District of Columbia and territories of the United States in the above table
6. The term “individual” as used on the IRS Form 1040 means an “alien” engaged in a “trade or business”. All “taxpayers” are “aliens” engaged in a “trade or business”. This is confirmed by [26 CFR §1.1441-1\(c\)\(3\)](#), [26 CFR §1.1-1\(a\)\(2\)\(ii\)](#), and [5 U.S.C. §552a\(a\)\(2\)](#). Statutory “U.S. citizens” as defined in [8 U.S.C. §1401](#) are not “individuals” unless temporarily abroad pursuant to [26 U.S.C. §911](#) and subject to an income tax treaty with a foreign country. In that capacity, statutory “U.S. citizens” interface to the I.R.C. as “aliens” rather than “U.S. citizens” through the tax treaty.

9.5 Meaning of Geographical “Words of Art”

Because the states of the Union and the federal government are “foreign” to each other for the purposes of legislative jurisdiction, then it also follows that the definitions of terms in the context of all state and federal statutes must be consistent with this fact. The table below was extracted from the *Great IRS Hoax*, Form #11.302, section 4.9 if you would like to investigate further, and it clearly shows the restrictions placed upon definitions of terms within the various contexts that they are used within state and federal law:

Table 6: Meaning of geographical “words of art”

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/”We The People”	Federal Government		“We The People”	State Government	
“state”	Foreign country	Union state	Union state	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
“State”	Union state	Federal state	Federal state	Union state	Union state	Union state
“in this State” or “in the State” ³	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
“State” ⁴ (State Revenue and taxation code only)	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
“several States”	Union states collectively ⁵	Federal “States” collectively	Federal “States” collectively	Federal “States” collectively	Federal “States” collectively	Federal “States” collectively
“United States”	states of the Union collectively	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

NOTES:

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

³ See California Revenue and Taxation Code, section 6017 at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=06001-07000&file=6001-6024>

⁴ See California Revenue and Taxation Code, section 17018 at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=17001-18000&file=17001-17039.1>

⁵ See, for instance, U.S. Constitution Article IV, Section 2.

9.6 Citizenship and Domicile Options and Relationships

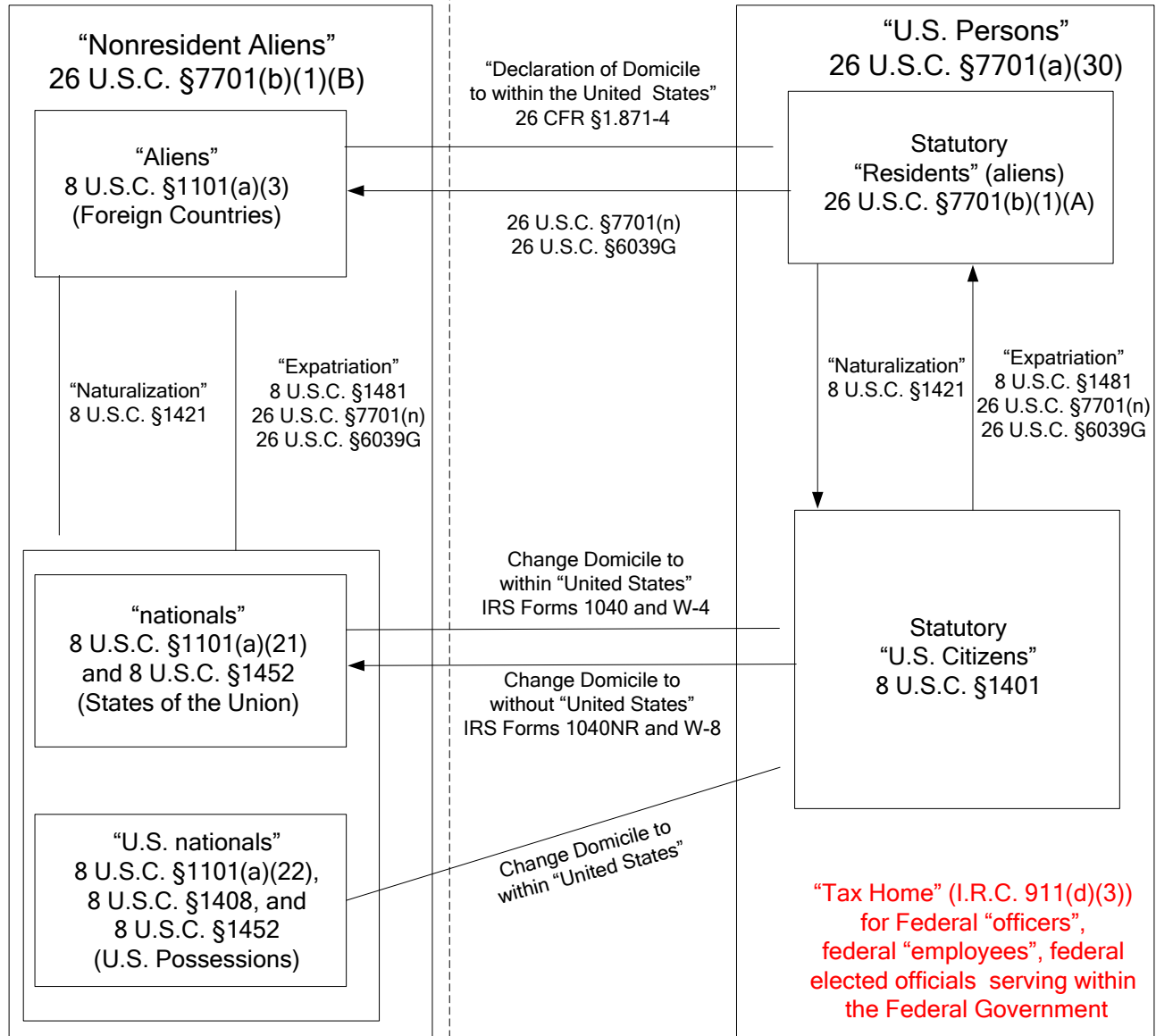
Figure 1: Citizenship and domicile options and relationships

NONRESIDENTS

Domiciled within
States of the Union OR
Foreign Countries
Without the "United States"

INHABITANTS

Domiciled within Federal
Territory within the
"United States"
(e.g. District of Columbia)



9.7 Statutory Rules for Converting Between Various Domicile and Citizenship Options

The rules depicted above are also described in text form using the list below, if you would like to investigate the above diagram further:

1. Aliens: Persons born in a foreign country and not within any state of the Union or within any federal territory.
 - 1.1. An alien is defined in [8 U.S.C. §1101\(a\)\(3\)](#) as a person who is neither a citizen nor a national.
 - 1.2. An alien is a person who is not a “national” as defined in [8 U.S.C. §1101\(a\)\(21\)](#).
 - 1.3. An alien with no domicile in the “United States” is presumed to be a “nonresident alien” pursuant to 26 CFR §1.871-4(b).
2. Resident aliens: An alien with a legal domicile on federal territory.
 - 2.1. “Resident aliens” are defined in [26 U.S.C. §7701\(b\)\(1\)\(A\)](#).
 - 2.2. A “resident alien” is an alien who has a legal domicile on federal territory.
 - 2.3. An “alien” becomes a “resident alien” by filing IRS Form 1078 pursuant to 26 CFR §1.871-4(c)(ii).
3. Nonresident aliens: Persons with no domicile on federal territory and who are born either in a foreign country, a state of the Union, or within the federal zone.
 - 3.1. A “nonresident alien” is defined as a person who is neither a statutory “citizen” pursuant to [8 U.S.C. §1401](#) nor a statutory “resident” pursuant to 26 U.S.C. §7701(b)(1)(A).
 - 3.2. A person who is a “non-citizen national” pursuant to [8 U.S.C. §1452](#) and either [8 U.S.C. §1101\(a\)\(21\)](#) or [8 U.S.C. §1101\(a\)\(22\)\(B\)](#) is a “nonresident alien” but not an “alien”.
4. Convertibility between “aliens”, “resident aliens”, and “nonresident aliens”:
 - 4.1. 26 U.S.C. §6013(g) and (h) and [26 U.S.C. §7701\(b\)\(4\)\(B\)](#) authorize a “nonresident alien” who is married to a statutory “U.S. citizen” as defined in [8 U.S.C. §1401](#) to make an “election” to become a “resident alien”.
 - 4.2. It is unlawful for an unmarried “non-citizen national” pursuant to [8 U.S.C. §1452](#) and either [8 U.S.C. §1101\(a\)\(21\)](#) or [8 U.S.C. §1101\(a\)\(22\)\(B\)](#) to become a “resident alien”. This can only happen by either fraud or mistake.
 - 4.3. A “nonresident alien” is not the legal equivalent of an “alien” in law.
 - 4.4. An alien may overcome the presumption that he is a “nonresident alien” and change his status to that of a “resident alien” by filing IRS Form 1078 pursuant to 26 CFR §1.871-4(c)(ii) while he is in the “United States”.
 - 4.5. The term “residence” can only lawfully be used to describe the domicile of an “alien”. Nowhere is this term used to describe the domicile of a “non-citizen national” or a “nonresident alien”. See 26 CFR §1.871-2.
 - 4.6. The only way an “alien” can become both a “non-citizen national” and a “nonresident alien” at the same time is to be naturalized pursuant to [8 U.S.C. §1421](#).
5. Sources of confusion on these issues:
 - 5.1. The term “United States” is defined in the Internal Revenue Code at [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10).
 - 5.2. The term “United States” for the purposes of citizenship is defined in [8 U.S.C. §1101\(a\)\(38\)](#).
 - 5.3. Any “U.S. Person” as defined in [26 U.S.C. §7701\(a\)\(30\)](#) who is not found in the “United States” (District of Columbia pursuant to [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10)) shall be treated as having an effective domicile within the District of Columbia pursuant to [26 U.S.C. §7701\(a\)\(39\)](#) and [26 U.S.C. §7408\(d\)](#).
 - 5.4. The term “United States” is equivalent for the purposes of statutory “citizens” pursuant to 8 U.S.C. §1401 and “citizens” as used in the Internal Revenue Code. See 26 CFR §1.1-1(c).
 - 5.5. The term “United States” as used in the Constitution of the United States is NOT equivalent to the statutory definition of the term used in:
 - 5.5.1. [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10).
 - 5.5.2. [8 U.S.C. §1101\(a\)\(38\)](#).
 - 5.6. A constitutional “citizen of the United States” as mentioned in the Fourteenth Amendment is NOT equivalent to a statutory “citizen and national of the United States” as used in [8 U.S.C. §1401](#). See:

Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006
<http://sedm.org/Forms/FormIndex.htm>
 - 5.7. In the case of jurisdiction over aliens only, the term “United States” implies all 50 states and the federal zone, and is not restricted only to the federal zone. See:
 - 5.7.1. *Nonresident Alien Position*, Form #05.020
<http://sedm.org/Forms/FormIndex.htm>
 - 5.7.2. [Kleindienst v. Mandel, 408 U.S. 753 \(1972\)](#)

In accord with ancient principles of the international law of nation-states, the Court in The Chinese Exclusion Case, 130 U.S. 581, 609 (1889), and in Fong Yue Ting v. United States, 149 U.S. 698 (1893), held broadly, as

the Government describes it, Brief for Appellants 20, that the power to exclude aliens is "inherent in sovereignty, necessary for maintaining normal international relations and defending the country against foreign encroachments and dangers - a power to be exercised exclusively by the political branches of government" Since that time, the Court's general reaffirmations of this principle have [408 U.S. 753, 766] been legion. 6 The Court without exception has sustained Congress' "plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden." Boutilier v. Immigration and Naturalization Service, 387 U.S. 118, 123 (1967). "[O]ver no conceivable subject is the legislative power of Congress more complete than it is over" the admission of aliens. Oceanic Navigation Co. v. Stranahan, 214 U.S. 320, 339 (1909). [Kleindienst v. Mandel, 408 U.S. 753 (1972)]

5.7.3. Chae Chan Ping v. U.S., 130 U.S. 581 (1889)

While under our constitution and form of government the great mass of local matters is controlled by local authorities, the United States, in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory. The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the states, and admit subjects of other nations to citizenship, are all sovereign powers, restricted in their exercise only by the constitution itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations. As said by this court in the case of Cohens v. Virginia, 6 Wheat. 264, 413, speaking by the same great chief justice: "That the United States form, for many, and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In making peace, we are one people. In all commercial regulations, we are one and the same people. In many other respects, the American people are one; and the government which is alone capable of controlling and managing their interests in all these respects is the government of the Union. It is their government, and in that character they have no other. America has chosen to [130 U.S. 581, 605] be in many respects, and to many purposes, a nation; and for all these purposes her government is complete; to all these objects, it is competent. The people have declared that in the exercise of all powers given for these objects it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory."

[. . .]

"The power of exclusion of foreigners being an incident of sovereignty belonging to the government of the United States as a part of those sovereign powers delegated by the constitution, the right to its exercise at any time when, in the judgment of the government, the interests of the country require it, cannot be granted away or restrained on behalf of any one. The powers of government are delegated in trust to the United States, and are incapable of transfer to any other parties. They cannot be abandoned or surrendered. Nor can their exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise of these public trusts is not the subject of barter or contract."
[Chae Chan Ping v. U.S., 130 U.S. 581 (1889)]

9.8 Effect of Federal Franchises and Offices Upon Your Citizenship and Standing in Court

Another important element of citizenship is that artificial entities like corporations are statutory but not Constitutional citizens in the context of civil litigation.

"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]

"A corporation is not a citizen within the meaning of that provision of the Constitution, which declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."
[Paul v. Virginia, 8 Wall (U.S.) 168, 19 L.Ed 357 (1868)]

Likewise, all governments are "corporations" as well.

"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
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.

"A federal corporation operating within a state is considered a domestic corporation rather than a foreign corporation. **The United States government is a foreign corporation with respect to a state.**"
[19 Corpus Juris Secundum (C.J.S.), Corporations, §883]

Those who are acting in a representative capacity on behalf of the national government as "public officers" therefore assume the same status as their employer pursuant to Federal Rule of Civil Procedure 17(b). To wit:

[IV. PARTIES](#) > Rule 17.

[Rule 17. Parties Plaintiff and Defendant: Capacity](#)

(b) Capacity to Sue or be Sued.

The capacity of an individual, other than one acting in a representative capacity, to sue or be sued shall be determined by the law of the individual's domicile. **The capacity of a corporation [the "United States", in this case, or its officers on official duty representing the corporation] to sue or be sued shall be determined by the law under which it was organized [laws of the District of Columbia].** In all other cases capacity to sue or be sued shall be determined by the law of the state in which the district court is held, except (1) that a partnership or other unincorporated association, which has no such capacity by the law of such state, may sue or be sued in its common name for the purpose of enforcing for or against it a substantive right existing under the Constitution or laws of the United States, and (2) that the capacity of a receiver appointed by a court of the United States to sue or be sued in a court of the United States is governed by [Title 28, U.S.C., §§754 and 959\(a\)](#).

[SOURCE: <http://www.law.cornell.edu/rules/frcp/Rule17.htm>]

Persons acting in the capacity as "public officers" of the national government are therefore acting as "officers of a corporation" as described in [26 U.S.C. §6671\(b\)](#) and [26 U.S.C. §7343](#) and become "persons" within the meaning of federal statutory law.

[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.

Because all corporations are "citizens", then "public officers" also take on the character of "U.S. citizens" in the capacity of their official duties, regardless of what they are as private individuals. It is also interesting to note that IRS correspondence

very conspicuously warns the recipient right underneath the return address the following, confirming that they are corresponding with a “public officer” and not a private individual:

“Penalty for private use \$300.”

Note that all “taxpayers” are “public officers” of the national government, and they are referred to in the Internal Revenue Code as “effectively connected with a trade or business”. The term “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 the performance of the functions of a public office.”

For details on this scam, see:

1. *Proof That There is a “Straw Man”*, Form #05.042
<http://sedm.org/Forms/FormIndex.htm>
2. *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>
3. *The “Trade or Business” Scam*, Form #05.001
<http://sedm.org/Forms/FormIndex.htm>
4. *Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?*, Form #05.013
<http://sedm.org/Forms/FormIndex.htm>

The U.S. Supreme Court has also said it is “repugnant to the constitution” for the government to regulate private conduct. The only way you can lawfully become subject to the government’s jurisdiction or the tax laws is to engage in “public conduct” as a “public officer” of the national government.

“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 \(1997\)\]](#)

Note also that ordinary “employees” are NOT “public officers”:

*Treatise on the Law of Public Offices and Officers
Book 1: 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.”

*“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.**”*

“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."

[*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>]

The ruse described in this section of making corporations into “citizens” and those who work for them into “public officers” of the government and “taxpayers” started just after the Civil War. Congress has always been limited to taxing things that it creates, which means it has never been able to tax anything but federal and not state corporations. The Supreme Court has confirmed, for instance, that the income tax is and always has been a franchise or privilege tax upon profit of federal corporations.

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

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

Conceding the power of Congress to tax the business activities of private corporations.. the tax must be measured by some standard..."

[[Flint v. Stone Tracy Co., 220 U.S. 107 \(1911\)](#)]

*"The Sixteenth Amendment declares that Congress shall have power to levy and collect taxes on income, "from [271 U.S. 174] whatever source derived," without apportionment among the several states and without regard to any census or enumeration. It was not the purpose or effect of that amendment to bring any new subject within the taxing power. Congress already had power to tax all incomes. But taxes on incomes from some sources had been held to be "direct taxes" within the meaning of the constitutional requirement as to apportionment. Art. 1, § 2, cl. 3, § 9, cl. 4; Pollock v. Farmers' Loan & Trust Co., 158 U.S. 601. The Amendment relieved from that requirement, and obliterated the distinction in that respect between taxes on income that are direct taxes and those that are not, and so put on the same basis all incomes "from whatever source derived." Brushaber v. Union P. R. Co., 240 U.S. 1, 17. **"Income" has been taken to mean the same thing as used in the Corporation Excise Tax Act of 1909, in the Sixteenth Amendment, and in the various revenue acts subsequently passed. Southern Pacific Co. v. Lowe, 247 U.S. 330, 335; Merchants' L. & T. Co. v. Smietanka, 255 U.S. 509, 219. After full consideration, this Court declared that income may be defined as gain derived from capital, from labor, or from both combined, including profit gained through sale or conversion of capital. Stratton's Independence v. Howbert, 231 U.S. 399, 415; Doyle v. Mitchell Brothers Co., 247 U.S. 179, 185; Eisner v. Macomber, 252 U.S. 189, 207. And that definition has been adhered to and applied repeatedly. See, e.g., Merchants' L. & T. Co. v. Smietanka, supra; 518; Goodrich v. Edwards, 255 U.S. 527, 535; United States v. Phellis, 257 U.S. 156, 169; Miles v. Safe Deposit Co., 259 U.S. 247, 252-253; United States v. Supplee-Biddle Co., 265 U.S. 189, 194; Irwin v. Gavit, 268 U.S. 161, 167; Edwards v. Cuba Railroad, 268 U.S. 628, 633. In determining what constitutes income, substance rather than form is to be given controlling weight. Eisner v. Macomber, supra, 206. [271 U.S. 175]"***

[[Bowers v. Kerbaugh-Empire Co., 271 U.S. 170, 174, \(1926\)](#)]

"As repeatedly pointed out by this court, the Corporation Tax Law of 1909..imposed an excise or privilege tax, and not in any sense, a tax upon property or upon income merely as income. It was enacted in view of the decision of Pollock v. Farmer's Loan & T. Co., 157 U.S. 429, 29 L.Ed. 759, 15 Sup.St. Rep. 673, 158 U.S. 601, 39 L.Ed. 1108, 15 Sup. Ct. Rep. 912, which held the income tax provisions of a previous law to be unconstitutional because amounting in effect to a direct tax upon property within the meaning of the Constitution, and because not apportioned in the manner required by that instrument."

[[U.S. v. Whiteridge, 231 U.S. 144, 34 S.Sup.Ct. 24 \(1913\)](#)]

To create and expand a national income tax, the federal government therefore had to make the municipal government of the District of Columbia into a federal corporation in 1871 and then impose an income tax upon the officers of the corporation (“public officers”) by making all of their earnings from the office into “profit” and “gross income” subject to excise tax upon the franchise they participate in. Below is the history of this transformation. You can find more in [Great IRS Hoax](#), Form #11.302, Chapter 6:

1. The first American Income Tax was passed in 1862. See:

12 Stat. 432.

<http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=012/llsl012.db&recNum=463>

2. The License Tax Cases was heard in 1866 by the Supreme Court, in which the Supreme Court said that Congress could not license a trade or business in a state in order to tax it, referring to the civil war tax enacted in 1862. See:

License Tax Cases, 72 U.S. 462 (1866)

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=72&page=462>

3. The Fourteenth Amendment was ratified in 1868. This makes corporations “citizens”.
4. The civil war income tax was repealed in 1871. See:
 - 4.1. 17 Stat. 401
 - 4.2. *Great IRS Hoax*, Form #11.302, Section 6.5.20.
5. Congress incorporated the District of Columbia in 1871. The incorporation of the District of Columbia was done to expand the income tax by taxing the government’s own “public officers” as a federal corporation. See the following:

19 Stat. 419

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

If you would like to know more about how franchises such as a “public office” affect your effective citizenship and standing in court, see:

Government Instituted Slavery Using Franchises, Form #05.030

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

9.9 Federal Statutory Citizenship Statuses Diagram

Figure 2: Federal Statutory Citizenship Statuses Diagram

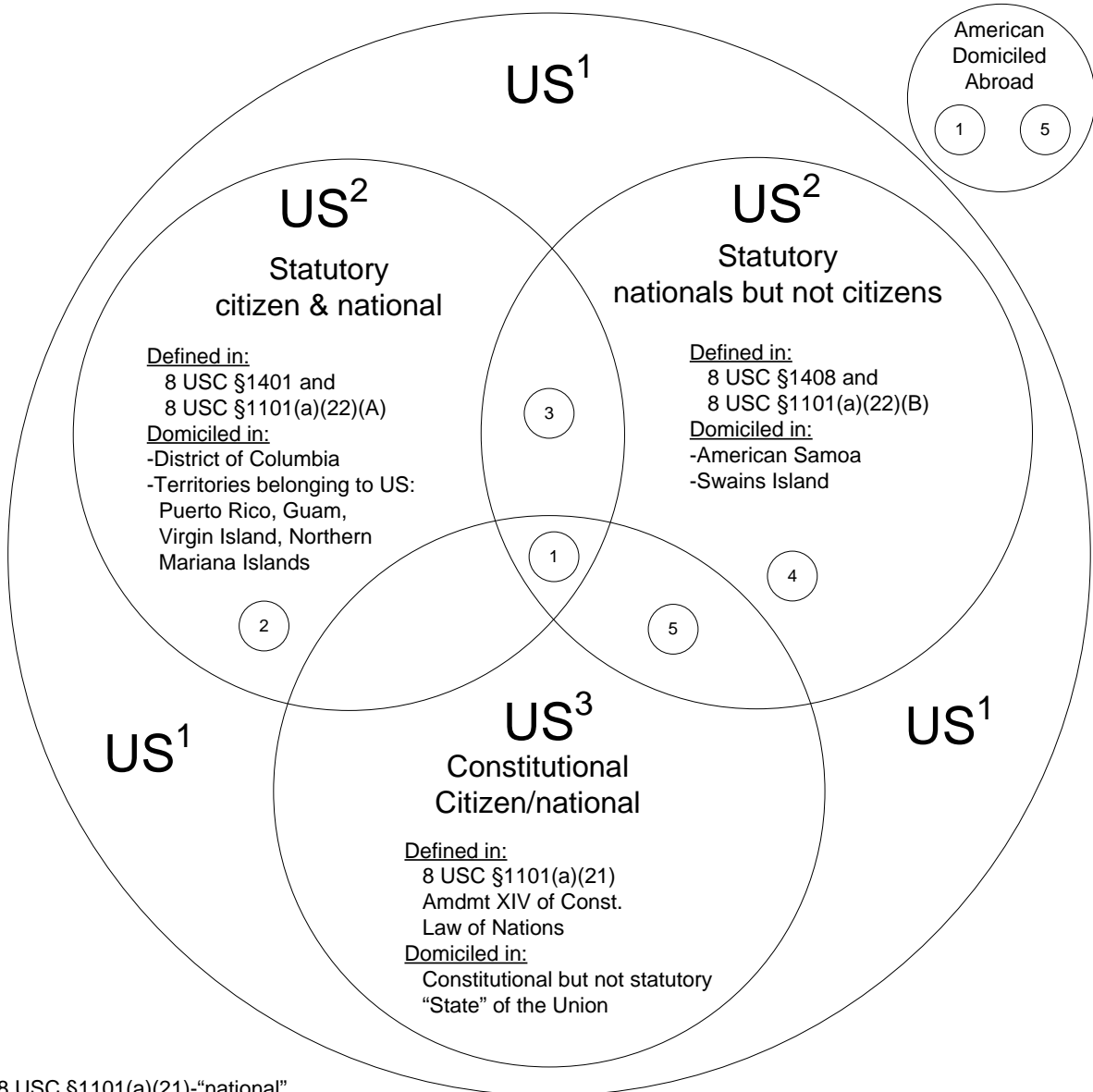
FEDERAL STATUTORY CITIZENSHIP STATUSES

"The term 'United States' may be used in any one of several senses. 1) It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. 2) It may designate the territory over which the sovereignty of the United States extends, or 3) it may be the collective name of the states which are united by and under the Constitution." [Numbering Added] [Hooven & Allison Co. v. Evatt, 324 U.S. 652, (1945)]

US¹ - Context used in matters describing our sovereign country within the family of nations.

US² - Context used to designate the territory over which the Federal Government is sovereign.

US³ - Context used regarding the sovereign states of the Union united by and under the Constitution.



- ① 8 USC §1101(a)(21)-"national"
- ② 8 USC §1401-"citizen & national of the United States²ⁿ"
- ③ 8 USC §1101(a)(22)-"national of the United States²ⁿ"
- ④ 8 USC §1408-"national of the United States² at birth"
- ⑤ 8 USC §1452-"non-citizen national"

① and ⑤ Describe those born within and domiciled within states of the Union.

Rev. 9/16/09

1 **9.10 Citizenship Status on Government Forms**

2 The table on the next page resurrects and expands upon the table found earlier in section **Error! Reference source not**
3 **found..** It presents a tabular summary of each permutation of nationality and domicile as related to the major federal forms
4 and the Social Security NUMIDENT record.

5 **9.10.1 Table of options and corresponding form values**

1

2

Table 7: Tabular Summary of Citizenship Status on Government Forms

#	Citizenship status	Place of birth	Domicile	Defined in	Social Security NUMIDENT Status	Status on Specific Government Forms			
						Social Security SS-5	IRS Form W-8 Block 3	Department of State I-9	E-Verify System
1	“U.S. citizen” or “Statutory U.S. citizen”	Anywhere in America	District of Columbia, Puerto Rico, Guam, Virgin Islands	8 U.S.C. §1401; 8 U.S.C. §1101(a)(22)(A)	CSP=A	Block 5=“U.S. Citizen”	Can’t use Form W-8	Section 1=“A citizen of the United States”	See Note 1.
2	“U.S. national”	Anywhere in America	American Samoa; Swains Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1408; 8 U.S.C. §1452	CSP=B	Block 5=“Legal alien authorized to work. (statutory)”	“Nonresident NON-Individual Nontaxpayer”	Section 1=“A noncitizen national of the United States”	See Note 1.
3.1	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	State of the Union	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; 14 th Amend., Sect. 1	CSP=B	Block 5=“Legal alien authorized to work. (statutory)”	“Nonresident NON-Individual Nontaxpayer”	Section 1=“A noncitizen national of the United States)” OR “An alien authorized to work (statutory)”	See Note 1.
3.2	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	Foreign country	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; 14 th Amend., Sect. 1	CSP=B	Block 5=“Legal alien authorized to work. (statutory)”	“Nonresident NON-Individual Nontaxpayer”	Section 1=“A noncitizen national of the United States)” OR “An alien authorized to work (statutory)”	See Note 1.
3.3	“national” or “state national” or “Constitutional but not statutory citizen”	Anywhere in America	Foreign country	8 U.S.C. §1101(a)(21); 8 U.S.C. §1452; 14 th Amend., Sect. 1	CSP=B	Block 5=“Legal alien authorized to work. (statutory)”	“Nonresident NON-Individual Nontaxpayer”	Section 1=“A noncitizen national of the United States)” OR “An alien authorized to work (statutory)”	See Note 1.
4.1	“alien” or “Foreign national”	Foreign country	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	8 U.S.C. §1101(a)(3)	CSP=B	Block 5=“Legal alien authorized to work. (statutory)”	“Nonresident NON-Individual Nontaxpayer”	Section 1=“A lawful permanent resident” OR “An alien authorized to work”	See Note 1.
4.2	“alien” or “Foreign national”	Foreign country	State of the Union	8 U.S.C. §1101(a)(3)	CSP=B	Block 5=“Legal alien authorized to work. (statutory)”	“Nonresident NON-Individual Nontaxpayer”	Section 1=“A lawful permanent resident” OR “An alien authorized to work”	See Note 1.
4.3	“alien” or “Foreign national”	Foreign country	State of the Union	8 U.S.C. §1101(a)(3)	CSP=B	Block 5=“Legal alien authorized to work. (statutory)”	“Nonresident NON-Individual Nontaxpayer”	Section 1=“A lawful permanent resident” OR “An alien authorized to work”	See Note 1.
4.4	“alien” or “Foreign national”	Foreign country	Foreign country	8 U.S.C. §1101(a)(3)	CSP=B	Block 5=“Legal alien authorized to work. (statutory)”	“Nonresident NON-Individual Nontaxpayer”	Section 1=“A lawful permanent resident” OR “An alien authorized to work”	See Note 1.
4.5	“alien” or “Foreign national”	Foreign country	Foreign country	8 U.S.C. §1101(a)(3)	CSP=B	Block 5=“Legal alien authorized to work. (statutory)”	“Nonresident NON-Individual Nontaxpayer”	Section 1=“A lawful permanent resident” OR “An alien authorized to work”	See Note 1.

1 **NOTES:**

- 2 1. E-Verify CANNOT be used by those who are a NOT lawfully engaged in a public office in the U.S. government at the
3 time of making application. Its use is VOLUNTARY and cannot be compelled. Those who use it MUST have a
4 Social Security Number or Taxpayer Identification Number and it is ILLEGAL to apply for, use, or disclose said
5 number for those not lawfully engaged in a public office in the U.S. government at the time of application. See:

Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number", Form #04.205

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

- 6 2. For instructions useful in filling out the forms mentioned in the above table, see:

7 2.1. Social Security Form SS-5:

Why You Aren't Eligible for Social Security, Form #06.001

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

8 2.2. IRS Form W-8:

About IRS Form W-8BEN, Form #04.202

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

9 2.3. Department of State Form I-9:

I-9 Form Amended, Form #06.028

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

10 2.4. E-Verify:

About E-Verify, Form #04.107

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

11 **9.10.2 How to describe your citizenship on government forms⁶**

12 This section provides some pointers on how to describe your citizenship status on government forms in order to avoid being
13 confused with a someone who has a domicile on federal territory and therefore no Constitutional rights. Below is a
14 summary of how we recommend protecting yourself from the prejudicial presumptions of others about your citizenship
15 status:

- 16 1. Keep in mind the following facts about all government forms:
- 17 1.1. Government forms ALWAYS imply the LEGAL/STATUTORY rather than POLITICAL/CONSTITUTIONAL
18 status of the party in the context of all franchises, including income taxes and social security.
- 19 1.2. "Alien" on government forms means a STATUTORY alien domiciled outside the federal zone, which we also call
20 the "statutory United States***". It includes both people domiciled in a constitutional state and those domiciled in
21 a foreign country. "Alien" is always relative to domicile and not nationality.
- 22 1.3. The Internal Revenue Code does NOT define the term "nonresident alien". The closest thing to a definition is that
23 found in 26 U.S.C. §7701(b)(1)(B), which defines what it ISN'T, but NOT what it IS. If you look on IRS Form
24 W-8BEN, Block 3, you can see that there are many different types of entities that can be nonresident aliens, none
25 of which are included in the definition at 26 U.S.C. §7701(b)(1)(B). It is therefore IMPOSSIBLE to conclude
26 based on any definition in the Internal Revenue Code that a specific person IS or IS NOT a "nonresident alien."
- 27 1.4. On tax forms, the term "nonresident alien" is NOT a subset of the term "alien", but rather a SUPERSET. It
28 includes both FOREIGN nationals domiciled in a foreign country and also persons in Constitutional states of the
29 Union. A "national of the United States", for instance, although NOT an "alien" under Title 8 of the U.S. Code,
30 is an "alien" under Title 26 of the U.S. Code. Therefore, a "nonresident alien" is a "word of art" designed to
31 confuse people, and the fact that uses the word "alien" doesn't mean it IS an "alien". This is covered in:

Flawed Tax Arguments to Avoid, Form #08.004, Section 6.7

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

- 32 2. Anyone who PRESUMES any of the following should promptly be DEMANDED to prove the presumption with
33 legally admissible evidence from the law. ALL of these presumptions are FALSE and cannot be proven:

34 2.1. That you can trust ANYTHING that either a government form OR a government employee says. The courts say
35 not only that you CANNOT, but that you can be PENALIZED for doing so. See:

Reasonable Belief About Income Tax Liability, Form #05.007

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

36 2.2. That nationality and domicile are synonymous.

⁶ Adapted from *Why You are a "national", "state national", and Constitutional but not Statutory Citizen,* Form #05.006, Section 13.1; <http://sedm.org>.

- 2.3. That “nonresident aliens” are a SUBSET of “aliens” within the Internal Revenue Code.
- 2.4. That the term “United States” has the SAME meaning in Title 8 of the U.S. Code as it has in Title 26.
- 2.5. That “non-citizen nationals” (per 8 U.S.C. §1101(a)(21)) or “nationals of the United States” (per 8 U.S.C. §1408) are NOT “aliens” under the Internal Revenue Code, 26 U.S.C..
- 2.6. That a Fourteenth Amendment “citizen of the United States” is equivalent to any of the following:
- 2.6.1. 8 U.S.C. §1401 “national and citizen of the United States”.
- 2.6.2. 26 CFR §1.1-1 “citizen”.
- 2.6.3. 26 U.S.C. §3121(e) “citizen of the United States”.
- All of the above statuses have similar sounding names, but they rely on a DIFFERENT definition of “United States” from that found in the USA Constitution.
- 2.7. That you can be a statutory “taxpayer” or statutory “citizen” of any kind WITHOUT your consent. See:

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

3. The safest way to describe oneself is to check “Other” for citizenship or add an “Other” box if the form doesn’t have one and then do one of the following:
- 3.1. Write in the “Other” box

“See attached mandatory Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001”

and then attach the following completed form:

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

- 3.2. If you don’t want to include an attachment, add the following mandatory language to the form that you are a:
- 3.2.1. A “Citizen and national of _____(statename)”
- 3.2.2. NOT a statutory “national and citizen of the United States” or “U.S. citizen” per 8 U.S.C. 1401
- 3.2.3. A constitutional or Fourteenth Amendment Citizen.
- 3.2.4. A statutory alien per 26 U.S.C. §7701(b)(1)(A) for the purposes of the federal income tax.

4. If the recipient of the form says they won’t accept attachments or won’t allow you to write explanatory information on the form needed to prevent perjury on the form, then send them an update via certified mail AFTER they accept your submission so that you have legal evidence that they tried to tamper with a federal witness and conspired to commit perjury on the form.
5. For detailed instructions on how to fill out the Department of State Form I-9, See:

I-9 Form Amended, Form #06.028
<http://sedm.org/Forms/FormIndex.htm>

6. For detailed instructions on how to participate in E-Verify for the purposes of PRIVATE employment, see:

About E-Verify, Form #04.107
<http://sedm.org/Forms/FormIndex.htm>

7. To undo the damage you have done over the years to your status by incorrectly describing your status, send in the following form and submit according to the instructions provided. This form says that all future government forms submitted shall have this form included or attached by reference.

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

8. Quit using Taxpayer Identifying Numbers (TINs). 20 CFR §422.104 says that only statutory “U.S. citizens” and “permanent residents” can lawfully apply for Social Security Numbers, both of which share in common a domicile on federal territory such as statutory “U.S. citizens” and “residents” (aliens), can lawfully use such a number. 26 CFR §301.6109-1(b) also indicates that “U.S. persons”, meaning persons with a domicile on federal territory, are required to furnish such a number if they file tax forms. “Foreign persons” are also mentioned in 26 CFR §301.6109-1(b), but these parties also elect to have an effective domicile on federal territory and thereby become “persons” by engaging in federal franchises. See:

8.1. *Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?*, Form #05.013
<http://sedm.org/Forms/FormIndex.htm>

8.2. *Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”*, Form #04.205-attach this form to every government form that asks for a Social Security Number or Taxpayer Identification Number. Write in the SSN/TIN Box (NONE: See attached form #04.205).
<http://sedm.org/Forms/FormIndex.htm>

8.3. *Resignation of Compelled Social Security Trustee*, Form #06.002-use this form to quit Social Security lawfully.
<http://sedm.org/Forms/FormIndex.htm>

1 9. If you are completing any kind of government form or application to any kind of financial institution other than a tax
2 form and you are asked for your citizenship status, TIN, or Social Security Number, attach the following form and
3 prepare according to the instructions provided:

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

4 10. If you are completing and submitting a government tax form, attach the following form and prepare according to the
5 instructions provided:

Tax Form Attachment, Form #04.201
<http://sedm.org/Forms/FormIndex.htm>

6 11. If you are submitting a voter registration, attach the following form and prepare according to the instructions provided:

Voter Registration Attachment, Form #06.003
<http://sedm.org/Forms/FormIndex.htm>

7 12. If you are applying for a USA passport, attach the following form and prepare according to the instructions provided:

USA Passport Application Attachment, Form #06.007
<http://sedm.org/Forms/FormIndex.htm>

8 13. If you are submitting a complaint, response, pleading, or motion to a federal court, you should attach the following
9 form:

Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002
<http://sedm.org/Litigation/LitIndex.htm>

10 14. Use as many of the free forms as you can from the page below. They are very well thought out to avoid traps set by
11 the predators who run the American government:

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

12 15. When engaging in correspondence with anyone in the government, legal, or financial profession about your status that
13 occurs on other than a standard government form, use the following guidelines:

14 15.1. In the return address for the correspondence, place the phrase “(NOT A DOMICILE OR RESIDENCE)”.

15 15.2. Entirely avoid the use of the words “citizen”, “citizenship”, “resident”, “inhabitant”. Instead, prefer the term
16 “non-citizen national”, and “transient foreigner”.

17 15.3. Never describe yourself as an “individual” or “person”. 5 U.S.C. §552a(a)(2) says that this entity is a government
18 employee who is a statutory “U.S. citizen” or “resident” (alien). Instead, refer to yourself as a “transient
19 foreigner” and a “nonresident”. Some forms such as IRS form W-8BEN Block 3 have no block for “transient
20 foreigner” or “nonresident NON-individual”, in which case modify the form to add that option. See the following
21 for details:

About IRS Form W-8BEN, Form #04.202
<http://sedm.org/Forms/FormIndex.htm>

22 15.4. Entirely avoid the use of the phrase “United States”, because it has so many different and mutually exclusive
23 meanings in the U.S. code and state law. Instead, replace this phrase with the name of the state you either are
24 physically present within or with “USA” and then define that “USA” includes the states of the Union and
25 excludes federal territory. For instance, you could say “Citizen of California Republic” and then put an asterisk
26 next to it and at the bottom of the page explain the asterisk as follows:

27 * NOT a citizen of the STATE of California, which is a corporate extension of the federal government, but
28 instead a sovereign Citizen of the California Republic

29 California Revenue and Taxation Code, section 6017 defines “State of” as follows:

30 “6017. ‘In this State’ or ‘in the State’ means within the exterior limits of the State of California and
31 includes all territory within these limits owned by or ceded to the United States of America.”

32 15.5. Never use the word “residence”, “permanent address”, or “domicile” in connection with either the term “United
33 States”, or the name of the state you are in.

34 15.6. If someone else refers to you improperly, vociferously correct them so that they are prevented from making
35 presumptions that would injure your rights.

36 15.7. Avoid words that are undefined in statutes that relate to citizenship. Always use words that are statutorily defined
37 and if you can’t find the definition, define it yourself on the form or correspondence you are sending. Use of
38 undefined words encourages false presumptions that will eventually injure your rights and give judges and
39 administrators discretion that they undoubtedly will abuse to their benefit. There isn’t even a common definition
40 of “citizen of the United States” or “U.S. citizen” in the standard dictionary, then the definition of “U.S. citizen”

in all the state statutes and on all government forms is up to us! Therefore, once again, whenever you fill out any kind of form that specifies either “U.S. citizen” or “citizen of the United States”, you should be very careful to clarify that it means “national” under 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452 or you will be “presumed” to be a federal citizen and a “citizen of the United States**” under 8 U.S.C. §1401, and this is one of the biggest injuries to your rights that you could ever inflict. Watch out folks! Here is the definition we recommend that you use on any government form that uses these terms that makes the meaning perfectly clear and unambiguous:

“U.S.*** citizen” or “citizen of the United States***”: A “National” defined in either 8 U.S.C. §1101(a)(21) or 8 U.S.C. §1101(a)(22)(B) and 8 U.S.C. §1452 who owes their permanent allegiance to the confederation of states called the “United States”. Someone who was not born in the federal “United States” as defined in 8 U.S.C. §1101(a)(38) and who is NOT a “citizen of the United States” under 8 U.S.C. §1401.

15.8. Refer them to this pamphlet if they have questions and tell them to do their homework.

16. Citizenship status in Social Security NUMIDENT record:

16.1. The NUMIDENT record derives from what was filled out on the SS-5 form, block 5. See:

<http://www.ssa.gov/online/ss-5.pdf>

16.2. One’s citizenship status is encoded within the NUMIDENT record using the “CSP code” within the Numident record. This code is called the “citizenship code” by the Social Security administration.

16.3. Like all government forms, the terms used on the SS-5 form use the STATUTORY context, not the CONSTITUTIONAL context for all citizenship words. Hence, block 5 of the SS-5 form should be filled out with “Legal Alien Authorized to Work”, which means you are a STATUTORY but not CONSTITUTIONAL alien. This is consistent with the definition of “individual” found in 26 CFR §1.1441-1(c)(3), which defines the term to include ONLY STATUTORY “aliens”.

16.4. Those who are not STATUTORY “nationals and citizens of the United States**” at birth per 8 U.S.C. §1401 or 26 U.S.C. §3121(e), and 26 CFR §1.1-1(c) have a “CSP code” of B in their NUMIDENT record, which corresponds with a CSP code of “B”. The comment field of the NUMIDENT record should also be annotated with the following to ensure that it is not changed during an audit because of confusion on the part of the SSA employee:

“CSP Code B not designated in error-- applicant is an American national with a domicile and residence in a foreign state for the purposes of the Social Security Act.”

16.5. The local SSA office cannot provide a copy of the NUMIDENT record. Only the central SSA headquarters can provide it by submitting a Privacy Act request rather than a FOIA using the following resource:

Guide to Freedom of Information Act, Social Security Administration

http://www.ssa.gov/foia/html/foia_guide.htm

16.6. Information in the NUMIDENT record is shared with:

16.6.1. The Department of Homeland Security (DHS).

16.6.2. State Department of Motor Vehicles in verifying SSNs.

16.6.3. E-Verify.

About E-Verify, Form #04.107

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

16.7. The procedures for requesting NUMIDENT information using the Freedom of Information Act or Privacy Act are described in:

Social Security Program Operations Manual (POMS), Section RM 00299.005 Form SSA-L669 Request for Evidence in Support of an SSN Application — U.S.-Born Applicant

<https://s044a90.ssa.gov/apps10/poms.nsf/lx/0100299005>

10 How “nontaxpayers” are deceived into declaring themselves to be “taxpayers” on government forms: Removing “Not subject” and offering only “Exempt”

Another devious technique frequently used on government forms to trick “nontaxpayers” into making an unwitting election to become “taxpayers” is:

1. Omit the “not subject” option.
2. Present the “exempt” option as the only method for avoiding the liability described.
3. Define the term “exempt” to exclude persons who are “not subject”.

1 This form of abuse exploits the common false presumption among most Americans, which is the following: Government
2 forms present ALL of the lawful options available to avoid the liability described. In fact, government is famous for
3 limiting options in order to advantage or benefit them. In effect, they are constraining your options to compel you to select
4 the lesser of evils and remove the ability to avoid all evil. This devious technique is also called an “adhesion contract”. In
5 summary, they are violating the First Amendment by instituting compelled association in which you are coerced to engage
6 in commercial activity with them and become subject to their pagan laws.
7 There are two ways that one can use to describe oneself on government forms:

- 8 1. “Exempt”. This is a person who is otherwise subject to the provision of law administering the form because they are
9 an “individual” or “person” and yet who is expressly made exempt by a particular provision of the statutes forming the
10 franchise agreement. This option appears on most government forms.
- 11 2. “Not subject”. This would be equivalent to a “nontaxpayer” who is not a “person” or franchisee within the meaning of
12 the statute in question. You almost never see this option on government forms.

13 There is a world of difference between these two statuses and we MUST understand the difference before we can know
14 whether or how to fill out a specific government form describing our status. In this section we will show you how to
15 choose the correct status above and all the affects that this status has on how we fill out government forms.
16 We will begin our explanation with an illustration. If you are domiciled in California, you would describe yourself as
17 “subject” to the laws in California. However, in relation to the laws of every other civil jurisdiction outside of California,
18 you would describe yourself as:

- 19 1. “Not subject” to the civil laws of that place unless you are physically visiting that place.
- 20 2. Not ANYTHING described in the civil law that the government has jurisdiction over or may impose a “duty” upon,
21 such as a “person”, “individual”, “taxpayer”, etc.
- 22 3. Not a “foreign person” because not a “person” under the civil law.
- 23 4. “foreign”.
- 24 5. A “nonresident”.
- 25 6. A “transient foreigner”.

26 A human being who is domiciled in California, for instance, would not be subject to the civil laws of China unless he was
27 either visiting China or engaged in commerce within the legislative jurisdiction of China with people who were domiciled
28 there and therefore protected by the civil laws there. He would not describe himself as being “exempt” from the laws of
29 China, because one cannot be “exempt” without FIRST *also* being “subject” by having a domicile or residence within that
30 foreign jurisdiction. Another way of stating this is that he would not be a “person” under the civil laws of China and would
31 be “foreign” unless and until he either physically moved there or changed his domicile or residence to that place and
32 thereby became a “protected person” subject to the civil jurisdiction of the Chinese government.
33 All income taxation within the United States of America takes the form of an excise tax upon an “activity” implemented by
34 the civil law. In the case of the Internal Revenue Code, Subtitle A, that activity is called a “trade or business”. This fact
35 exhaustively proven in the following amazing article:

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

36 A “trade or business” is then defined in 26 U.S.C. §7701(a)(26) as follows:

37 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > § 7701
38 [§ 7701. Definitions](#)

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

41 (26) *“The term ‘trade or business’ includes the performance of **the functions** [activities] of a **public office**.”*

42 Those who therefore lawfully engage in a public office in the U.S. government BEFORE they sign or submit any tax form
43 are then described as a “franchisee” called a “taxpayer” under the terms of the excise tax or franchise agreement codified in
44 Internal Revenue Code, Subtitle A. Those who are not “public officers” also cannot lawfully “elect” themselves into
45 “public office” by signing or submitting a tax form either, because this would constitute impersonating an officer or
46 employee of the government in violation of 18 U.S.C. §912. This is confirmed by 26 U.S.C. §7701(a)(31) , which

1 describes all those who are nonresident within the “United States” (District of Columbia) and not engaged in the “trade or
2 business”/“public office” activity as being a “foreign estate”, which simply means “not subject”, to the Internal Revenue
3 Code, Subtitle A franchise or excise tax:

4 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > § 7701
5 [§7701. Definitions](#)

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

8 (31) Foreign estate or trust

9 (A) Foreign estate

10 The term “foreign estate” means an estate the income of which, from sources without the United States which is
11 **not effectively connected with the conduct of a trade or business within the United States**, is not includible in
12 gross income under subtitle A.

13 The entity or “person” described above would NOT be “exempt”, but rather simply “not subject”. The reason is that the
14 term “exempt” has a specific legal definition that does not include the situation above. Notice that the term “exempt” is
15 used along with the word “individual”, meaning that you must be a “person” and an “individual” BEFORE you can call
16 yourself “exempt”:

17 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > Sec. 7701.
18 [Sec. 7701. - Definitions](#)

19 (b)(5) **Exempt individual defined**

20 For purposes of this subsection -

21 (A) In general

22 An individual is an exempt individual for any day if, for such day, such individual is -

23 (i) a foreign government-related individual,

24 (ii) a teacher or trainee,

25 (iii) a student, or

26 (iv) a professional athlete who is temporarily in the United States to compete in a charitable sports event
27 described in section 274(l)(1)(B).

28 (B) Foreign government-related individual

29 The term “foreign government-related individual” means any individual temporarily present in the United
30 States by reason of -

31 (i) diplomatic status, or a visa which the Secretary (after consultation with the Secretary of State) determines
32 represents full-time diplomatic or consular status for purposes of this subsection,

33 (ii) being a full-time employee of an international organization, or

34 (iii) being a member of the immediate family of an individual described in clause (i) or (ii).

35 (C) Teacher or trainee

36 The term “teacher or trainee” means any individual -

37 (i) who is temporarily present in the United States under subparagraph (J) or (Q) of section 101(15) of the
38 Immigration and Nationality Act (other than as a student), and

39 (ii) who substantially complies with the requirements for being so present.

1 (D) Student

2 The term "student" means any individual -

3 (i) who is temporarily present in the United States -

4 (I) under subparagraph (F) or (M) of section 101(15) of the Immigration and Nationality Act, or

5 (II) as a student under subparagraph (J) or (Q) of such section 101(15), and (ii) who substantially complies
6 with the requirements for being so present.

7 (E) Special rules for teachers, trainees, and students

8 (i) Limitation on teachers and trainees

9 An individual shall not be treated as an exempt individual by reason of clause (ii) of subparagraph (A) for the
10 current year if, for any 2 calendar years during the preceding 6 calendar years, such person was an exempt
11 person under clause (ii) or (iii) of subparagraph (A). In the case of an individual all of whose compensation is
12 described in section 872(b)(3), the preceding sentence shall be applied by substituting "4 calendar years" for "2
13 calendar years".

14 (ii) Limitation on students

15 For any calendar year after the 5th calendar year for which an individual was an exempt individual under
16 clause (ii) or (iii) of subparagraph (A), such individual shall not be treated as an exempt individual by reason of
17 clause (iii) of subparagraph (A), unless such individual establishes to the satisfaction of the Secretary that such
18 individual does not intend to permanently reside in the United States and that such individual meets the
19 requirements of subparagraph (D)(ii).

20 The Internal Revenue Code itself does not and cannot regulate the conduct of those who are not "taxpayers".

21 *"Revenue Laws relate to taxpayers [officers, employees, and elected officials of the Federal Government] and*
22 *not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the*
23 *Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and*
24 *no attempt is made to annul any of their Rights or Remedies in due course of law. With them[non-taxpayers]*
25 *Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws."*
26 *[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]*

27 Consequently, all tax forms you fill out PRESUPPOSE that the person filling it out is a franchisee called a "taxpayer" who
28 occupies a public office within the U.S. government and who is therefore a "person" or an "individual". Since the Internal
29 Revenue Code is civil law, it also must presuppose that all "persons" or "individuals" described within it are domiciled on
30 federal territory that is not part of a state of the Union. This is confirmed by the definition of "United States" found in 26
31 U.S.C. §7701(a)(9) and (a)(10), which is defined as the District of Columbia and not part of any state of the Union. If you
32 do not lawfully occupy such a public office, it would therefore constitute fraud and impersonating a public officer in
33 violation of 18 U.S.C. §912 to even fill such a form out. If a company hands a "nontaxpayer" a tax form to fill out, the only
34 proper response is ALL of the following, and any other response will result in the commission of a crime:

- 35 1. To not complete or sign any provision of the form.
36 2. To line out the entire form.
37 3. To write above the line "Not Applicable".
38 4. To NOT select the "exempt" option within the form or select any status at all on the form. If you aren't subject to the
39 Internal Revenue Code because you don't have a domicile on federal territory and don't engage in taxable activities,
40 then you can't be described as a "person", "individual", "taxpayer", or anything else who might be subject to the I.R.C.

41 *"The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be*
42 *confined in its operation and effect to the territorial limits over which the lawmaker has general and*
43 *legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L. R. 12 Ch. Div. 522, 528; State*
44 *v. Carter, 27 N. J. L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such*
45 *as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of*
46 *course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able*
47 *to catch. In the case of the present statute, the improbability of the United States attempting to make acts done*
48 *in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives*
49 *a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the*

1 scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but
2 need not be discussed."

3 [[American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358](#)]

- 4 5. To either not return the form to the person who asked for it or to return it with the modifications above.
- 5 6. If you return the form to the person who asked for it, to clarify on the form why you are not "exempt", but rather "not
6 subject".
- 7 7. To attach the following form to the tax form:

Tax Form Attachment, Form #04.013
<http://sedm.org/Forms/FormIndex.htm>

8 Another alternative to all the above would be to simply add a "Not subject" option or to select "Exempt" and then redefine
9 the word to add the "not subject" option to the definition. Then you could attach the Tax Form Attachment mentioned
10 above, which also redefines words of the form to immunize yourself from government jurisdiction.

11 If we had an honorable government that loved the people under its care and protection more than it loved deceiving you out
12 of and stealing your money, then they would indicate at the top of the form in big bold letters EXACTLY what laws are
13 being enforced and who the intended audience is so that those who are not required to fill it out would not do so. However,
14 if they did that, hardly anyone would ever pay taxes again. Of this SCAM, the Bible and a famous bible commentary says
15 the following:

16 "Getting treasures by a lying tongue [or by deliberate omission intended to deceive] is the fleeting fantasy of
17 those who seek **death**."

18 [[Prov. 21:6](#), Bible, NKJV]

19 "As religion towards God is a branch of universal righteousness (he is not an honest man that is not devout), so
20 **righteousness towards men is a branch of true religion, for he is not a godly man that is not honest**, nor can
21 he expect that his devotion should be accepted; for, 1. **Nothing is more offensive to God than deceit in**
22 **commerce. A false balance is here put for all manner of unjust and fraudulent practices [of our public dis-**
23 **servants] in dealing with any person [within the public], which are all an abomination to the Lord, and**
24 **render those abominable [hated] to him that allow themselves in the use of such accursed arts of thriving. It**
25 **is an affront to justice, which God is the patron of, as well as a wrong to our neighbour, whom God is the**
26 **protector of. Men [in the IRS and the Congress] make light of such frauds, and think there is no sin in that**
27 **which there is money to be got by, and, while it passes undiscovered, they cannot blame themselves for it; a**
28 **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**
29 **avenger of those that are defrauded by their brethren. 2. Nothing is more pleasing to God than fair and**
30 **honest dealing, nor more necessary to make us and our devotions acceptable to him: A just weight is his**
31 **delight. He himself goes by a just weight, and holds the scale of judgment with an even hand, and therefore is**
32 **pleased with those that are herein followers of him. A balance cheats, under pretence of doing right most**
33 **exactly, and therefore is the greater abomination to God."**

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

35 In the case of income tax forms, for instance, the warning described above would say the following:

- 36 1. This form is only intended for those who satisfy all the following conditions:
37 1.1. "taxpayer" as defined in 26 U.S.C. §7701(a)(14):

38 "Revenue Laws relate to taxpayers [officers, employees, and elected officials of the Federal Government] and
39 not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the
40 Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and
41 no attempt is made to annul any of their Rights or Remedies in due course of law. With them[non-taxpayers]
42 Congress does not assume to deal and they are neither of the subject nor of the object of federal revenue laws."
43 [[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 \(1972\)](#)]

44 1.2. Lawfully engaged in a "public office" in the U.S. government, which is called a "trade or business" in the
45 Internal Revenue Code, Subtitle A at 26 U.S.C. §7701(a)(26).

46 1.3. Exercising the public office ONLY within the District of Columbia as required by 4 U.S.C. §72, which is within
47 the only remaining internal revenue district, as confirmed by Treasury Order 150-02.

- 48 2. If you do not satisfy all the requirements indicated above, then you DO NOT need to fill out this form, nor can you
49 claim the status of "exempt".
- 50 3. This form is ONLY for use by "taxpayers". If you are a "nontaxpayer", then we don't have a form you can use to
51 document your status. This is because our mission statement only allows us to help "taxpayers". It is self-defeating to
52 help "nontaxpayers" because it only undermines our revenue and importance. We are a business and we only focus our

energies on things that make money for us, such as deceiving “nontaxpayers” into thinking they are “taxpayers”. That is why we don’t put a “nontaxpayer” or “not subject” option on our forms: Because we want to self-servingly and prejudicially presume that EVERYONE is engaged in our franchise and subject to our plunder and control.

*IRM 1.1.1.1 (02-26-1999)
IRS Mission and Basic Organization*

*The IRS Mission: **Provide America’s taxpayers top quality service** by helping them understand and meet their tax responsibilities and by applying the tax law with integrity and fairness to all.*

We hope that you have learned from this section that:

1. He who makes the rules or the forms always wins the game. The power to create includes the power to define.
2. All government forms are snares or traps designed to trap the innocent and ignorant into servitude to the whims of corrupted politicians and lawyers.

“The Lord is well pleased for His righteousness’ sake; He will exalt the law and make it honorable. But this is a people robbed and plundered! [by the IRS] All of them are snared in [legal] holes [by the sophistry of greedy IRS lawyers], and they are hidden in prison houses; they are for prey, and no one delivers; for plunder, and no one says, “Restore!”

***Who among you will give ear to this? Who will listen and hear for the time to come? Who gave Jacob for plunder, and Israel to the robbers? [IRS] Was it not the Lord, He against whom we have sinned? For they would not walk in His ways, nor were they obedient to His law, therefore He has poured on him the fury of His anger and the strength of battle; it has set him on fire all around, yet he did not know; and it burned him, yet he did not take it to heart.”**
[Isaiah 42:21-25, Bible, NKJV]a*

3. The snare is the presumptions which they deliberately do not disclose on the forms and which are buried in the “words of art” contained in their void for vagueness codes. See:

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

4. The main reason for reading and learning the law is to reveal all the presumptions and deceptive “words of art” that are hidden on government forms so that you can avoid them.

*“My [God’s] people are destroyed [and enslaved] for lack of knowledge [of God’s Laws and the lack of education that produces it].”
[Hosea 4:6, Bible, NKJV]*

*“And thou shalt teach them ordinances and laws [of both God and man], and shalt shew them the way wherein they must walk, and the work [of obedience to God] that they must do.”
[Exodus 18:20, Bible, NKJV]*

*“This **Book of the Law shall not depart from your mouth, but you shall meditate in it day and night, that you may observe to do according to all that is written in it.** For then you will make your way prosperous, and then you will have good success. Have I not commanded you? Be strong and of good courage; do not be afraid, nor be dismayed, for the LORD your God is with you wherever you go.”
[Joshua 1:8-9, Bible, NKJV]*

5. Government forms deliberately do not disclose the presumptions that are being made about the proper audience for the form in order to maximize the possibility that they can exploit your legal ignorance to induce you to make a “tithe” to their state-sponsored civil religion and church of socialism. That religion is exhaustively described below:

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

6. All government forms are designed to encourage you to waive sovereign immunity and engage in commerce with the government. Government does not make forms for those who refuse to do business with them such as “nontaxpayers”, “nonresidents”, or “transient foreigners”. If you want a form that accurately describes your status as a “nontaxpayer” and which preserves your sovereignty and sovereign immunity, you will have to design your own. Government is *never* going to make it easy to reduce their own revenues, importance, power, or control over you. Everyone in the government is there because they have the largest possible audience of “customers” for their services. Another way of saying this is that they are going to do everything within their power to rig things so that it is impossible to avoid contracting with or doing business with them. This approach has the effect of compelling you to contract with them in

1 violation of Article 1, Section 10 of the Constitution, which is supposed to protect your right to NOT contract with the
2 government.

3 7. The Thirteenth Amendment prohibits involuntary servitude. Consequently, the government cannot lawfully impose
4 any duty, including the duty to fill out or submit a government form. Therefore, you should view every opportunity
5 that presents itself to fill out a government form as an act of contracting away your rights.

6 8. In the case of government tax forms, the purpose of all government tax forms is to ask the following presumptuous and
7 prejudicial question:

8 *“What kind of ‘taxpayer’ are you?”*

9 . . .rather than the question:

10 *“Are you a ‘taxpayer’?”*

11 The above approach results in what the legal profession refers to as a “leading question”, which is a question
12 contaminated by a prejudicial presumption and therefore inadmissible as evidence. Federal Rule of Evidence 611(c)
13 expressly forbids such leading questions to be used as evidence, which is also why no IRS form can really qualify as
14 evidence that can be used against anyone: It doesn’t offer a “nontaxpayer” or a “foreigner” option. An example of
15 such a question is the following:

16 *“Have you always beat your wife?”*

17 The presumption hidden within the above leading question is that you are a “wife beater”. Replace the word “wife
18 beater” with “taxpayer” and you know the main method by which the IRS stays in business.

19 **11 Legal remedies for “nontaxpayers” who are the subject of unlawful collection activity**

20 It is very important to realize that all “taxpayers” are public officers within the U.S. government. Consequently, the only
21 remedies they have in that role are statutory civil law that in turn only applies to public officers, instrumentalities, and
22 government in general. This is exhaustively explained and proven in the following memorandums of law:

- 23 1. *Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes*, Form #05.008
24 <http://sedm.org/Forms/FormIndex.htm>
25 2. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037
26 <http://sedm.org/Forms/FormIndex.htm>

27 The only section of the I.R.C. that even mentions nontaxpayers that we know of is 26 U.S.C. §7426. This section describes
28 “nontaxpayers” with the phrase “persons other than taxpayers”. The section:

- 29 1. Is a civil remedy available only to RESIDENTS of the federal zone. Those domiciled outside the federal zone and not
30 representing public offices in the U.S. government may not avail themselves of the benefits of this provision, like the
31 rest of the I.R.C.
32 2. Provides statutory remedies only to THIRD PARTIES who are victimized by wrongful collection action, not primary
33 parties who are incorrectly connected with a public office in the U.S. government, usually by the filing of fraudulent
34 information returns.
35 3. Requires those availing themselves of the “benefits” of that section to exhaust administrative remedies prior to filing
36 suit. See 26 U.S.C. §7426(h)(2).
37 4. Requires those availing themselves of the “benefits” of that section to NOT challenge the accuracy or veracity of the
38 assessment upon which the collection action is based. See 26 U.S.C. §7426(c).

39 [TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter B > § 7426](#)
40 [§ 7426. Civil actions by persons other than taxpayers](#)

41 *(c) Validity of assessment*

42 *For purposes of an adjudication under this section, the assessment of tax upon which the interest or lien of the*
43 *United States is based shall be conclusively presumed to be valid.*

All remedies that can or may be pursued would be in the nature of a Bivens Action in federal court or state court against the agent personally and individually. The government cannot and should not be a party. The action should be based upon the common law and NOT statutory law. For resources in pursuing such an action, see:

1. Civil Court Remedies for Sovereigns: Taxation, Litigation Tool #10.002
FORMS PAGE: <http://sedm.org/Litigation/LitIndex.htm>
DIRECT LINK: <http://sedm.org/ItemInfo/Ebooks/CivCourtRem-Tax/CivCourtRem-Tax.htm>
2. Sovereignty and Freedom Page, Section 4.4: Litigating to Defend your Rights- Bivens Actions-Family Guardian website
<http://famguardian.org/Subjects/Freedom/Freedom.htm>
3. Sovereignty and Freedom Page, Section 8.4: Common Law-Family Guardian website
<http://famguardian.org/Subjects/Freedom/Freedom.htm>

12 Conclusions

This section succinctly summarizes the entire content of this pamphlet in the following enumerated list:

1. All “taxpayers” are public offices in the government. See:

<u>Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes</u> , Form #05.008 http://sedm.org/Forms/FormIndex.htm
--
2. The public office is the “res” that is the subject of all federal legislation, not the human being. The ability to regulate private conduct, according to the U.S. Supreme Court, 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)]

3. The public office who is the “taxpayer” is identified in Fed.R.Civ.P. 17(d).

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.

4. The human being occupying the public office is not the “taxpayer”, but rather the office itself. Congress can only tax what it creates, and it didn’t create human beings, but rather the public offices that human beings occupy.
5. All “public officers” are officers of a federal corporation, the “United States”, pursuant to 28 U.S.C. §3002(15)(A).

*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”); I 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, 2021 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)]

1 6. All corporations are “citizens and residents”, and therefore the public officers who occupy them are also statutory
2 “U.S. citizens” and “U.S. residents” in the context of their office but not necessarily in the context of their private
3 affairs:

4 *“A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was*
5 *created, and of that state or country only.”*
6 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §886]*

- 7 7. Representing a public office by volunteering to becoming a “taxpayer” is how a human being:
8 7.1. Engages in commerce within the jurisdiction of the “United States” and thereby Surrenders sovereign immunity
9 pursuant to 28 U.S.C. §1605(a).
10 7.2. Becomes a “citizen”, “resident”, “individual”, or “taxpayer” under the terms of the “trade or business” franchise
11 agreement codified in I.R.C. Subtitle A.
12 7.3. Makes an election to become a “resident alien” and a domestic entity within the jurisdiction of the federal courts,
13 which are Article IV legislative franchise courts:

14 [26 CFR §301.7701-5 Domestic, foreign, resident, and nonresident persons.](#)

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

- 28 8. Human beings who fill out tax returns are:
29 8.1. Surety for a public office and therefore represent the “taxpayer” but are not in fact the “taxpayer”.
30 8.2. Acting on behalf of a “straw man” who is a “public office” in the government. See:

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

- 31 8.3. Fiduciaries (26 U.S.C. §6903) and “transferees” (26 U.S.C. §6901) over property and rights to property attached
32 to the office using the Taxpayer Identification Number. That property could only become attached to a “public
33 use”, “public purpose”, and “public office” by voluntarily donating private property to a public use without
34 compensation in order to procure the benefits of the “taxpayer” and “social insurance” franchise called a “trade or
35 business”.

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

- 44 9. All “taxable income” (26 U.S.C. §63) consists of payments made to or received by the United States government.
45 Exchanges between private parties are not “gross income” or “taxable income”. That is what the term “sources within
46 the United States” means. This is demonstrated by 26 U.S.C. §864(c)(3).
47 10. Internal Revenue Code Subtitle A describes a municipal federal employee or officer kickback program for the District
48 of Columbia disguised to look like a legitimate income tax.
49 11. “Individuals” are a subset of the “public offices” who are “taxpayers”. These people are defined as “employees” in 5
50 U.S.C. §2105(a).

51 [TITLE 5 > PART III > Subpart A > CHAPTER 21 > § 2105](#)
52 [§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.

12. A “public office” is a franchise that is called a “trade or business” in the definition at 26 U.S.C. §7701(a)(26). All franchises are contracts between the government grantor and the private person who signs up:

“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,⁷ 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*.⁸”

[Am.Jur.2d, Franchises, §4: Generally]

13. In law, all rights are property, anything that conveys rights is property, contracts convey rights and therefore are “property”, and all franchises are contracts, and therefore property.

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

14. Congress has jurisdiction over its own property wherever it may be found, including in a state of the Union. Consequently, it has jurisdiction over its own public officers and therefore “taxpayers” wherever they may be found:

“**The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that the power to make ‘ALL needful rules and regulations’ ‘is a power of legislation,’ ‘a full legislative power;’ ‘that it includes all subjects of legislation in the territory,’ and is without any limitations, except the positive prohibitions which affect all the powers of Congress.** *Congress*

⁷ 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.

⁸ 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 may then regulate or prohibit slavery upon the public domain within the new States, and such a prohibition
2 would permanently affect the capacity of a slave, whose master might carry him to it. And why not? Because no
3 power has been conferred on Congress. This is a conclusion universally admitted. But the power to 'make
4 rules and regulations respecting the territory' is not restrained by State lines, nor are there any constitutional
5 prohibitions upon its exercise in the domain of the United States within the States; and whatever rules and
6 regulations respecting territory Congress may constitutionally make are supreme, and are not dependent on
7 the situs of 'the territory.'"

8 [Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)]

- 9 15. Pursuant to 4 U.S.C. §72, it is unlawful for Congress to establish a public office outside the District of Columbia,
10 unless expressly authorized to be executed in a specific place:
- 11 15.1. The public offices that are the subject of the tax upon a "trade or business" have never been expressly extended to
12 a state of the Union and CAN'T without violating the separation of powers doctrine.
- 13 15.2. The vast majority of Americans who believe they are "taxpayers" are deceived because they not authorized to
14 serve in a public office and do not meet any of the legal requirements for doing so.
- 15 15.3. It is a crime for a private person to impersonate a public officer of the government in violation of 18 U.S.C. §912.
- 16 15.4. No tax form can be used to CREATE or ESTABLISH a public office. The Internal Revenue Code regulates the
17 exercise of EXISTING public offices but does not create any new ones.
- 18 15.5. It is illegal to use the W-4 form as an "election" form to elect yourself into a public office. See 18 U.S.C. §201.
- 19 16. A third party such as a "withholding agent" pursuant to 26 U.S.C. §7701(a)(16) who files an information return such as
20 IRS Forms W-2, 1042-s, 1098, 1099, or 8300 against a private person not lawfully engaged in a public office in the
21 U.S. government:
- 22 16.1. Is unlawfully impersonating a public officer in violatin of 18 U.S.C. §912.
- 23 16.2. Converting formerly private property and earnings to a "public office" in violation of 18 U.S.C. §654.
- 24 16.3. Filing a false return or statement in violation of 26 U.S.C. §7206 and 7207.
- 25 16.4. Committing perjury under penalty of perjury if he was informed that you do not lawfully occupy a public office
26 in the U.S. Government, in violatin of 18 U.S.C. §1001, 18 U.S.C. §1542, 18 U.S.C. §1621.
- 27 17. All legal proceedings involving income taxes under I.R.C. Subtitle A are proceedings "in rem" against the office and
28 the property attached to the office, not against the human being who occupies the office.

29 "*In rem*. A technical term used to designate proceedings or actions instituted against the thing [the "office"],
30 in contradistinction to personal actions [against human beings], which are said to be in personam.

31 "*In rem*" proceedings encompass any action brought against person in which essential purpose of suit is to
32 determine title to or to affect interest in specific property located within territory over which court has
33 jurisdiction. *ReMine ex rel. Liley v. District Court for City and County of Denver, Colo.*, 709 P.2d. 1379, 1382.
34 It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object
35 the disposition of property, without reference to title of individual claimants; but, in a larger and more general
36 sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of
37 property owned by them, or of some interest therein. Such are cases commenced by attachment against the
38 property of debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. *Pennoyer v.*
39 *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
40 directly against property or one which is brought to enforce a right in the thing itself.

41 Actions in which the court is required to have control of the thing or object and which an adjudication is made
42 as to the object which binds the whole world and not simply the interests of the parties to the proceeding.
43 *Flesch v. Circle City Excavating & Rental Corp.*, 137 Ind.App. 695, 210 N.E.2d. 865.

44 See also in personam; In rem jurisdiction; Quasi in rem jurisdiction.
45 [Black's Law Dictionary, Sixth Edition, p. 793]

- 46 18. The "Taxpayer Identification Number (TIN)" functions as a de facto license number to act in the capacity of a public
47 officer in the government. It functions as a "license" because all licenses constitute official permission from the state
48 to perform an act which is otherwise illegal. It is otherwise a criminal violation of 18 U.S.C. §912 for a private person
49 not serving with the government to act as a public officer. The TIN is de facto rather than de jure because the U.S.
50 Supreme Court has already held that Congress cannot authorize or license any profession or franchise, including public
51 offices, within states of the Union.

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

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

12 [*License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866)*]

13 **13 Resources for further Study**

14 The following FREE internet resources may be helpful to interested readers in further investigating the claims in this short
15 pamphlet:
16

1. Federal and State Tax Withholding Options for Private Employers, Form #04.101- Describes lawful withholding options available to private companies and their workers. Shows workers and companies techniques to stop withholding legally.
<http://sedm.org/Forms/FormIndex.htm>
2. The "Trade or Business" Scam, Form #05.001- Proves that I.R.C. Subtitle A is an indirect excise tax. Describes precisely the "taxable activity" or "subject of tax" under Subtitle A of the Internal Revenue Code.
<http://sedm.org/Forms/FormIndex.htm>
3. Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006- Pamphlet that explains the proper citizenship status of people born within states of the Union
<http://sedm.org/Forms/FormIndex.htm>
4. Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008
<http://sedm.org/Forms/FormIndex.htm>
5. Family Guardian Website, Taxation Page- Website that focuses on the freedom and liberty
<http://famguardian.org/Subjects/Taxes/taxes.htm>
6. Great IRS Hoax, Form #11.302, Form #11.302- Free Electronic book in Adobe PDF format.
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>
7. Tax Deposition Questions, Form #03.016- Contain over 730 questions in admissions format with supporting evidence from the government's own mouth proving every point made in this paper. We challenge everyone to prove any part of the evidence or conclusions wrong.
<http://sedm.org/Forms/FormIndex.htm>

We encourage your rebuttal of any of the claims made in the pamphlet. You may send your rebuttal to our Contact Us page at the address below:

<http://sedm.org/>

We are not interested in opinions, but only statements that are supportable with evidence, as we have done here.

14 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government

For those of you who have read this short pamphlet in its entirety and do not believe it or are unwilling to act based on it, we have some simple questions for you. These are not legal questions, and I'm not asking you for legal advice, because in fact, I already know the detailed answers to all the questions and the answers clearly reveal how irrational your position is in this case and how inconsistent it is with the written law. Without answers to these questions, I am powerless to proceed with the financial transaction under consideration because your actions are completely inconsistent with both the Internal Revenue Code and the Treasury Regulations. Each question includes a default answer that is based on extensive legal research by me. If you do not answer the question and provide a legal cite to support your position, then you admit to the Default Answer provided. Silence is acquiescence in the legal field:

1. By what legal authority do you assert that the Internal Revenue Code applies to you and I, both of whom are inside of a state of the Union on land not under the legislative jurisdiction of the federal government as required by [40 U.S.C. §255](#), its successors [40 U.S.C. §3111](#) and 3112, as well as Article 1, Section 8, Clause 17 of the Constitution?

DEFAULT ANSWER: There is no federal jurisdiction within states of the Union except for very limited subject matters like Treason, mail, and counterfeiting under the Constitution.

MY ANSWER:

2. Where is the definition of "United States" found in Subtitles A and C of the Internal Revenue Code that includes area within states of the Union that is not owned by or ceded to the federal government?

DEFAULT ANSWER: There is no definition of "United States" anywhere in the Internal Revenue Code that applies to Subtitles A and C other than that found in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10).

MY ANSWER:

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3. What section of code identifies “citizens” under federal law as “taxpayers”.
DEFAULT ANSWER: [26 U.S.C. §911](#) identifies “citizens” domiciled in the District of Columbia as “taxpayers”, but only when they are temporarily overseas on travel. There is no section of code that refers to “citizens” as “taxpayers” while they are physically present in a state of the Union, which is no part of the “United States” as defined in the Internal Revenue Code in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10). The only “taxpayers” identified anywhere in the I.R.C. are referred to as “aliens” or “nonresident aliens” in 26 CFR §1.1-1(a)(2)(ii). When “citizens” are overseas, they come under an income tax treaty with the foreign country they are in, and under that treaty, they are “aliens”, and consequently, “taxpayers”.

MY ANSWER:

4. What section of the code identifies anything other than “corporations” and artificial entities as “U.S. persons”? I’ll give you a hint: It isn’t [26 U.S.C. §7701\(a\)\(30\)](#).
DEFAULT ANSWER: “U.S. persons” are only defined in [26 U.S.C. §7701\(a\)\(30\)](#). That section of code limits them to artificial entities and does not include natural persons. Notice it says “its” number.

MY ANSWER:

5. What code section requires me, as a person living outside of federal jurisdiction within a state of the Union, who is a “national” under [8 U.S.C. §1101\(a\)\(21\)](#) and a “nonresident alien” under [26 U.S.C. §7701\(b\)\(1\)\(B\)](#), to have or use a “Taxpayer Identification Number”?

Title 26: Internal Revenue
[PART 1—INCOME TAXES](#)
[Withholding of Tax on Nonresident Aliens and Foreign Corporations and Tax-Free Covenant Bonds](#)
[Sec. 1.1441-6 Claim of reduced withholding under an income tax treaty.](#)

(c) Exemption from requirement to furnish a taxpayer identifying number and special documentary evidence rules for certain income.

(1) General rule.

In the case of income described in paragraph (c)(2) of this section, a withholding agent may rely on a beneficial owner withholding certificate [IRS Form W-8BEN] described in paragraph (b)(1) of this section without regard to the requirement that the withholding certificate include the beneficial owner's taxpayer identifying number. In the case of payments of income described in paragraph (c)(2) of this section made outside the United States [federal zone] (as defined in Sec. 1.6049-5(e)) with respect to an offshore account (as defined in Sec. 1.6049-5(c)(1)), a withholding agent may, as an alternative to a withholding certificate described in paragraph (b)(1) of this section, rely on a certificate of residence described in paragraph (c)(3) of this section or documentary evidence described in paragraph (c)(4) of this section, relating to the beneficial owner, that the withholding agent has reviewed and maintains in its records in accordance with Sec. 1.1441-1(e)(4)(iii). In the case of a payment to a person other than an individual, the certificate of residence or documentary evidence must be accompanied by the statements described in paragraphs (c)(5)(i) and (ii) of this section regarding limitation on benefits and whether the amount paid is derived by such person or by one of its interest holders. The withholding agent maintains the reviewed documents by retaining either the documents viewed or a photocopy thereof and noting in its records the date on which, and by whom, the documents were received and reviewed. This paragraph (c)(1) shall not apply to amounts that are exempt from withholding based on a claim that the income is effectively connected with the conduct of a trade or business in the United States.

Title 31: Money and Finance: Treasury
[PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS](#)
[Subpart C—Records Required To Be Maintained](#)

1 [§ 103.34 Additional records to be made and retained by banks.](#)

2 (a)(3) A taxpayer identification number required under paragraph (a)(1) of this section need not be secured
3 for accounts or transactions with the following:

4 [. . .]

5 (x) [non-resident aliens who are not engaged in a trade or business in the United States.](#)

6 *In instances described in paragraphs (a)(3), (viii) and (ix) of this section, the bank shall, within 15 days*
7 *following the end of any calendar year in which the interest accrued in that year is \$10 or more use its best*
8 *effort to secure and maintain the appropriate taxpayer identification number or application form therefor.*

9
10 Title 31: Money and Finance: Treasury
11 [PART 306—GENERAL REGULATIONS GOVERNING U.S. SECURITIES](#)
12 [Subpart B—Registration](#)
13 [306.10 General](#)

14 *The registration used must express the actual ownership of a security and may not include any restriction on the*
15 *authority of the owner to dispose of it in any manner, except as otherwise specifically provided in these*
16 *regulations. The Treasury Department reserves the right to treat the registration as conclusive of ownership.*
17 *Requests for registration should be clear, accurate, and complete, conform with one of the forms set forth in*
18 *this subpart, and include appropriate taxpayer identifying numbers.* ² *The registration of all bonds owned by*
19 *the same person, organization, or fiduciary should be uniform with respect to the name of the owner and, in the*
20 *case of a fiduciary, the description of the fiduciary capacity. Individual owners should be designated by the*
21 *names by which they are ordinarily known or under which they do business, preferably including at least one*
22 *full given name. The name of an individual may be preceded by any applicable title, as, for example, Mrs., Miss,*
23 *Ms., Dr., or Rev., or followed by a designation such as M.D., D.D., Sr., or Jr. Any other similar suffix should be*
24 *included when ordinarily used or when necessary to distinguish the owner from a member of his family. A*
25 *married woman's own given name, not that of her husband, must be used, for example, Mrs. Mary A. Jones, not*
26 *Mrs. Frank B. Jones. The address should include, where appropriate, the number and street, route, or any other*
27 *local feature and the Zip Code.*

28 ² *Taxpayer identifying numbers are not required for foreign governments, nonresident aliens not engaged in*
29 *trade or business within the United States, international organizations and foreign corporations not engaged*
30 *in trade or business and not having an office or place of business or a financial or paying agent within the*
31 *United States, and other persons or organizations as may be exempted from furnishing such numbers under*
32 *regulations of the Internal Revenue Service.*

33 **DEFAULT ANSWER:** There is no provision in the Internal Revenue Code or the Treasury Regulations that requires
34 “nationals” and “nonresident aliens” to obtain or use “Taxpayer Identification Numbers”, and even if there were,
35 it would be unconstitutional, because the federal government cannot pass a law that applies to people outside of
36 its jurisdiction. That’s why “nonresident aliens” are called “nonresident”.

37 **MY ANSWER:**

38 _____
39 _____
40 _____
41 _____

42
43 6. Please identify the section from the Internal Revenue Code that defines a “trade or business” as being anything *other*
44 than a “public office” as described in [26 U.S.C. §7701\(a\)\(26\)](#).

45 **DEFAULT ANSWER:** The word “include” used in the definition of “public office” can mean either “is limited to” or
46 “in addition to” according to Black’s Law Dictionary. If it means “in addition to”, then the things that are added
47 MUST be spelled out SOMEWHERE in the law. This is a requirement of the rules of statutory construction,
48 which say:

49 *“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one*
50 *thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles,*
51 *170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons*
52 *or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be*
53 *inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects*
54 *of a certain provision, other exceptions or effects are excluded.”*
55 *[Black’s Law Dictionary, Sixth Edition, p. 581]*

1 "In the interpretation of statutes levying taxes, it is the established rule not to extend their provisions by
2 implication beyond the clear import of the language used, or to enlarge their operations so as to embrace
3 matters not specifically pointed out. In case of doubt they are construed most strongly against the government
4 and in favor of the citizen."
5 [[Gould v. Gould, 245 U.S. 151, at 153 \(1917\)](#)]

6 MY ANSWER: _____
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- 11
12 7. Do you have any reason to believe or evidence in your possession that I am engaged in a "trade or business" within
13 federal jurisdiction, which includes the District of Columbia and the territories and possessions of the United States? I
14 claim under penalty of perjury that I am not, and I want to see evidence that supports any other conclusion.

15 DEFAULT ANSWER: NO

16 MY ANSWER: _____
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- 21
22 8. What is the proper form to use to stop withholding as a "nonresident alien" who is NOT a "beneficial owner" but
23 simply a "nonresident alien"? The W-8BEN is only for "beneficial owners" and the IRS discontinued the use of the
24 W-8 even though it applied to those who were not "beneficial owners".

25 DEFAULT ANSWER: The W-8 and not the W-8BEN form. The W-8 has been discontinued in 2001 to remove that
26 option and thereby force those who are not "beneficial owners" to either modify the W-8BEN form or submit
27 their own custom form. In the alternate, the following form is recommended and will be accepted by the
28 recipient of this form as a replacement. There is no prohibition against making your own forms. Affidavit of
29 Citizenship, Domicile, and Tax Status, Form #02.001; <http://sedm.org/Forms/FormIndex.htm>.

30 MY ANSWER: _____
31 _____
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34 _____
35 _____

- 36 9. What section of code and or regulations defines "employees" as expressly including anything other than elected or
37 appointed officers of the United States?

38 DEFAULT ANSWER: There is no code section which defines "employees" as being anything other than elected or
39 appointed officers. [26 U.S.C. §3401\(c\)](#) is clarified by the underlying regulation at 26 CFR §31.3401(c)-1 to
40 mean elected or appointed officers. Also, the only parties against whom distraint (force) may be used to enforce
41 the Internal Revenue Code are identified in [26 U.S.C. §6331](#) as being elected or appointed federal "employees".

42 MY ANSWER: _____
43 _____
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- 48 10. How can you claim to be an "employer" under the Internal Revenue Code if you have no "employees" because I am
49 not an "employee" as legally defined?

50 DEFAULT ANSWER: [26 U.S.C. §3401\(d\)](#) defines an "employer" as being anyone who has "employees". Since
51 "employees" are only elected or appointed officers of the United States government, then the only "employers"
52 are federal agencies in the Executive, Judicial, and Legislative Branches

53 MY ANSWER: _____
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11. By what authority do you claim that I am an “employee” as defined in 26 CFR §31.3401(c)-1 when I have no relationship to the federal government?

DEFAULT ANSWER: There is no authority to do so anywhere.

MY ANSWER:

12. By what authority do you claim to act as an “employer” in relationship to me as an entity who is simply acting as an financial institution who is handling my money? Backup withholding and/or reporting are only required of “employers” under [26 U.S.C. §3406](#).

DEFAULT ANSWER: There is no authority. And even if you found a statute somewhere in the Internal Revenue Code, the federal government has no jurisdiction within states of the Union except on land ceded to the federal government as required under Article 1, Section 8, Clause 17 of the Constitution and [40 U.S.C. §255](#).

MY ANSWER:

Mandatory perjury statement of private company or financial institution representative:

I certify that the answers provided by me above are true, correct, and complete to the best of my knowledge and ability, so help me God.

Signature: _____ Date: _____

Company representing: _____

Capacity in which acting: _____